



THORNY TRANSITION

WOMEN'S EMPOWERMENT AND EXPOSURE TO VIOLENCE IN INDIA



ऑक्सफैम इंडिया

OXFAM

India

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ABSTRACT

This paper examines the relation between women's empowerment in India and the risk of violence. It does so by situating women's exposure to violence in the context of two conflicting trends. On one hand, it considers how decades of mobilization have resulted in the emergence of a progressive corpus of laws that provide for mandated political representation of women at village level, and establish women's rights to live free of violence at home, in public spaces and at the workplace. On the other hand, it considers the lasting expression of unfavourable social norms. The two conflicting trends converge in a paradox that runs across the paper: women's empowerment has at time resulted in greater risks of violence and harassment.

We start by discussing trends of violence and link them to broader socioeconomic evolutions. We then consider drivers of change at the top level of policy making and at the grassroots. We conclude by assessing interventions aimed at enforcing women's right to live free of violence. In particular, we contrast configurations where greater empowerment has exposed women to retaliatory violence with interventions that have successfully mitigated risks of violence.

We seek to overcome the scarcity of data by completing official sources with a large range of evaluation reports from government and civil society interventions. The secondary data is completed by a series of semi-structured interviews with government officials, academic, journalists and activists.

INTRODUCTION

The deadly gang rape of a young woman on 16 December 2012 in Delhi followed by several other cases of rape triggered unprecedented public emotions around issues of violence against women in India. Crowds that had never been associated with the women's movement took to the streets; social media buzzed with expressions of anger by young people, activists and Bollywood stars. India seemed to realize the vulnerability of its women. Violence runs deep into unequal power relations within the family, between communities and at the workplace. Household surveys show that domestic violence is endemic and considered justified by a majority of women and men.¹ Two months before the brutal rape of a young woman triggered demonstrations in Delhi, Dalit groups report that 17 lower caste women were raped over the course of a few weeks in Haryana.² None of these cases attracted much attention beyond Dalit and women's rights groups, and justice is pending for many of the victims.³

¹ International Institute of Population Sciences (2007), "Key Findings, National Family Health Survey-3, 2005-06", Mumbai: IIPS, pp. 512-513. Available at: www.measuredhs.com/pubs/pdf/SR128/SR128.pdf (accessed June 2013).

² This report uses the terms Scheduled Caste, Scheduled Tribes and Other Backward Classes when referring to government policies or data collection. We refer to Dalits and Tribals in any other context.

The Hindi terms Dalit, "suppressed or crushed", and Adivasi, which carries the meaning of original inhabitants, have been used as umbrella terms by lower caste and tribal groups, in their attempts to move away from discriminatory terminologies.

In contrast, Scheduled Caste, Scheduled Tribe, and Other Backward Class are the three major categories that organize attributions of reservations in schools, government jobs and elected assemblies under the government's policy of affirmative action for economically and socially disadvantaged. The categories that date back to the nascence of India and the partition with Pakistan, do not include a stand-alone category for poor Muslim populations, despite the group's low social and economic indicators. Instead, a section of the Muslim population was included under the general category of Other Backward Classes. The inclusion lacks consistency: criteria vary tremendously between states; they leave out many poor section of the Muslim population while including some of the better of sections. The categories have structured the government's census and household surveys. As a result, adequate data on social indicators of India's Muslim population is lacking.

³ See below, Asha Kowtal, National Campaign for Dalit Human Rights, 13 May 2013, quoted on pp. 14-15; N. Thirani (2012), 'In Haryana Hundreds Protest State's Response to Rape', The New York Times, available at: <http://india.blogs.nytimes.com/2012/10/15/in-haryana-hundreds-protest-states-response-to-rape/> (accessed July 2013),

This paper examines women's risk of violence by situating it in the context of two conflicting trends. On one hand, decades of mobilization and legal struggles by the women's movement have resulted in a series of legal reforms that recognize women's right to live free of violence at home, the workplace and in public spaces. At the village level, the introduction of a reservation of no less than 33 per cent for women in local assemblies in 1993 allowed more than a million women access to positions of political power.⁴ The stakeholders of this process of change have little to do with those of the women's movement — they are often illiterate women operating within an order defined by social norms that have so far prevented them from entering village politics. Such evolutions suggest that government and civil society efforts are loosening the grip of discriminatory traditions and power relations.

Other trends analyzed in this paper challenge this optimism. Women's participation in the workforce has reduced sharply over the past decades of high economic growth,⁵ and an increasing number of them are migrating to get married⁶ — far away from their social networks and with an ambiguous rights' situation, they are vulnerable to violence at home. Progressive laws themselves have failed to make a difference for a majority of women. The report looks at some of the challenges that have hampered their implementation — notably the lack of financial allocation by central and state authorities, and the attitudes of those responsible for enforcing the law.

One of the paradoxes resulting of these conflicting trends is that women's empowerment has at times resulted in greater risks of

⁴ Society of Tribal Women for Development (2004), 'Impact of Bottom up Planning Under PRIs and Women Participation Therein', Delhi: Planning Commission, Government Of India, available at: http://planningcommission.nic.in/reports/sereport/ser/ser_pri1102.pdf (accessed June 2013).

⁵ International Labour Organisation (2013), 'Global Employment Trends 2012: Recovering from a Second Jobs Drib', Geneva: ILO, p. 79, available at: www.ilo.org/wcmsp5/groups/public/-/dgreports/-/dcomm/-/publ/documents/publication/wcms_202326.pdf (accessed June 2013).

⁶ I. Agnihotri, I. Mazumdar, Neetha N. (2011), 'Gender and Migration', in 'National Workshop on Internal Migration and Human Development in India', Workshop Compendium, Paris: UNESCO, p. 141, available at: www.unicef.org/india/Migration_VOL2_v3.pdf (accessed June 2013).

violence and harassment. The issue is explored by contrasting configurations where greater empowerment has exposed women to retaliatory violence, with interventions that have successfully mitigated these risks.

We seek to overcome the scarcity of data by completing official sources with a large range of evaluation reports from government and civil society interventions. The secondary data is completed by a series of semi-structured interviews with government officials, academics, journalists and activists.

Section one analyzes trends of violence and broader social and economic evolutions that impact women's exposure to violence. Section two discusses drivers of progressive change: it considers how the women's movement has been a vector of policy transformation, and how women's entry into grassroots politics is impacting their exposure to violence. The last section discusses interventions aimed at extending the outreach of progressive policies and addressing other factors of vulnerability — their positive impact and their limitations. We conclude with a few suggestions for the way forward.

1. VIOLENCE AGAINST WOMEN IN AN EVOLVING CONTEXT

1.1. FEAR IN PUBLIC SPACES

Violence against women has received considerable attention in recent months after several rape cases spurred widespread emotion. These recent events are the culmination of a longer-term trend: India's cities — and Delhi in particular — have acquired the reputation of being dangerous places for women. A recent survey in Delhi found that 95 per cent of women felt unsafe in public spaces; 56 per cent of men thought that women should avoid taking jobs that require going out at night.⁷ Clearly, this context is not favourable to women's mobility. Systematic research is needed to establish the concrete impact of these perceptions. However, a study of women workforce in information technology and business process outsourcing suggests that it is tangible: the study estimates that productivity in the two sectors had dropped after the rape because women were leaving work early or even resigning; nearly two-third of the female workforce in the survey felt that the atmosphere in Delhi was too threatening to continue working.⁸

These fears add to pre-existing constraints on women's mobility. The National Family Health Survey (NFHS) 2005–2006 found that only one in three women were allowed to venture alone to places such as the market, the health centre or outside the community; the percentage was less than 13 among girls from 15 to 19 years of age.⁹ After the rape in Delhi, suggestions by senior police officers, politicians and religious leaders that women should not be out at night or with men other than relatives risk further curtailing women's nascent mobility in urban areas.¹⁰

⁷ This includes sexual comments or obscene gestures (52 per cent), touching (20 per cent), stalking (10 per cent), and assaulting (0.3 per cent). International Centre for Research on Women (2012), 'Safety of Women and Girls from Sexual Violence in Delhi', Delhi: ICRW, available at: www.icrw.org/files/images/Safety-of-Women-in-Delhi (accessed May 2013).

⁸ Associated Chambers of Commerce and Industry in India (2013), 'Women-workforce productivity impacted by 40% in Delhi-NCR', Delhi: ASSOCHAM, available at: www.assochem.org/prels/shownews.php?id=3843 (accessed May 2013).

⁹ International Institute of Population Sciences (2007), 'Key Findings, National Family Health Survey-3, 2005-06', op. cit., pp. 512-513.

¹⁰ "Women should not go out late at night", according to Delhi Police Chief Neeraj Kuma; Congress politician Botsa

Urban development programmes have for long neglected women's safety. At local level, a number of municipal councils and NGOs have devised interventions to secure cities. In Delhi, Jagori has partnered with the Department of Women and Child Development to conduct safety audits mapping out factors and locations of insecurity. It has recommended a range of interventions to improve safety around school premises, improve lighting of public spaces, and secure public transport by creating special sections for women or training drivers. The Bengaluru-based Blank Noise, which is using performative arts and discussions to raise awareness on sexual harassment, has spread to other cities such as Mumbai, Delhi and Lucknow.

There are examples of punctual progress such as the creation of a specific section for women in the Delhi metro.¹¹ But the failure to integrate such lessons into a coherent strategy at national level means that their scope remains limited. The Jawaharlal Nehru National Urban Renewal Mission, India's flagship urban development scheme, for example has been criticized for its failure to address women's concerns. "Urban planners continue to operate on the assumption that what is good for families is (and should be) good for women"¹²: "the assumption that women's place is at home is evident from the fact that the ratio between women's and men's toilets in Delhi is 1:10".¹³ Reasons cited for this shortfall include the failure to include women

Satyanaarayana: "just because India achieved freedom at midnight does not mean that women can venture out after dark"; BJP politician Abu Azmi added: "women should not venture out with men who are not relatives"; for spiritual leader Asaram Babu: "guilt is not one-sided"; see: 'Retrograde Torrent', the Hindu, 8 January 2013, available at: www.thehindu.com/opinion/editorial/retrograde-torrent/article4283861.ece (accessed June 2013).

¹¹ The impact of such interventions is yet to be established systematically. Jagori has conducted a baseline survey in 2010, but mid-term reviews and endlines are yet to be realized. Jagori (2010), 'Safe Cities Free of Violence against Women and Girls Initiative, Report of the Baseline Survey', Delhi, Jagori with the support of UN Women, available at: http://jagori.org/wp-content/uploads/2011/03/Baseline-Survey_layout_for-Print_12_03_2011.pdf (accessed July 2013).

