

Some Aspects of Violence Against Women

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In recent times the concept of Violence Against Women (henceforth VAW) has gained some legitimacy among different social and state agencies and institutions. However, the time is yet to come when different governmental and social policies will be imbued with a gender and VAW perspective. We at Jagori have been working on VAW for a long time now and here are some of the things we have observed with our many years of activism.

DVA 2005 and After

The promulgation of the Domestic Violence Act, 2005 proved very helpful for the women's movement and its struggle against VAW. Overall, it inspired many women to come forward and register their complaints regarding intimate partner violence. In fact, among all the cases we have received in recent times, the majority of them are cases of domestic violence. Between March 2015 to April 2016, 82 percent of the cases that came before us were cases of domestic violence. In absolute numbers, the figure is 148. A year ago, the percentage was 65 percent and the number of cases of 199.

These cases includes things like – oppression by the husband or his family, beating and expulsion of the wife from the home, doubting her character, forceful marriage, not letting her to pursue her education, not giving her property rights, financial and emotional difficulties of single, divorced women and so on.

In the majority of the cases, women have told us that the prime reasons for domestic violence are – extra-marital affairs of the husband, drunkenness of the husband and doubting the character of the wife. Although the law has become better now, many women still do not have much legal information and because of the traditional thinking of the police and other concerned authorities, domestic violence is still seen as a dispute within the family.

Interestingly, with changing laws, the strategies adopted by the families to protect domestic violence are also changing. From our own experiences, here are some of the changes we have observed in recent times:

- There has been a marked increase in emotional, mental and financial violence. In our society violence is still seen in physical terms only and thus fighting these other forms of violence remains a challenge.
- In cases of conflict, the husbands family strategically dispossess him of all property and sends him off to live in a different house. After some days the husbands secretly moves away, putting the woman in a difficult situation. When the woman approach the in laws, they feign ignorance and thus they shrug off from all the responsibilities. But secretly, they maintain the relationship with their son i.e. the husband. This strategy has been devised specifically to counter the various provisions of the Domestic Violence Act which provides that a woman has the right to remain in her in laws house and the other members of the family will also be responsible if violence is done on her. By sending the couple away and dispossessing the son from all property, the family seeks to escape from law. How we are going to tackle with such strategies – well, that should be discussed widely within the feminist movement.
- The husband often threaten the wife that he will commit suicide and his family also approach the police beforehand – saying that the wife is torturing their son! In this way, the victim(survivor?) is made the aggressor and because of lack of proper legal knowledge, the woman often do not find appropriate way out from this trap.

Apart from these challenges, in general, it is true that women are increasingly taking resort to police complaints and court cases which shows increasing awareness among them. A substantial number of women approached us also with the complaints that their fathers or brothers do not want them to study further or that their mobility has been restricted. Such expansion of the concept of domestic violence and its application is certainly a welcome development.

At the same time, some newer challenges have also emerged. With the expansion of smart phones, social medias and internet, there has been numerous cases of posting of photographs of women in intimate moments in various websites, without their knowledge. The husbands and boyfriends often share these photographs with their male friends without the knowledge and consent of the concerned women and they often find outlays in various social media or pornographic sites. The husbands and boyfriends also threaten women that they will post their photographs online and this way they are constantly kept harassed and insecure. To these women, we advised that they should keep all such threat messages etc secure so as to use them as evidence in the future. Nonetheless, the cyber aspect of violence against women is still unfolding and we have to constantly engage with this question.

Jagori has been working in lower income residential colonies like Bawana or Madanpur Khadar for some time now. In these places, rampant illegal drug business, extreme

poverty, lack of basic civic facilities are also major problems for women. Women often are tensed about the future of their children because the atmosphere is not seen as conducive for proper education and nourishment. Criminal activities among the juveniles and youth, resort to various kinds of narcotic elements are rampant in these areas. Although analytically, not all of them are part of VAW in the strict legal sense of term, women see these issues as part of the same structure and thus comprehensive plans to address them are also necessary.

Among some other cases that we have received recently, there have been cases of marital rape, pressure by the husband on the wife to move into sex work and trafficking. Here lies one challenge. As such trafficking and forced sex work are criminal activities; they come under criminal law. But since in these cases they were seen as part of the problem of familial relations, these cases were seen as cases of domestic violence (i.e. civil cases) and thus appropriate legal action was not taken against the culprits.

Among the cases that we have handled recently, we have observed that those families who have some economic means, those whose economic conditions are better – they generally tend to come forward and help their daughter – vis. a vis. the oppression of the husband. Although this cannot be taken as a rule, nonetheless, statistically speaking, the economically better families expressed their desire to help their daughters. On the other hand, families with worst economic conditions often expressed their helplessness to help their daughter in any way.

VAW and Inter-personal Relations

In our case work on VAW, we have come across some interesting phenomenon regarding inter personal relationships which are worth discussing. Often women come to us and demands that we bring back their husbands or boyfriends to them. Even in cases of betrayal and abuse, women want to remain in the relationship and want the things to go back to the nice days. It becomes difficult for us to tell them to untangle the issues of justice from the harsh realities of relationships. At times, many women continue their relationships just as to save the family's honour or to save the marriage of the sister. When we deal with cases of VAW, we even have instances where the family members tapped the phone conversations with us and threaten to file cases against us. There are also examples where the family behaves very nicely with the wife so that she doesn't press charges against the husband. But the moment she lets him away, they would abandon her. It becomes difficult for women to understand these machinations and when they do it often becomes already too late.