¹² S. T. Lama-Reva (2011), 'Women's Right to the City: from Safety to Citizenship', in M.-H. Z  rah, V. Dupont, S. T. Lama-Reva (eds), *Urban Policies and the Right to the City in India: Rights, Responsibilities and Citizenship*. UNESCO and Centre de Sciences Humaines. Quoted in: M. D. Joshi, S. Dasgupta, N. Sinha, B. Jhamb (2012), 'Critical Gender Concerns in Jawaharlal Nehru National Urban Renewal Mission', Delhi: UN Women, available at: www.unwomensouthasia.org/assets/JNRM.pdf (accessed June 2013).

¹³ Ibid, p. 10.

in the planning process, the lack of capacities at local level to prepare and implement urban development plans, and the scarcity of financial resources.¹⁴

1.1.1. The Uncertain Broader Picture: Interpreting Official Data

The real extent of the increase in crimes against women is blurred by the lack of reliable data. The National Crime Report Bureau, which records complaints on all major types of crimes against women recognized by the Indian Penal Code, is notoriously unreliable.¹⁵ The number of reported cases of rape, for example, at 4.2 cases for every 100,000 women, is very low compared to other countries.¹⁶ The average across countries of the Organization for Economic Cooperation and Development was at 15 per 100,000 women.¹⁷ Numerous sources, from within the police and civil society organizations draw a picture of shame and silence by victims and family members, understaffing¹⁸ and gender insensitivity among the police and health workers responsible for examining victims.¹⁹ A study using decoy crime victims finds that the police report only 50 per cent of complaints for sexual harassment.²⁰ The Indian Human Development Survey 2006, which is the only all-India study

on crime victimization, finds that 12 per cent households reported that their unmarried girls are harassed compared to 0.06 per cent according to the National Crimes Record Bureau the same year.²¹

Despite these shortfalls, the number of reported cases of violence against women has increased steadily: over the past decade their incidence increased by 70.8 per cent, significantly more than for other types of crimes.²² Arguably, this reflects modest successes of a more conducive policy environment rather than an increase in cases only. The unprecedented increase in reported cases after the introduction of the Protection of Women from Domestic Violence Act 2005 (PWDVA), which links the right to a violence-free home for women to a structure aimed at facilitating access to justice for survivors speaks in favour of this interpretation: after 2005, the yearly rate of growth in reported crimes, which had been at about 4 per cent just before the introduction of the PWDVA, grew steadily to reach a 35 per cent increase between 2010 and 2011.²³

Official data draws a picture that differs from dominant perceptions. Attentions crystallized around brutal rapes committed in urban spaces by one or a group of men unknown to the victim.²⁴ In reality, people known to the victim commit an overwhelming majority of reported cases.²⁵ Furthermore, evidence suggests that sexual violence is widespread in rural spaces. At 3.9 cases per 100,000 women, the number of rapes in 53 cities with more than a million inhabitants is lower than the national average at 4.2.²⁶ Delhi stands out with a rate that is much higher than in other major cities and has increased dramatically this year, from 3.4 registered cases per 100,000

¹⁴ Ibid, p. 3.

¹⁵ Types include Rape (Sec. 376 IPC), Kidnapping & Abduction (Sec. 363 to 373 IPC), Dowry Death (Sec. 302 / 304 IPC), Cruelty By Husband and Relatives (Sec. 498-A IPC), Molestation (Sec. 354 IPC), Sexual Harassment (Sec. 509 IPC), Importation of Girls (Sec. 366-B IPC), Sati Prevention Act, 1987, Immoral Traffic (Prevention) Act, 1956, Indecent Representation of Women (Prohibition) Act, 1986, Dowry Prohibition Act, 1961

¹⁶ Based on: Government of India (2013), 'Crime in India 2012', Delhi: National Crime Record Bureau, p. 88, available at: <http://ncrb.gov.in> (accessed May 2013).

¹⁷ N. Cowen, N. (2012), 'Comparison of Crimes in OECD Countries', London: Civitas, available at: www.civitas.org.uk/crime/crime_stats_oecdjan2012.pdf (accessed May 2013).

¹⁸ Interview, Senior Police Officer, Bhubaneswar, 15 May 2013.

¹⁹ Immigration and Refugee Board of Canada, India: Rates of women lodging complaints with police for violent crimes; police response to female victims of violence, 9 May 2012, IND104059.E, available at: www.refworld.org/docid/50b4a23b2.html (accessed 29 May 2013). According to Amnesty International and Human Rights Watch rapes committed by the Indian police force are common across India: Human Rights Watch (1995), 'Rape in Kashmir', Washington DC: HRW, available at: www.hrw.org/sites/default/files/reports/INDIA935.PDF (accessed June 2013); Amnesty International (1992), 'India, Torture, Rape and Deaths in Custody', London: HRW.

²⁰ A. Banerjee, R. Chattopadhyay, E. Duflo, D. Keniston, N. Singh (2009), 'Can Institutions Be Reformed from Within? Evidence from a Randomized Sample Experiment with the Rajasthan Police', Poverty Action Lab Report, available at: <http://economics.mit.edu/files/7581> (accessed July 2013).

²¹ L. Iyer, A. Mani, P. Mishra, P. Topalova (2011), 'The Power of Political Voice: Women's Political Representation and Crime in India', Working Paper (11-092), Harvard Business School, p. 25, available at: www.hbs.edu/faculty/Publication%20Files/11-092.pdf (accessed May 2013).

²² Government of India (2013), 'Crime in India, 2012', Delhi: National Crime Record Bureau, p. 86, available at: <http://ncrb.nic.in/CD-CII2011/Statistics2012.pdf> (accessed July 2013).

²³ Ibid.

²⁴ For example, RSS leader, Mohan Bhagwat stated: 'This is happening in India and it's increasing and very dangerous. But such things don't happen in Bharat', F. J. Daniel, S. Bhattacharjya (2012), 'Asaram Babu's view on Delhi rape raises anger, but shared by many', Reuter, available at: <http://in.reuters.com/article/2013/01/09/india-delhi-gang-rape-asaram-babu-views-idINDEE90809L20130109> (accessed June 2013).

²⁵ Government of India (2013), 'Crime in India 2012', op. cit. p. 399.

²⁶ Ibid, pp. 387-388.

women in 2011 to 8.3 in 2012.²⁷ But this remains below Chhattisgarh at 8.4, Madhya Pradesh at 9.7 and the northeastern states where average rates are at around 11 and a high of 20.8 in Mizoram. Weak rule of law after decades of violent conflict is a plausible explanation for high rates in these states. In contrast, the sudden increase in Delhi begs the question: to what extent does it express a real increase in crimes or better reporting? The second factor plays an important role in this trend: even before the rape in December 2012, Delhi had acquired the reputation of being unsafe for women, and pressure to improve the police's practices had started building up.

1.2. Violent Homes

Women's exposure to violence is highest at home. Scarce available data points at endemic violence and high tolerance to it. The NFHS, which is the only large-scale attempt to gather information on the issue, indicates that an average 39 per cent of women between 15 and 49 years of age reported having experienced violence in their marriage.²⁸ Other studies find similar or higher rates.²⁹

These figures are embedded in deeper social inequalities: norms that establish male dominance in the family and society are reflected by the gender gap across social indicators. The child sex ratio, one of the lowest worldwide at 914 girls per 1000 boys, is an indication of just how unfavourable these norms are to women.³⁰

In education, literacy rates among women are just below 54 per cent according to census data; they are at 75 per cent for men. The NFHS clarifies the relation between this inequality and

the risk of violence for women: women who had never gone to school were thrice as likely to face violence at home as those who had completed a full cycle of basic education.³¹ In light of this, the recent policy focus on guaranteeing access to basic education for all under the Right to Education 2006, however, weakened by the lack of resources and an unaccountable school administration, may accelerate the change brought about by the modest but constant increase in female literacy rates.

Economically, women in the lowest wealth quintile are more than twice as likely to report facing domestic violence as women in the highest wealth quintile. More detailed analyses highlight that not just income but also quality and stability of employment matter: as a household moves from the situation of casual worker, to stable informal and formal employment, incidence of violence reduces.³²

Beyond these general trends, the correlation between income and freedom from violence is not simple. Incidence of violence is higher among working women than among those who have never been employed—it is highest among women who earn and make decisions alone about the use of their income.³³ The fact that women from lower economic classes in casual employment such as agriculture (69 per cent of the female workforce), manufacturing (10.8 per cent) and construction (5.1 per cent) constitute a majority of the female workforce partially explains these findings.³⁴ However, higher risks of violence among women who make decisions about the use of their income also point at conflicting power negotiations within the household. Clearly, income alone is not enough to overcome deeply unequal power relations within the family and society; interactions between income generating activities, power relations within the household and violence need to be considered when assessing processes of economic empowerment.

Geographically, variations in the dimensions

²⁷ Ibid, p. 387.

²⁸ International Institute of Population Sciences (2007), "Key Findings, National Family Health Survey-3, 2005-06", op. cit. p. 506. Variations between the two surveys highlight some of the challenges of gathering reliable data on this sensitive issue: in the second survey the percentage of women who report facing domestic violence is 12 percent above the earlier survey. The adoption of more sensitive surveying methods is the likeliest cause for this increase. L. Visaria (2008), 'Violence against Women in India: Is Empowerment a Protective Factor?' *Economic & Political Weekly*, pp. 60-66.

²⁹ International Centre for Research on Women (2000): 'Domestic Violence in India: A Summary Report of a Multi-Site Household Survey', Washington, D.C: ICRW, available at: www.icrw.org/files/publications/Domestic-Violence-in-India-3-A-Summary-Report-of-a-Multi-Site-Household-Survey.pdf [accessed June 2013].

³⁰ Government of India, Census 2011, Sex Ratio; available at: http://censusindia.gov.in/2011-prov-results/data_files/india/s13_sex_ratio.pdf [accessed June 2013].

³¹ International Institute of Population Sciences (2007), "Key Findings, National Family Health Survey-3, 2005-06", op. cit. p. 509.

³² Panda, P. and Agrawal, B. (2005): 'Marital violence, Human Development and Women's Property Status in India', *World Development*, 33 (5), pp. 823-850.

³³ International Institute of Population Sciences (2007), "Key Findings, National Family Health Survey-3, 2005-06", op. cit.

³⁴ I. Mazumdar, N. Neetha (2011), 'Gender Dimensions: Employment Trends in India, 1993-94-2009-10', *Economic & Political Weekly*, XLVI(43), p. 123.

above translate in important variations between regions. Overall, the incidence of domestic violence is significantly higher in rural areas than in cities, and higher in slums than in other urban areas. Domestic violence is highest in northern states: in Bihar, where female literacy rates are lowest in India, land ownership among women dismal, and hierarchies along caste and gender lines stark, the number of women who report facing violence is a staggering 59 per cent; Rajasthan, Uttar Pradesh, Madhya Pradesh follow with figures ranging between 40 and 50 per cent.³⁵ Tamil Nadu is the only southern state that figures among this league. In contrast, the percentage is less than 20 in states like Kerala and Karnataka, and only 6 in Himachal Pradesh.

Early exposure to violence within the household also plays a role: women who have seen their mother face violence are three times more likely to experience violence themselves, just like men who were exposed to violence in their childhood are more likely to become perpetrators.³⁶ Given the scale of the problem in India, the issue arguably goes beyond individual internalization, and ties into high overall tolerance to violence against women. Various studies indicate that anywhere between half and two-third of men and women feel that a husband is justified in beating his wife if she refuses to have sex, does not cook properly, is unfaithful or disrespectful towards her in-laws.³⁷ Acceptance of domestic violence is slightly higher among women than among men in all studies. This acceptance may explain the surprising fact that surveys where men are asked to report cases of violence committed by them indicate much higher rates than those asking women to report violence faced by them.³⁸

³⁵ International Institute of Population Sciences (2007), "Key Findings, National Family Health Survey-3, 2005-06", op. cit, p. 504.

³⁶ Ibid.

³⁷ The NFHS finds rates of acceptance of 54 per cent for women and 51 for men across India: International Institute of Population Sciences (2007), "Key Findings, National Family Health Survey-3, 2005-06", Mumbai: IIPS, pp. 512-513. A survey of 3200 people across Gujarat, Uttarakhand, Uttar Pradesh, Orissa, Andhra Pradesh, finds estimates this figure to be as high as 72 per cent for women and 68 per cent for men. V. S. Sridhar (2010), DFID Supported INGO Partnership Agreement Program of Oxfam, Baseline Survey Report" (unpublished).

³⁸ The figure was at 87 per cent of men according to a survey by the ICRW, against 39 per cent of women according to the National Family Health Survey. C. S. Kumar, S. D. Gupta, G. Abraham (2002), 'Masculinity and Violence against Women in Marriage: An Exploratory Study in Rajasthan' in 'Men, Masculinity and Domestic Violence in India', Washington D.C: ICRW, available at: <http://www.icrw.org/files/publications/>

women may not report incidents they consider justified.

Perceptions that domestic violence is a private matter and that family bondages need to be protected from intrusions by the law are widespread among policy makers and officers responsible for enforcing the law. Legal reforms aimed at prioritizing women's individual rights within the family faced tremendous resistance, as is exemplified by this 1984 Delhi High Court statement: bringing "constitutional law into the privacy of home and the married life" is like "introducing a bull in a China shop".³⁹ Till today, an overwhelming majority of policemen think that domestic violence is a private affair and that women should consider the wellbeing of the family before filing a complaint.⁴⁰

These attitudes, along with other economic and social factors, limit women's access to protection. The number of women who make the step of seeking help is low to start with: the NFHS finds that fewer than one in four women who reported facing domestic violence seek help; a majority of those who do approach family members rather than the police or other formal channels.⁴¹ Cases known to the police often do not get reported — the Lawyers Collective's survey suggests that at least two out of three cases could go unreported.⁴² Of the 106,527 cases that made it to Indian courts last year, only 15 per cent resulted in a conviction; 10 per cent resulted in an acquittal; 87 per cent remained pending.⁴³

Domestic-Violence-in-India-4-Men-Masculinity-and-Domestic-Violence-in-India.pdf [accessed June 2013].

³⁹ Bench A. B. Rohatgi, in Harvinder Kaur vs Harmander Singh Choudhry, Delhi High Court, 15 November 1983; AIR 1984 Del 66. Cited in: I. Jaising (2009), "Bringing Rights Home: Review of the Campaign for a Law on Domestic Violence", Economic & Political Weekly XLIV (44), p. 50.

⁴⁰ Lawyers Collective (2012), "Staying Alive, 5th Monitoring & Evaluation on the Protection of Women from Domestic Violence Act", Delhi: Lawyers Collective and International Centre for Research on Women, pp. 67, 89, 110. Available at: www.lawyerscollective.org/files/Staying%20Alive%205th%20M&E.pdf [accessed June 2013].

⁴¹ For an analysis of these features see: L. Visaria (2008), "Violence against Women in India, Is Empowerment a Protective Factor?" Economic & Political Weekly, p. 64.

⁴² Lawyers Collective (2012), "Staying Alive, 5th Monitoring & Evaluation on the Protection of Women from Domestic Violence Act", op. cit, pp. 67, 89, 110.

⁴³ National Crime Record Bureau (2013), 'Crime in India 2012', Delhi: Ministry of Home Affairs, op. cit, p. 81. The number given here comprises cases of cruelty by husbands and relatives under the Indian Penal Code, which constitute an overwhelming majority of cases related to domestic violence.

Demonstrations following the recent rape cases in Delhi have made one step towards considering crimes against women as violations of basic rights. But the debate has not extended to domestic violence. The fact that the recent law for example does not consider marital rape a criminal offence appears to be the latest expression of this reluctance to challenge spousal ties. This omission goes against recommendations by the committee responsible for recommending reforms aimed at improving women's security after the December rape. "Marital rape shouldn't be made into a criminal offence," said Sumitra Mahajan from the Bharatiya Janata Party in words that resonate with those of the Delhi High Court more than 30 years ago. "It will destroy Indian families. Things like these should be sorted out within the family or by counselling".⁴⁴

1.3. Insecure Workplaces

About one in three women in India are working — an overwhelming majority of them as casual labourers on agricultural fields or construction sites, as domestic workers or in a multiplicity of roles in small and medium size enterprises. Women's representation reduces as they move up the ladder of power. On average, in the 100 top companies listed in the Mumbai stock exchange, women constituted 7 per cent of all board members and only 5 per cent of the senior leadership.⁴⁵ This is one of the lowest representations in the world, just above the Gulf States and a few East Asian countries.⁴⁶ Such relations at the workplace exemplify the imbalance of power that gender studies have linked to greater risks of sexual harassment. A survey of 400 women working in various formal and informal sectors finds that 17 per cent of respondents had faced sexual harassment at work.⁴⁷ Construction labourers and domestic workers were perceived as particularly insecure.

⁴⁴ Cited in: N. Bhalla (2013), 'What stopped India's "anti-rape" law from being a landmark?', Reuters, 28 March, available at: <http://blogs.reuters.com/the-human-impact/2013/03/28/what-stopped-indias-anti-rape-law-from-being-a-landmark/> (accessed June 2013).

⁴⁵ Partners in Change (2013), 'Women in Business Leadership: a Study of the Top 100 Companies on the Bombay Stock Exchange', Working Paper, Delhi: Oxfam India (forthcoming).

⁴⁶ Catalyst's 2013, ranking of board seats held by women by country: www.catalyst.org/knowledge/women-boards (accessed June 2013).

⁴⁷ Social and Rural Research Institute (2012), 'Sexual Harassment at Workplace in India', study supported by Oxfam India, Delhi: SRI.

A number of broader trends define the context of women's work conditions. Data uncertainties cloud assessments of women's real workforce participation, available estimates point at a sharp reduction over the past 20 years.⁴⁸ In rural areas, where women's work participation has historically been higher primarily on account of their engagement in agriculture, it dropped from 33.1 per cent in 1993, to 25.3 in 2011-12.⁴⁹ In cities women's work participation has dropped further from a low 16.2 per cent to 15.5 per cent.⁵⁰ Enrolment in education explains some of this reduction, but estimates suggest that it accounts for only a limited part of it.⁵¹ The withdrawal of unpaid workers — typically agricultural labour on a male relative's field, husbandry, or help in the family enterprise — also fails to explain the reduction. Half of the positions left by women were paid. This evolution undermines the modest economic autonomy granted to them by their traditional occupations. It erodes the value of their traditional skills, and their limited powers within the household.

One positive trend amid this problematic picture is an improvement in quality of employment in urban areas. The percentage of the female workforce that falls under the category of regular workers, defined by the National Sample Survey in contrast to self employed, casual or daily workers, has increased from 28 per cent to 38 per cent over the past 20 years, primarily on account of women's involvement in education and as salaried domestic workers.⁵² However, this positive evolution does not reverse the

⁴⁸ International Labour Organisation (2013), 'Global Employment Trends 2012: Recovering from a Second Jobs Dip', p. 79.

⁴⁹ Government of India (2013), 'Key Results of Employment and Unemployment in India, 1993-4', Delhi: National Sample Survey Office, Government of India (2013), 'Key Indicators of Employment and Unemployment in India, 2011-12', Delhi: National Sample Survey Office, available at: http://mospi.nic.in/Mospi_New/Admin/Login.aspx?div=21 (accessed March 2014).

⁵⁰ Ibid.

⁵¹ The Planning Commission has argued that this drop is partly explained by issues of measurement. But the analysis of the International Labor Organization and other scholars suggest that such issues only account for a minor part of the reduction. International Labor Organization (2013), 'India: Why is Women's Labour Force Participation Dropping?', available at: www.ilo.org/global/about-the-ilo/newsroom/comment-analysis/WCMS_204762/lang--en/index.htm (accessed June 2013); S. Chowdhury (2011), 'Employment in India: What Does the Latest Data Show?' Economic & Political Weekly, XLVII(32), pp. 23-26.

⁵² I. Mazumdar, N. Neetha (2011), 'Gender Dimensions: Employment Trends in India, 1993-94-2009-10', op. cit.

overall downward trend. Lower work participation among more educated women is an additional reflection of a context that prevents women from translating their human capital into economic autonomy. Discrimination in wages, irregular payments and ambiguous service conditions,⁵³ combine with conservative mindsets within families to drive women out of the workforce.

Today, young girls dream not just of becoming teachers as was the case a generation earlier, but pilots or chefs. For girls in India, there are new perspectives, but society does not allow pursuing them. Girls accept that they have to go for arranged marriages; there is no change on such fundamental issues. Kalpna Sharma, independent journalist, 29 May 2013.

Such trends have to be understood in light of an overall scarcity in productive employment. As traditional livelihoods are being eroded, notably in rural areas, where agriculture does not provide a living for all, emerging sectors fail to generate enough employment to compensate for the erosion or simply match the number of young people who arrive on the job market every year.⁵⁴ This scarcity further emphasizes the disadvantage resulting from social norms that limit women's access to education, constrain their mobility and make their workplaces insecure.