Legal Assistance and DSLA Lawyers

The behaviour of the DSLA lawyers are also not beyond question. Often they would behave badly with the women and when we try to talk to them and point these things

out – they would get angry with us. There have been instances where DSLA lawyers would ask the woman at the very first meeting itself – ‘it’s such a difficult case. Do you really believe that you can prove it’. Such things demoralize the women. Or at times they would remain silent before the judge and would not make much attempt to take forward the case. At times they would ask the woman to shut up even though the whole principle was to make space for women so that they can speak freely before law.

Economic Independence and VAW

It is generally true that economic empowerment and independence of women is essential for fighting VAW. But that in itself is no guarantee for elimination of violence. We have found instances where a working woman would let all her money, even her ATM card to her husband and boyfriend. They would for the sake of the relationship would not ask any questions and let them borrow or spend their money in whatever way they want. They don’t keep any tract of how much money they lent to the husband or the boyfriend. Often women realise the importance of such record keeping very late. In families, keeping track of the money spent on the family by the woman is often not seen as a nice thing. So the woman would keep spending for the family and at the end of the day the latter may deny altogether that she did anything worthwhile for it.

On the other hand, even among women who make decent money – a tendency can be sometimes seen that in cases of separation, they would ask for maintenance from the husbands. The legal complications that may arise because of it, apart from questions of justice and ethics – are things to ponder over for all of us.

VAW and Different Agencies

In our fight against VAW, we work with various agencies – such as mental health centres, police, shelter homes and so on. It is quite expected that given the masochistic culture within the police, getting them to view things from our perspective is very difficult. Nonetheless, in areas we work in Delhi, we have seen marked improvement in our relationship with the police. Actually how police is going to view a particular case, whether it will write the FIR or not – depends a lot on our prior work with police in the area and the pressure we exert on them.

We often send the survivors to mental health clinics as and when they need it. But often these women would come back and complain to us, ‘where did you send me, sister? It was such a strange place! They didn’t listen or understand our point at all. It’s better if instead of them, you keep talking to us’. Actually mere psychological or medical expertise is not enough; what is necessary is a feminist understanding of empathy and in the of the agencies that we work with, we find such things lacking.

Another perennial problem for us has been the lack of sufficient numbers of safe shelter homes for women. Often the shelter homes would leak sensitive informations – whether due to negligence or by design of some employees there – which put the survivors living there at stake. They put their lives in a danger. Better training, coordination and more numbers of shelter homes is the need of the day.

Sexual Harassment Committees

Activists of Jagori have been part of various sexual harassment committees in various organisations. So far our experience has been that wherever we are present, those committee recommendations have been generally and swiftly accepted by the concerned authorities. But at times the constituent elements – some of the members of those committees have created problems – because of their lack of concern, understanding or empathy. The question becomes more difficult in organisations which are militarist in nature – for instance – in para military forces. The very culture of those organisations are quite masculinist and thus it becomes very difficult for us to deliver our point in the committees in those organisations.

Moreover, in organisations which are economic or commercial in nature, questions of sexual harassment becomes embedded with questions of labour rights. The question then arises – how to entangle the various issues? For instance, it has been well established by various studies that in organisations which employ precarious, informal labour, the working conditions in those spaces are also not very safe for women. Moreover, how a woman can fight against harassment in a workspace, where her working condition itself is not secure? What if she is fired tomorrow for some pretext or other? In such contexts, what should be the relationship between a sexual harassment committee and a labour union? How should they interact? Should they always divide their labour or are their ambiguous spaces where the mandate of both of them, converge? These are some of the issues which can be tackled only with wider consultation between feminist groups, labour representatives and other stakeholders.

VAW and Social Identities

Women of different marginalized communities and identities face their unique forms of violence apart from the generalized violence of patriarchy. Statistically speaking, we have observed that Muslim women are economically more vulnerable than their Hindu counterparts and often even those provisions which have been made specifically for Muslim women are not respected by the families and husbands. Abandonment, talaq over sms or email, trafficking to gulf countries – are some of very serious problems faced by Muslim women. In an atmosphere vitiated by a generalized Islamophobia, fighting for Muslim women's rights becomes a doubly difficult job.

At times we have also seen that women would request us to settle their issues in their respective caste panchayats first. They believe that if the necessary approval do not come from the caste panchayats, living in peace would be very difficult for them. This factor also often puts us in a quandary. While the operations of caste panchayats are arbitrary and utterly patriarchal, women often feel that getting approvals from them becomes necessary for their everyday daily existence.

Overall, there has been a marked rise in the number of cases that have come to us over the years. There has also been a rise in the number of police complaints and court cases. In general, the consciousness and determination of women to fight against VAW has increased. The promulgation of laws like Domestic Violence Act of 2005 has certainly helped the matter in many ways. But at the same time, we are also facing some newer challenges. The families have devised new techniques to get away with violations, there has been a marked rise of mobile and other technologies and which are often used to the detriment – or even blackmailing of women. There is also an increasingly communal polarization in the country. For our struggle against VAW, we must take necessary lessons from our experiences and devise new strategies to confront the present challenges.

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