Some companies are attempting to attract and retain female employees by offering special cabs or emergency helplines to ensure security while commuting between workplace and home, flexible work policies, liberal maternity leaves, as well as diversity committees and training for men and women.⁵⁵ At the policy level, a Supreme Court judgment in 1997 outlined legal guidelines that define sexual harassment at workplace and provide for the constitution of complaint committees that are responsible for gathering evidence on the case and recommend actions to the Human Resource department. However, the influence of the guidelines has been limited

⁵³ D. Dube, I. Dube, R.G. Bhagwan, S. Halder (2012), 'Women in the BPO Sector in India: A Study of Individual Aspiration and Environmental Challenges', *Asian Social Sciences*, Vol. 8(7).

⁵⁴ International Labour Organisation (2013), 'Global Employment Trends 2012: Recovering from a Second Jobs Dib', op. cit.

⁵⁵ These parameters are the basis for a yearly benchmark of companies by the Forum for Women in Leadership, which brings together women in position of across corporate India. Recent year toppers where the on-site services company SodeXo, and the engineer manufacturer Cummins group.

beyond a few gender sensitive sectors and companies.⁵⁶

1.4. Risks Linked to Migration

Migration patterns add one dimension to a transition where economic and geographic integrations interact with conservative cultural norms. The number of female migrants has grown sharply over the past 20 years,⁵⁷ to reach 55 per cent of the female population in 2008.⁵⁸ The percentage was only 32 among men. Marriage rather than work is the cause of this mobility. The number of women who migrate to get married has increased by 20 per cent between 1993 and 2008, while women who cite employment as the primary source for migrating has dropped from 3.3 to 0.3 per cent.⁵⁹ Studies have linked this trend to the devaluation of women's traditional work in a context of agrarian crisis, and highlight a parallel increase in the price of dowries.⁶⁰ The fact that women's marriage migration is particularly high among economically vulnerable groups such as Dalits supports this hypothesis.

Available data also questions the extent to which employment migration contributes to social mobility among women. Long-term migration, associated with more stable employment constitutes less than half of all cases of migration and is primarily the fact of more

⁵⁶ The issue was highlighted during a consultation jointly organized by the Lawyers Collective and Oxfam India, and the Friends Association for Rural Reconstruction. Consultation reports is available at: www.lawyerscollective.org/files/Event%20Brief%2008_29_2011%20Bhubaneswor.pdf [accessed June 2013]. Also see below the discussion on the Sexual Harassment at Workplace Act, 2013, p. 19.

⁵⁷ Migration is defined in the Census and the National Sample Survey Organization as the change of usual place of residence, which involves crossing the village or town boundary as a minimum condition. The data does not give details on the distance of migration.

⁵⁸ Government of India (2008), 'Migration in India', National Sample Survey 64th Round, Delhi: National Sample Survey Organization. Recent census data confirms this trend. Government of India (2013), 'Primary Census Data Highlights', Delhi: Ministry of Home Affairs, available at: www.censusindia.gov.in/2011census/hlo/PCA_Highlights/pca_highlights_file/India/Chapter-1.pdf [accessed May 2013].

⁵⁹ The NSSO figure of comprise only women who cite employment as their first reason for migrating. In reality, the number of women who are part of the workforce after migrating is 21 per cent. A. Banerjee, S. Raju (2009), 'Gendered Mobility: Women Migrants and Work in Urban India', *Economic & Political Weekly*, Vol XLIV, N. 28, 225-123.

⁶⁰ I. Agnihotri, I. Mazumdar, Neetha N. (2011), 'Gender and Migration', in 'National Workshop on Internal Migration and Human Development in India', Workshop Compendium, Paris: UNESCO, p. 141, available at: www.unicef.org/india/Migration_VOL2_v3.pdf [accessed June 2013].

privileged social groups.⁶¹ In rural areas, short-term migration for agricultural work or labour in brick fabrics is the major avenue for women. Dalit and Adivasi women constitute the majority of such migrants. In urban areas, these groups can find paid work as maids and, to a lesser extent, in the textile industry. The service sector, which has grown into a primary avenue for more privileged urban migrants, remains by and large inaccessible to lower caste women.

The status of internal migrants in India is vulnerable: in the absence of a governance structure that registers migrants and provides them with the recognition they need to assert their rights, they are often deprived of access to basic services and entitlements. Furthermore, in a context where government support is weak, social networks are of crucial importance. For women, who migrate in growing numbers to get married, this undermines options to escape a violent household and take recourse to end violence.

A trend that does not stand out in such macro-level data is the emergence of new migration patterns among women from vulnerable communities. In recent years, a growing number of single Adivasi women have started migrating to cities in search of employment.⁶² Without official registrations, these women are in a weak rights situation, and face obstacles in accessing government services. Furthermore, studies highlight that social networks of Adivasi migrants, notably in the government and the education and medical sectors are exceptionally weak, even if compared with economically and educationally comparable sections among other groups.⁶³ In the absence of such support structures, new migrants are particularly vulnerable to violence.

The problematic relation between discriminatory social norms and economic factors of vulnerability highlighted above converge most acutely in the problem of human trafficking — an issues that “has become of grave concern

⁶¹ Ibid., p. 157.

⁶² Government of India (2010), ‘Migration of Tribal Women: Its Socioeconomic Effects—An in-depth Study of Chhatisgarh, Jharkhand, M.P and Orissa’, Delhi: Planning Commission, available at: http://planningcommission.gov.in/reports/sereport/ser/ser_mig.pdf (accessed June 2013).

⁶³ S. Desai, A. Dubey, R. Vanneman (2011), *India Human Development Survey*, Delhi: Oxford University Press.

in India”.⁶⁴ Women and girls, overwhelmingly from Dalit and Adivasi origins,⁶⁵ are trafficked for commercial sexual exploitation and forced marriage. New forms of subjections often find a fertile ground in traditional practices rooted in an unequal power relation, such as the dowry, or the Devadasi, where tribal girls are married to a deity and forced to provide sexual services to upper caste members of the community.⁶⁶

1.5. Discrimination Based on Caste, Religion and Tribe

Dynamics of discrimination based on caste, religion and tribe continue to have deep bearing on women’s safety. A survey of 500 Dalit women in the states of Bihar, Uttar Pradesh, Andhra Pradesh and Tamil Nadu finds that one in four women have been raped and one in two have faced sexual harassment or assault.⁶⁷ Perpetrators were generally from dominant caste groups or from the police. An overwhelming majority of incidents did not get registered to the police or covered in the media. The figures are startlingly high and cannot be compared to levels of exposure for all women given the absence of state level victimization surveys on violence against women. The findings therefore need to be considered with precaution. Nevertheless, they are a strong indication of these women’s acute exposure to violence.

Dalit women are more vulnerable at work. Deprived of assets for historic reasons, they work in greater numbers and are over represented in vulnerable profiles, such as casual agricultural workers or labourers on construction sites and brick factories. Dalit rights groups report widespread cases of harassment by contractors.

⁶⁴ R. Kant (2013), ‘India Country Assessment Report on Human Trafficking’, United Nations Office on Drugs and Crimes, available at: www.unodc.org/documents/southasia//reports/Human_Trafficking-10-05-13.pdf (accessed July 2013). India was recently ranked tier II country in the US state government

⁶⁵ A study by the National Commission for women finds that 62 per cent of sex workers are from scheduled caste and 30 per cent are from scheduled tribes. Mukerjee, D. K. (1997). Paper presented to Joint Women’s Programme (JWP) Seminar, Delhi.

⁶⁶ S. Hameed, S. Hlatshwayo, E. Tanner, M. Türker, J. Yang (2010), ‘Human Trafficking in India’, Stanford University, p. 13, available at: <http://ips.stanford.edu/sites/default/files/shared/StanfordHumanTraffickingIndiaFinalReport.pdf> (accessed June 2013).

⁶⁷ A. Irudayam, J. Mangubhai, J. Lee (2006), ‘Dalit Women Speak Out’, Delhi: National Campaign on Dalit Human Rights, available at: http://idsn.org/uploads/media/Violence_against_Dalit_Woment.pdf (accessed June 2013).

The context of job scarcity and the erosion of traditional livelihoods have given contractors a power to trade against sexual favours access to employment or public paid work under the National Rural Employment Guarantee Act — a law providing for 100 working days at minimum wage that can be shared within every rural household and mandates that at least 33 per cent of its beneficiary be women.⁶⁸ Government sponsored work is a privileged space for the negotiation of changing inter-caste relations. Dalits have, to some extent, been able to seize opportunities created by poverty reduction programmes. In the absence of strong safeguards, this progressive empowerment has often exposed Dalit women to retaliatory sexual violence by dominant castes: gang rapes of lower caste girls by dominant caste men, sexual assault on women to silence assertions of an entire family or community remain frequent.⁶⁹

Adivasi women face similar issues of culturally sanctioned sexual violence. The conflicts in the Tribal dominated areas of central India, as well as their displacement for major development projects such as mines and dams are additional factors of vulnerability. As they lose their traditional economic role linked to agriculture or natural resources, their dependence on male members of the family increases.⁷⁰ Furthermore, studies of informal settlements around mines highlight the social issues that come with this transition: prostitution and alcohol consumption are widespread.⁷¹

Similarly in Kashmir and the northeastern states, decades of conflict and the massive presence of armed forces protected from civil legislations by the Armed Forces Special Power Act, have dramatically undermined women's safety. In a survey of 500 people across two districts of Kashmir, Doctors without Borders found that **more than 1 in 10 respondents** (is there a definite number, more than 1 can mean anything) had faced sexual abuses — a figure that is high

⁶⁸ Interview with Asha Kowtal, NCDHR, and Rajni Tilak, Rashtriya Dalit Mahila Andolan, 28 May 2013.

⁶⁹ A. Irudayam, J. Mangubhai, J. Lee (2006), 'Dalit Women Speak Out', op. cit.

⁷⁰ M. Barathi (2012) Tribal Women's Perspective on the Land Acquisition Bill, Economic & Political Weekly, XLVIII(20).

⁷¹ B. Kalluri et al (2010) 'India's Childhood in the "Pits"', Dhaatri Resource Centre for Women and Children, Delhi: HAQ, Centre for Child Rights, p. 5, available at: www.haqrc.org/publications/india%E2%80%99s-childhood-pits-report-impacts-mining-children-india (last accessed June 2013).

compared to other conflict affected regions across the world.⁷²

Beyond this, India has seen recurrent episodes of abuses against women during periods of communal violence: reports by civil society organizations indicate that rapes and other types of violence against women, most of them Muslim, were widespread during the 1992 communal violence in Mumbai and the 2002 riots in Gujarat. Under-reporting, police complicity, and the denial of justice apply.⁷³ While such tensions have since receded, many fear that their causes have not been addressed. Perpetrators have not been prosecuted; segregation has increased, often driving apart lower class social groups such as Dalits, or Other Backward Classes.⁷⁴ The persistence of deeper causes of tensions such as pressure on land in cities associated to the tenure insecurity of many Muslim dwellers in urban settlements, high inequalities in a context of economic slow-down make for an uncertain situation. This situation has resulted in a heightened feeling of insecurity among the community, which in turn risks further constraining the mobility of Muslim women.

The riots in 1992 and 2002 have changed the scenario for Muslim women. Direct contacts between Dalits, Muslims and Other Backward Classes have stopped after the riots. The mobility of Muslim girls has been restricted and burkhas or even bodyguards have spread. Jameela Nishat, Shaheen Resource Centre for Women, 29 May 2013.

Women from socially excluded groups also face higher incidence of domestic violence. They were 46 per cent among Scheduled Castes and 44 per cent for Scheduled Tribes respectively,⁷⁵ against 30 per cent for other groups.⁷⁶ These figures reflect the effect of factors such as low income and low levels of literacy. However, beyond these

⁷² Doctors without Borders (2006), 'Kashmir: Violence and Health', Amsterdam: MSF, available at: www.artsenzongergrenzen.nl/pdf/KASHMIRFINALVERSION221106.pdf (accessed June 2013).

⁷³ Human Rights Watch (1996), 'Communal Violence and the Denial of Justice', New York: HRW, available at: www.hrw.org/legacy/reports/1996/India1.htm (accessed June 2013); Human Rights Watch (2002), 'We Have no Orders to Save You', New York: HRW, available at: www.hrw.org/reports/2002/india/gujarat.pdf (accessed June 2013).

⁷⁴ For the definition of Other Backward Class, see note 3, p. 3.

⁷⁵ See note 3, p. 3.

⁷⁶ International Institute for Population Sciences (2007), 'Key Findings, National Family Health Survey-3, 2005-06', op., cit., pp. 509-510.

factors, qualitative studies and Dalit groups point at the cumulated impact of caste and gender hierarchies.⁷⁷

Caste, religion and gender biases in India's law enforcement system mean that women from excluded groups rarely get redress, despite legal safeguards that provide severe punishments for violence against Adivasi and Dalit women.⁷⁸ India's police forces are notorious for their gender and caste biases, as is exemplified by frequent cases of harassment and rape of lower caste and class women in police custody.⁷⁹ The justice system itself fails to provide due process. Nearly 80 per cent of cases under the Scheduled Castes and Tribes Prevention of Atrocities Act are pending and rates of acquittal are high.⁸⁰

Just before the December rape, 17 cases of rapes against Dalit women in Haryana failed to attract attention. Dalit groups had to go all the way up to the United Progressive Alliance's Gandhi family to get some reparation for one of the victims. What kind of system is that, where you need to go all the way up to a high level politician to get justice? Asha Kowtal, National Campaign for Dalit Human Rights, 13 May 2013.

To summarize, the picture outlined above highlights the clash between opposite trends. On one hand, it shows how women's greater access

to education is starting to attenuate the starkest gender inequalities. On the other hand, it outlines several trends that further increase women's vulnerability and add to existing dynamics of discrimination, along differences of gender, caste, religion and tribe. Women's exposure to violence is at the centre of these two trends — a result of these deeper evolutions, and a factor that could slow-down women's empowerment by limiting their mobility.

⁷⁷ M. Krishnaraj (2007), 'Understanding Violence against Women', *Economic & Political Weekly*, 42 (44): 90-91; C. S. Kumar, S.D. Gupta, G. Abraham (2002), 'Masculinity and Violence against Women in Marriage: An Exploratory Study in Rajasthan', in International Centre for Research on Women, 'Men, Masculinity and Domestic Violence in India', Washington D.C: ICRW, available at: www.icrw.org/files/publications/Domestic-Violence-in-India-4-Men-Masculinity-and-Domestic-Violence-in-India.pdf (accessed June 2013).

⁷⁸ For the definition of the term Adivasi, see note 3, p. 3.

⁷⁹ In a response to a petition filed under the Right to Information, the National Human Rights Commission responded that it had recorded 4502 cases of exploitation against women and 17998 cases of exploitation against Dalits between 1993 and 2009. R.N. Mangoli, Ganapati M. Tarase (2010), 'A Study of Human Rights Violation by Police in India', *International Journal of Criminology and Sociological Theory*, Vol. 3, No. 2, p. 413.

Earlier, two reports by Amnesty International and Human Rights Watch alleged that rapes committed by the Indian police force are common across India: Human Rights Watch (1995), 'Rape in Kashmir', Washington DC: HRW, available at: www.hrw.org/sites/default/files/reports/INDIA935.PDF (accessed June 2013); Amnesty International (1992), 'India, Torture, Rape and Deaths in Custody', London: HRW.

⁸⁰ Government of India (2011), 'The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act, 1989, For the Year 2010', Delhi: Ministry of Social Justice and Empowerment, available at: <http://socialjustice.nic.in/pdf/arpoa10.pdf> (accessed June 2013).

2. MOVEMENTS, POLICIES AND POLITICS

Over the past decades, issues of violence against women have made their way into policy debates. Mobilization and advocacy by women's groups contributed pushing for policy reforms. They resulted in a corpus of laws that cover most facets of violence against women — at home,⁸¹ the workplace⁸² and in public spaces.⁸³ At the other end of the policy process, in its last mile delivery, India has witnessed another dramatic change. The introduction of a reservation for women at the village assembly resulted in the sudden entry in politics of large numbers of women. How have processes of change at these two levels evolved? What have been their drivers, achievements and limitations? And what have been their interactions?

2.1. MOVEMENTS, LAWS AND THE CHALLENGE OF IMPLEMENTATION

Laws are like beacons. They show you where to go in the long run. The struggle is their implementation. Nandita Gandhi, Ashara, 4 June 2013.

A brief history of mobilization around violence against women brings out some of the articulations that international comparative studies find to be the most determinant drivers of progressive policy change on violence against women:⁸⁴ a strong and autonomous women's movement, as well as laws and treaties that offer leverage to the movement.⁸⁵

⁸¹ Including: Cruelty By Husband And Relatives (Sec.498A IPC), Dowry Deaths (Sec.304B IPC), Dowry Prohibition Act, 1961 (Referred from National Crime Records Bureau-NCRB), Sati Prevention Act, 1987, the Protection of Women from Domestic Violence Act, 2005.

⁸² The Sexual Harassment of Woman at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

⁸³ The Criminal Law (Amendment) Act, 2013 (Rape section 376 IPC), Kidnapping & Abduction (Sec.363-369,371-373 IPC), Molestation (Sec.354 IPC), Sexual Harassment (Eve-Teasing) (Sec.509 IPC), Importation Of Girls (Sec.366B IPC), Protection of children from sexual offences, 2012, Immoral Traffic (P) Act, 1956, Indecent Representation Of Women (P) Act, 1986, The Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989.

⁸⁴ M. Htun, L. Weldon (2012), 'The Civic Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975-2005', *American Political Science Review*, 106, pp. 548-569.

⁸⁵ Regional treaties that play an important role in regions like Latin America and Africa, play no significant role in South Asia. The Sangat network

Opposition to violence against women started before Independence in 1947. But the movement gathered momentum during the 70s in response to several rape cases that exposed crude biases in India's police and judiciary. One such case is known as the Mathura case, from the name of the tribal woman who was raped in police custody and denied justice in appeals that went up to the Supreme Court among allegations that she must have been consenting. Critics by academics and mobilization by women's groups eventually led to revise India's rape laws and shift the burden of proof to the accused for cases of custodial rape.

The 70s also saw the emergence of a campaign against dowry related violence.⁸⁶ For the first time, issues of domestic violence were brought into public debates. Women's groups highlighted cases of death or suicide that failed to be investigated because they were treated as accidents. The agitation eventually led to amending the Indian Penal Code with section 498A on cruelty by husbands or relatives in 1983.

Mobilizations widened to issues of sexual violence at the workplace during the 80s. In the absence of a strong mobilization by formal trade unions, organizations such as the Forum against Oppression of Women took up several cases of harassment.

The ratification of the UN Convention on the Elimination of All forms of Discrimination against Women in 1993, gave domestic movements new institutional leverages. It provided an accepted framework for women's groups and helped build pressure around ambiguities in the government's position. While the ratification itself shows the government's willingness to play by international standards, two reservations introduced by the government show its reluctance to assert women's individual rights at the risk of interfering with the personal affairs of a family and a community:

Articles 5 (a) and 16 (1) are to be abided by in conformity with the policy of non-interference in

or interactions of women's rights activists around rights violations in conflicts are examples of regional exchanges. However, the impact of such initiatives has remained weak in the absence of institutional leverages.

⁸⁶ I. Jaising (2009), 'Bringing Rights Home: Review of the Campaign for a Law on Domestic Violence', *Economic & Political Weekly*, Vol XLIV, No 44, p. 51.

the personal affairs of any community without its initiative and consent;

*Article 16 (2), on the registration of marriages, though positive in principle, is not practical in a vast country like India with its variety of customs, religions and level of literacy.*⁸⁷

Subsequent reviews by the UN have highlighted the ambivalence of this position and the overall poor record on enforcing women's rights. The combined pressures of domestic mobilization and international experts translated into several policy changes. For example, a marriage registration bill is making its way through committees and Parliament approvals despite resistances by conservative lobbies. The Hindu Succession Act was amended to give married and unmarried daughters a right to a share of ancestral land and property equal to that of sons.

The period of progressive institutionalization coincides with a shift in the nature and target of the mobilization by women's groups. India's laws were progressively cleared of their crudest gender biases, and the question for women's rights activists increasingly became one of enforcing existing rights. The relation between the women's movement and the government became one of engagement rather than opposition: committees appointed to recommend policy reforms consulted representatives of the movement, lawyers who had been part of the mobilization advised on legal reforms. Several institutional spaces of interaction were created. For example, the structure of protection provided by the new laws on violence against women and sexual harassment at the workplace relies on interactions between the government and civil society. It sets up complaint committees and involves NGOs as service providers. In 2010, the Mission for the Empowerment of Women was created with the mandate of building convergence within the government and between state and non-state actors.

Mobilization progressively gave way to advocacy and monitoring activities. New activities such as budget monitoring and legal expertise, required new skills that could only be performed by professional practitioners supported by registered organizations. A change in

⁸⁷ Declarations, Reservations and Objections to CEDAW, India, available at: www.un.org/womenwatch/daw/cedaw/reservations-country.htm (accessed June 2013).

funding patterns also favoured the shift from autonomous, spontaneous movements, to smaller organizations framed by government legislations. Funds for social services were increasingly channeled through NGOs. This resulted in the emergence of a plethora of organizations often acting as service provider to the government.

The outcome of this evolution is ambivalent. On one hand, the new laws and institutions reflect the success of the movement. The interaction with policy makers increases the ability of women's groups to influence decisions at the top and monitor the implementation of laws. On the other hand, the inclusion in institutional structures of engagement has limited the ability to radically challenge the government on its failure to enforce the promises of the new laws. After the mobilizations around the series of rape cases in the 70s and 80s, the more discrete focus on shaping laws and monitoring their implementation has led to accusations that the "women's movement was dead or dying".⁸⁸

2.1.1. Bringing Rights Home⁸⁹

Mobilizations around two laws on domestic violence and sexual harassment exemplify some of the successes and challenges of the period starting with the 90s. The introduction of the PWDVA in 2005 is the result of a "determined advocacy effort strategized by one organization. The Lawyer's Collective set up a series of consultations, and rigorously pushed the law through various forums".⁹⁰ This civil law aims to broaden the outreach of existing criminal laws by linking the right to freedom from violence at home with a structure aimed at facilitating access to justice, through devoted staff and infrastructure. It provides integrated relief ranging from medical aid, shelter, monetary support and legal assistance.

Several positive — though modest — evolutions attest to the value of this reform. Reported cases of crimes against women have increased

⁸⁸ U. Butalia (1998), 'The Women's Movement in India: Action and Reflection', available at: www.twinside.org.sg/title/india1-cn.htm (accessed July 2013).

⁸⁹ From the title of a paper by Indira Jaising, founder of the Lawyers Collective, retracing the history of the campaign leading to the introduction of the PWDVA. I. Jaising (2009), "Bringing Rights Home: Review of the Campaign for a Law on Domestic Violence", op. cit.

⁹⁰ Interview, Nandita Gandhi, Akshara, Mumbai, 4 June 2013.

after the introduction of the law. The Lawyers Collective monitoring report also finds “an increase in positive attitudes on gender and domestic violence among protection officers” responsible for facilitating access to relief and justice.⁹¹ In addition, the law creates a platform of engagement between NGOs and different government departments. Though undermined by the difficulty of bringing together stakeholders who are not used to working together, it creates a space where convergence of issues can be negotiated and the government be held to account. In the absence of a government initiative to monitor implementation, the Lawyers Collective has gone ahead and published a yearly monitoring report;⁹² and has created monitoring guidelines for other NGOs.⁹³

Despite these successes, the implementation of the law remains disappointing: underfunded, understaffed and hampered by the difficulties of coordinating stakeholders who are not used to interacting. The law is yet to live up to its promise eight years after its creation.⁹⁴ The estimated cost for implementing the scheme is INR 1520 million (US 254 million).⁹⁵ In contrast, the overall plan expenditure for the PWDVA was estimated at INR 94.6 million (US 1.6 million) in 2010-2011.⁹⁶ The central government has not allocated funds so far, despite announcing an INR 1158 million (US 194 million) scheme in 2012.⁹⁷ Financial resources committed by state governments are meagre. Few states have appointed dedicated protection officers, supposed to facilitate access to justice and relief. Infrastructure is inadequate as well: protection officers often receive survivors in a room shared with other bureaucrats and government-run shelters are inadequate in

number and quality.⁹⁸ Problems of low reporting and due process by the court also apply to cases falling under the PWDVA.⁹⁹

Finally, despite the modest improvement in attitudes of protection officers highlighted above, gender biases among officials responsible for implementing the law have been additional obstacles. The law relies on a cadre of largely male policemen, bureaucrats and doctors, whose conservative mindsets have often been questioned.¹⁰⁰ The Lawyers Collective’s monitoring survey across the states of Gujarat, Delhi and Rajasthan shows for example that an overwhelming majority of police personnel think that domestic violence can be best solved by counselling women, and that women should consider the wellbeing of their children before filling a Domestic Incidence Report.¹⁰¹

2.1.2. Fighting Sexual Harassment at the Workplace

Mobilization around sexual harassment at workplace gained momentum in the 90s with the case of Bhanwari Devi, a lower caste government employee in Rajasthan who was raped by dominant caste villagers after she took up the issue of child marriage. Her attempt to register the case and seek justice started years of struggle with reluctant government officials. On her individual case, Bhanwari Devi is yet to receive justice, but her efforts backed by women’s organizations, eventually resulted in a landmark judgment. In 1997, the Vishaka Judgment, from the name of the women’s organization that filed a public litigation in the Supreme Court, outlined guidelines to address

⁹¹ Lawyers Collective (2012), “Staying Alive, 5th Monitoring & Evaluation on the Protection of Women from Domestic Violence Act”, p. 95.

⁹² Ibid.

⁹³ Lawyers Collective (2013), ‘Resource Tool’, Delhi, available at: www.unwomensouthasia.org/assets/Resource-Tool-for-Monitoring-Evaluation-of-PWDVA.pdf [accessed June 2013].

⁹⁴ L. Dubochet (2012), ‘Protecting Women from Domestic Violence’, Policy Brief No. 4, Oxfam India, available at: www.oxfamindia.org/resources/policy-brief/protecting-women-domestic-violence [accessed June 2013].

⁹⁵ Lawyers Collective (2012), “Staying Alive, 5th Monitoring & Evaluation on the Protection of Women from Domestic Violence Act”, op.cit, p. XVIII.

⁹⁶ Ibid, p. 37.

⁹⁷ A. Kapoor, B. Jhamb, F. Agnes, Philaris, S. Bhowmik, S. Nandi, T. Panchal (2012), “Centrally Sponsored Scheme for the Implementation of Protection of Women from Domestic Violence Act”, Delhi: National Commission for Women.

⁹⁸ UN Women (2012), ‘Shelter Services for Women: Identifying Critical Gender Concerns’, Delhi: UN Women, available at: www.unwomensouthasia.org/assets/Shelter-services.pdf [accessed June 2013].

⁹⁹ The most recent report of the Lawyers Collective speaks of a ‘denial of rights’ on ‘moral grounds’ as conservative judge search for ‘the perfect victim’. Lawyers Collective (2013), ‘Staying Alive: Evaluating Court Orders’, Sixth Monitoring Report on the Protection of Women from Domestic Violence Act, Delhi, available at: www.unwomensouthasia.org/assets/Staying-Alive-Evaluating-Court-Orders1.pdf [accessed June 2013].

¹⁰⁰ Human Rights Watch (2010), ‘Dignity on Trial’, New York: HRW, available at: <http://www.hrw.org/sites/default/files/reports/india0910webwcover.pdf> [accessed July 2013]; Friends’ Association for Rural Reconstruction (2012), ‘Documenting Functioning of Mahila and Sishu Desk in Odisha’, Kalandi: FARR.

¹⁰¹ Lawyers Collective (2012), “Staying Alive, 5th Monitoring & Evaluation on the Protection of Women from Domestic Violence Act”, op.cit, pp. 67, 89, 110.

sexual harassment at the workplace that were to be applied until the government passed a law to deal with the issue.

The judgment started a 16-year period of advocacy and consultation involving the government, civil society organizations, worker unions and representatives of the corporate sector. The National Commission for Women set up a committee involving women's organizations and workers' unions, and tasked the NGO Majlis with drafting a new law. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (SHWW) was eventually introduced by the Ministry of Women and Child in 2007 and was finally enacted in 2013 after a lengthy process of deferrals and revisions. The new law adopts key elements of the Vishakha Guidelines such as the creation of a complaint committee, but goes a step beyond by including informal sector workers.¹⁰² It is recognized as a step forward, despite criticisms that the focus on conciliation, the penalization of false complaints, and the absence of liability for the employer risk paving the way to abuses.¹⁰³

Just as for domestic violence, poor implementation undermines the significance of progressive laws. A majority of companies have not institutionalized mechanisms to address sexual harassment at the workplace, and continue to rely on individual sensitivities of the management staff.¹⁰⁴ Awareness about the Vishakha Guidelines is also limited among the broader population: an all-India opinion poll found that less than 17 per cent of the population knows about the existence of the guidelines.¹⁰⁵

¹⁰² Agricultural workers are excluded – which is a major limitation if considering that 69 per cent of the female workforce is in the agricultural sector. I. Mazumdar, N. Neetha (2011), 'Gender Dimensions: Employment Trends in India, 1993-94-2009-10', op. cit., p. 123.

¹⁰³ The aspect is highlighted in the recent Verma Committee report on the Amendment of the Criminal Law. Justice Verma, was one of the three judges involved in the Vishakha Judgment, which concluded years of legal battles around the rape of Bhanvari Devi, with a set of recommendations on harassment at workplace that were stronger than the new bill on many of the points above. See also: A. Kidwai (2013), 'Sexual Harassment in the Workplace: the Verma Committee and After', Economic & Political Weekly, web exclusive, available at: www.epw.in/web-exclusives/sexual-harassment-workplace-verma-committee-and-after.html [accessed June 2013].

¹⁰⁴ Interview, Malini Gupta, JCB India, 12 July 2013.

¹⁰⁵ Social and Rural Research Institute (2012), 'Sexual Harassment at Workplace in India', op. cit.

The biggest challenge will be to reach the informal sector, which employs more than 92 per cent of India's workforce.¹⁰⁶ Few interventions have focused on this aspect. Even bodies that represent this section of the workforce, such as the Self Employed Women's Association (SEWA), have traditionally focused on labour rights and economic empowerment. However, debates around the new law and the recent focus on cases of violence against women have brought about the realization that a more systematic engagement is required.¹⁰⁷ So far, other members took up cases of violence against SEWA's members as and when they occurred. Demands from within the union now encourage SEWA to devise a strategy to engage members, contractors and local authorities.

2.1.3. New Crowds Speak Up

To some extent, recent protests revive older forms of mobilization but in a changed context. Decades of mobilization allowed the vocal denunciation carried by protestors, by reducing the stigma associated with rape. Earlier advocacy efforts prepared avenues of engagement that would ultimately allow the forthcoming response of the government. But recent protests also differ from earlier demonstration in many ways. Their size and rapid spread across the country is new. They mobilized groups that had not been part of earlier demonstrations on women's issues. Young men – many of whom from the lower middle class – doctors, school teachers and their pupils, dozens of Bollywood stars came forth, along groups of women, Dalit, sex workers and transgenders: never has a case of violence against women triggered such reactions.

Details of the demands were heterogeneous. Calls to hang or castrate the rapists spread among some of the protestors or on giant billboards across Delhi, while women's rights groups rallied around demands to address the flaws of governance and attitudes that fuelled

¹⁰⁶ Statistics on the size of the informal sector are scarce, but a commission set up by the government provided the above estimates. A. Sengupta et al (2007), 'Report on Conditions of Work and Promotion of Livelihoods in the Informal Sector', Delhi: National Commission for Enterprises in the Informal Sector, Government of India, available at: www.prsindia.org/uploads/media/Unorganised%20Sector/bill150_20071123150_Condition_of_workers_sep_2007.pdf [accessed July 2013].

¹⁰⁷ Interview, Rehana Riyawala, SEWA, 28 April 2013.

such insecurity. But these different demands converged in a common condemnation of the government's failure to prevent violence.

The anti-corruption mobilization in 2012 arguably prepared the ground for the protest. Demonstrations brought tens of thousands of people — largely middle class groups that had earlier not been seen protesting — onto the streets of Delhi and other cities. The leaders of the protest succeeded in pushing through a legal reform aimed at addressing corruption. For many protesters the episode sent out the message that the street could have the upper hand in policy negotiations, thus creating a fertile ground for future demonstrations. Beyond this, the episode is emblematic of a context of disillusion towards a political establishment weakened by a series of political scandals and the inability to deliver key social goods.¹⁰⁸

Social media also played a role in shaping the protests. Condemnations spread on the web before the start of the demonstration and helped involve people that were not associated with the women's movement. The background for this involvement is the progressive emergence over the past few years of discussion groups and web based campaigns on issues of gender identity.

Three years ago, when we started, there were a few spontaneous initiatives but their number has since increased. The social media has been a tool for mobilization. The December rape went viral on Facebook before the real mobilization. Now we need to structure the engagement. Dhruv Arora, GotStared.At Must Bol, 23 May 2013.¹⁰⁹

The government responded swiftly by setting up a three-member committee chaired by Justice Verma.¹¹⁰ The committee in turn proceeded with a broad civil society consultation involving groups that defend the rights of women, Dalits and minorities, transgenders and sex-workers. It then recommended a broad set of reforms to address systemic causes of violence against women: "the failure of governance", and "the aberration of

¹⁰⁸ For the latest discussion of this: J. Dreze, A. Sen (2013), *An Uncertain Glory: India and its Contradictions*, London: Allen Lane.

¹⁰⁹ Must Bol, in English "Must Speak Up", is a campaign that engages young people on issues of violence, and encourages them to speak up.

¹¹⁰ A former Supreme Court Judge and Chairman of the National Human Rights Commission, J. S. Verma was already one of the three judges who pronounced the groundbreaking Vishakh Judgment on sexual harassment at workplace.

gender bias".¹¹¹ Reforms comprised among other: strengthening police governance; better defining notions of rape, assault and harassment in the Indian Penal Code; changing medical protocols for victims, addressing gender biases in education; banning people prosecuted for sexual offence from running for elections; criminalizing trafficking for prostitution.

The law that eventually made its way through Parliament is seen as a positive step ahead, though the decision to drop some of the committee's more progressive recommendations — notably the inclusion of marital rape or the amendment of the Armed Forces Special Power Act to ensure that rape cases are prosecuted in civilian courts, has been criticized.¹¹² The introduction of the death penalty for rapists and heavy sentences for harassment and assault also raises concerns. The Verma committee had rejected such measure on ground that they were ineffective, instead calling on addressing the long-term causes of violence. The focus on punishment appears a way to tame popular resentments, while diverting attention from the more challenging issues of police governance, urban planning and discriminatory social norms.¹¹³ Just as it has become more open to progressive ideas on women's rights, the government has arguably grown savvier at using legal frames to neutralize popular discontent.

International pressure played a role in the government's swift response. The case featured widely in foreign media. Private bodies reported a 35 per cent drop in female foreign travelers.¹¹⁴

¹¹¹ J.S. Verma, L. Seth, G. Subramaniam (2013), 'Report of the Committee on the Amendments of Criminal Law', Delhi: Government of India, available at: www.prsindia.org/uploads/media/Justice%20verma%20committee/js%20verma%20committee%20report.pdf (accessed June 2013).

¹¹² The website Kafila, became one of the spaces of expression for the women's movement. It carried several blog posts that analyze the Verma Committee's report and the subsequent government reaction, or spoke against the death penalty for the rapist: <http://kafila.org/tag/delhi-gang-rape/> (accessed June 2013).

¹¹³ This point was already made in the Verma Committee report; it was raised again after the introduction of the law, among other by the UN Special Rapporteur on Violence against Women: Rashida Manjoo, 'Special Rapporteur on Violence against women, its Causes and Consequences Finalizes Country Mission to India', UN OHCHR, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13282&LangID=E (accessed June 2013).

¹¹⁴ The Associated Chambers of Commerce and Industry of India (2013), '25% decline in foreign tourists inflow', Delhi: ASSOCHAM, available at: www.assochem.org/prels/

The incidents triggered a visit of the UN Special Reporter on Women's Rights, followed by a statement criticizing the failure to implement existing laws.¹¹⁵

Despite this positive momentum, the challenge lies ahead, in the implementation of the broad changes called by the Verma Committee report. To bring about change in governance and attitudes, progressive ideas will need to reach structures that have so far resisted: challenge gender biases in the law enforcement system, in families, informal institutions and political parties. This will weigh against the combined effect of the government's eagerness to restore its image, and laws and treaties that provide stronger leverages than ever before.

2.1.4. The Voice of the Excluded

Women's groups have been among the vocal critics of crimes against women from minorities. This inclusion required a long process of progressive recognition and questioning.

Early mobilizations around dowry or rape cases focused on discrimination within the mainstream Hindu patriarchal family. Some of the cases that triggered mobilization involved discrimination but this dimension never was the primary focus of the mobilization. Communal riots in Mumbai and Gujarat forcefully focused attentions on the rights of minorities. Women's rights activists visited the region to document cases of abuse,¹¹⁶ and were involved in the long struggle for justice. Visits to Kashmir or Assam in the 90s brought the realization of women's suffering in India's peripheral states. This extended the focus to broader human rights issues such as violations by the armed forces and their impunity under the Armed Forces Special Powers Act.

Despite this broader focus, critics emerged from within the women's movement: "Christian women started questioning the dominance of Hindu discourses and symbols of empowerment; slightly later, Dalit women started asking: why

are we not taking up caste violence".¹¹⁷ These issues progressively made their way into the agenda of women's groups. However, till today, many activists from excluded groups feel that the movement has failed to provide an adequate space for the voices and discourses of those who are not part of the dominant Hindu society.

It is not enough for mainstream movements to speak against violence faced by marginalized groups; instead they should support people from these groups, and give them the space to be heard. Why are we not getting this, when no one would think of speaking for HIV positives or women without involving them? It seems that we are still hesitant to build the agency of these groups — as if the differences were too stark. Annie Namala, Centre for Social Equity and Inclusion, 14 May 2013.

On their part, organizations defending the rights of minorities have, for long, not prioritized issues of violence against women. Discrimination by other social groups has taken precedence over gender-based discrimination. In many instances, the two agendas have clashed. Till today, organizations are reluctant to take up domestic violence committed by Dalit perpetrators for fear of shifting the attention away from violence by other groups. Political parties and organizations that cater to Dalit or Muslim constituencies have often opposed mandatory political representation for women based on the argument that it competes with existing reservations. India's system of affirmative action, which provides scholarships, government jobs and access to political power to a number of historically disadvantaged groups, has arguably contributed pitching one reformist agenda against the other. Organizations that defend the rights of Dalits and Adivasis have focused on obtaining entitlements for their constituencies, while Muslim groups focused on denouncing the lack of coherent affirmative action for them. The introduction of mandated political representation for women in 1993 clashed with these pre-existing interests.

To summarize, despite significant achievements at the policy level, federating broader processes of change has remained a challenge for the women's movement. The difficulty to be mainstreamed into other reformist agendas

shownews-archive.php?id=3947&month=3&year=2013 (accessed June 2013).

¹¹⁵ R. Manjoo, 'Special Rapporteur on Violence against women, its Causes and Consequences Finalizes Country Mission to India', op.cit.

¹¹⁶ All India Democratic Women's Association (1993), 'Report of the Joint Delegation of Women's Organizations', Delhi: Young Christian Women Association, p. 10.

¹¹⁷ Interview, Urvashi Butalia, Zubaan Books, Delhi, 10 June 2013.

is one expression of this challenge, as is the difficulty to translate progressive laws into well-implemented policies that can promote broader societal change.

2.2. WOMEN AND POLITICAL POWER

2.2.1. The Revolution at the Grassroots

In 1993, the 73rd amendment institutionalized local assemblies at village, block and district levels,¹¹⁸ and tasked with the last mile implementation of development programmes, the Panchayats. Women were given access to a minimum of 33 per cent of seats; a number of seats were reserved for women of Scheduled Caste or Tribe. Similar reservations applied to positions of Panchayat heads. The reform, voluntarily extended to 50 per cent by certain states, allowed more than a million women access to positions of political power.¹¹⁹ A result of a progressive policy decided at the top, the unfolding of the reservation over the past twenty years illustrates modes of change at the bottom. It involves spaces and stakeholders that have had little to do with the women's movement — often illiterate women operating in an order defined by traditions and informal institutions that have so far kept them aside.

Challenges have been tremendous. Established power structures continue to operate, giving way to claims that women were given a seat only to become "proxies" of their male relatives. Cases of female representatives prevented from taking decisions or sharing meeting rooms with their male counterparts are widespread. Several women who challenged the interests of traditional power holders — local politicians, government contractors, or simply groups that used to get the lion's share of the government benefits — were attacked, kidnapped or threatened.¹²⁰

¹¹⁸ A district is an administrative sub-division of the state with a population ranging from a few thousands in remote areas to millions in highly populated regions they are further sub-divided into blocks; the smallest administrative unit governed by an elected assembly is a village or a cluster of smaller villages of no less than 500 inhabitants.

¹¹⁹ Society of Tribal Women for Development (2004), 'Impact of Bottom up Planning Under PRIs and Women Participation Therein', op. cit.

¹²⁰ No systematic study exists on this issue, but the risk of backlash is widely mentioned by NGO workers and in documentation reports. For example: M. Bhattacharjya (2009), 'The Night Before the Elections', in Sarpanch Sahib, Changing the Face of India, Delhi: Harper Collins, the Hunger Project; Participatory Research in Asia (2009), 'Roshni Devi:

Women lack political experience and have lower levels of education on average. Support to overcome this disadvantage is inadequate. Government trainings bring hundreds of elected representatives — veterans and beginners, illiterates and others, male and female — into one room, without specific support for the illiterates or inexperienced.¹²¹

A number of NGOs, such as the Hunger Project or Participatory Research in Asia (PRIA) have stepped in to provide training in political literacy and leadership, or link Panchayat members with local women's groups. Moreover, their attempt to document the successes of women representatives is important given the absence of a government system to monitor the impact of this massive political change.

Despite these challenges, a growing body of evidence shows that women representatives are making a difference. Their presence increases allocations for water and other issues of concern to women.¹²² A study assessing people's perception of the availability of basic services in 32 villages finds that female-led Panchayats perform better in the long-term on an index of eight services — drinking water, toilets, gutters, schools, ration shops, self-help groups, implementation of welfare schemes and male alcoholism. After three years female-led Panchayats perform slightly better than male-led Panchayats, and significantly better after five years.¹²³ The study also assesses trends in women's political involvement on a 15-dimension index covering voting patterns, knowledge about rights and the functioning of the Panchayat, participation in village-level political and social activities.¹²⁴ It finds that their involvement is significantly higher after three years and increases further after five years.

The link between political empowerment and violence against women is more complex. In the

Overcoming Social and Caste Obstacles', Women's Handout, N. 8; D. Mehrotra, 'Documentation of Models and Strategies For Political Empowerment of Women in Gender Justice Programs, 2013', report supported by Oxfam India (unpublished).

¹²¹ Interview with Martha Farrell, PRIA, 7 June 2013.

¹²² R. Chattopadhyay, E. Dufflo (2004), 'Women as Policy Makers: Evidence from a Randomized Policy Experiment in India', *Econometrica*, Vol. 72, No. 5, pp. 1409-1443.

¹²³ D. Sathe, S. Klasen, J. Priebe, M. Biniwale (2013), 'Can the Female Sarpanch Deliver', *Economic & Political Weekly*, Vol. XLVIII, No 11, pp. 50-57.

¹²⁴ *Ibid*, p. 57.

short term, NGOs working on empowerment of locally elected representatives report regular cases of aggression by relatives or villagers who resent women's greater political empowerment at home or in public spaces.¹²⁵ Beyond such anecdotal evidence, assessing the extent of this backlash is complicated by the lack of reliable data.

In the medium and long-term, a study finds that the introduction of the reservation for women at local level leads to a significant increase in the reporting of crimes. The study, which analyses data across India for the period between 1985 and 2007 finds a 44 per cent increase in reported crimes against women during the period following the introduction of the reservation.¹²⁶ Surveys on the interaction between citizens and the law enforcement system suggest that this increase is due to greater responsiveness by the police and the judiciary, which in turn encourages more women to report cases.¹²⁷ The finding adds one dimension to the general focus on law enforcement systems by pointing at the central importance of local politics: bringing women into positions of political power seems to be a way of addressing issues of governance resulting in aberrantly low reporting rates.

Beyond such measurable gains, the policy will undoubtedly bear long-term impacts. It suddenly places women at the centre of attention in places where they were largely invisible before. As women enter the limelight, their needs and disadvantages do too — the need for toilets, childcare, safety when traveling, and training to overcome the handicap of lesser education and political exposure.

The backlash is there, but women are stronger today. We are entering the third term: women are more experienced, and have models to take example from. We are seeing the arrival of a new generation of elected representatives: they are younger, more educated, more aware and more confident. Male representatives in Panchayats

are becoming more sensitive to women's issues, considered to be irrelevant earlier. They are now starting to see the benefits of educating their daughters. The accusation that women are just the proxies of their husbands does not resist a reality check. Rita Sarin, *The Hunger Project*, 8 May 2013.

2.2.2. Obstruction at the Top

At state and central levels men's dominance over political processes is unchanged. Women constitute just 11 per cent of all members in the two chambers of Parliament. Their representation is as low in state-level assemblies.

Despite such meagre representation, women vote in numbers — the percentage of women who vote increased from 37 just after Independence to 56 per cent in the 2009 general election.¹²⁸ The erosion of the one party rule, which culminated with the victory of the Bharatiya Janata Party over the Congress in 1999, pushed parties to campaign for women's votes. At village level, women's recently acquired political visibility creates a similar push: "parties are discovering that this is a huge constituency; women risk being politicized along divisive caste, religion or party networks".¹²⁹

The absence of elected representatives at state and national levels reflects gender biases in India's political parties: networks, based on family, caste, or clienteles play a crucial role in opening access to political parties and keeping women out of the political arena. Women members in parties are hardly more than 10 per cent,¹³⁰ and nominations as candidates are even lower. While all parties count influential feminine figures, they are generally daughters or wives of powerful politicians as is true for many men. They have rarely departed from the party line to bring issues of violence at the heart of the agenda.¹³¹

¹²⁵ See above, note 121.

¹²⁶ L. Iyer, A. Mani, P. Mishra, P. Topalova (2011), 'The Power of Political Voice: Women's Political Representation and Crime in India', Working Paper (11-092), Harvard Business School, p. 18, available at: www.hbs.edu/faculty/Publication%20Files/11-092.pdf (accessed May 2013).

¹²⁷ Survey data from: Centre for Development Society (2009), 'State of the Nation Wave VII', Delhi; Public Affairs Centre (2002), 'Millennial Survey', Public Affairs Centre, Bangalore, quoted in: *ibid.*, p. 21.

¹²⁸ Government of India (2009), 'Participation of Women Electors in Poll', Delhi: Election Commission of India, available at: http://eci.nic.in/eci_main/archiveofge2009/Stats/VOLI/15_ParticipationOfWomenElectorsInPolls.pdf (accessed July 2013).

¹²⁹ Interview, Rita Sarin, *The Hunger Project*, 8 June 2013.

¹³⁰ P. Rai (2011), 'Electoral Participation of Women in India: Key Determinants and Barriers', *Economic & Political Weekly*, 46(3): pp. 47-55.

¹³¹ A. Basu (2005), 'Women, Political Parties and Social Movements in South Asia' Occasional Paper, 5, Geneva: United Nations Research Institute for Social Development, available at: [http://www.unrisd.org/unrisd/website/newsview.nsf/\(httpNews\)/AEB7557005A1CBD1C125707A0047E34D?OpenDocument](http://www.unrisd.org/unrisd/website/newsview.nsf/(httpNews)/AEB7557005A1CBD1C125707A0047E34D?OpenDocument) (accessed June 2013).

Women's groups and political parties hardly interact. The former's stance of autonomy and the focus on addressing issues of violence through legal struggles has meant that they have rarely engaged with the issues and processes that are central to party politics. On the other hand, women elected representatives have rarely sought contact with women's groups.

The discrepancy between representation at the grassroots and higher levels has had the problematic effect of undermining the authority of women representatives at the grassroots. It has reduced their ability to influence decisions and gain leverage on higher levels of decision-making. Moreover, it has blocked upward mobility for women who have gained experience at the grassroots, and failed to provide an incentive for parties to build the capacities of their local representatives.

There are hopes that the new Women's Reservation Bill will challenge the status quo by extending the 33 per cent reservation to state and central assemblies. Resistance by political parties notably, has delayed its enactment for years. Some parties have opposed it on the grounds that it opened the door to unqualified candidates; leftist and Dalit parties have done because it risks competing with existing reservations for marginalized groups. But the Upper House of Parliament has passed the bill, and the current momentum to address violence against women is conducive. The outcome is not certain though: general elections in 2014 may change the political configuration and the opposition boycott that has paralyzed Parliament over the past two years may prevent the bill's introduction in the Lower House of Parliament before then.

This section has highlighted two parallel processes of change: policy reforms and women's entry into politics at the grassroots. The two processes exemplify the two ends of the policy spectrum: the making and the last mile delivery. They also exemplify two different approaches to change: the top level of policymaking, where much of the debates around violence against women have taken place; the bottom level of the politics of implementation, where debates have primarily focused on service delivery.

Progress at the two levels is noteworthy. Progressive laws have recognized women's rights to live free of violence at home, in public spaces and at work. The impact of the 33 per cent reservation on women's political involvement, service delivery and reporting of crimes illustrates how progressive policies can create the conditions for change at the grassroots. However, there are major challenges. Issues of implementation, poor awareness among stakeholders responsible for implementing the law and women themselves, the lack of resources, and discrimination mean that lower class, Dalit, Adivasi and Muslim women rarely get their rights recognized. At the village level, conservative social structures and power relations that have prevented women from accessing politics so far continue to constrain the possibilities of female elected representatives. A challenge that lies ahead is to narrow the gap between progressive policies and their implementation, formal rights and the broader societal change that will result in their enforcement.

3. INTERVENTIONS

The following section considers how interventions by the government and civil society organizations have sought to address two challenges highlighted above. First, despite the existence of a strong body of laws that guarantee women's rights to live free of violence at home, in public spaces and at work, challenges of implementation have undermined the protection of the law for a large section of India's population. Second, while poverty within the household is associated with greater risk of violence for women, the latter's economic and political empowerment has at times resulted in greater risks of violence. This section explores the complex relation between these dimensions by contrasting interventions where greater empowerment has exposed women to retaliatory violence, with interventions that have successfully mitigated risks of violence.

3.1. ADDRESSING VIOLENCE: PREVENTION, PROTECTION, RELIEF AND REDRESS

3.1.1. Enforcing Women's Right to Be Protected

Several interventions aim to reach out to survivors of violence, provide relief and facilitate access to justice. Since 2005, the multi-stakeholder architecture set up by the PWDVA has provided an umbrella for these efforts. Most states have set up helplines through the Ministry of Women and Child Development, the Ministry of Home Affairs, or NGOs such as Jagori in Delhi, Bhumika in Odisha, and Ashara in Mumbai.

Various models of collaboration between government and NGOs provide integrated support to survivors of violence — immediate medical and financial relief, legal assistance, access to shelter and livelihoods. The Tata Institute of Social Sciences' (TISS) special cells across Maharashtra and Oxfam India's support centres in Gujarat, Odisha, Andhra Pradesh and Uttar Pradesh are located at the police station, because a "subculture" that considers violence against women as a "soft sector and a low-priority", means that survivors rarely find a "supportive response" when approaching the police.¹³² These centres, along with the Lawyers

¹³² I. M. Ganesh (2003), 'The Special Cell for Women and Children: Documenting Effective Interventions and Strategic

Collective, also train the police on how to deal with survivors of violence. In contrast, Humsafar in Uttar Pradesh has settled in an independent location, where it provides legal assistance and support in accessing relief.

Since 2001, the Centre for Enquiry into Health and Allied Themes (CEHAT) has established an integrated Dilaasa crisis centre in Mumbai hospitals. Between 2001 and 2011, the centre has "helped more than 2000 victims of violence".¹³³ More fundamentally, it has established a forensic protocol for victims of sexual violence and is now advocating for its nation-wide adoption to replace practices that have been criticized for their lack of reliability and their degrading nature — the "two-finger test" to determine the so-called "laxity" of the vagina of rape victims notably.¹³⁴

Assessing the comparative effectiveness of these different models is difficult given the absence of comprehensive impact evaluations,¹³⁵ and differences in scale and focus. However, the steady increase in the number of reported cases suggests that these various efforts spanning civil society and the government are having a modest impact amidst the overall challenging picture of the law's poor implementation. The modest improvement in the awareness of women's rights among officials responsible for implementing the law is another encouraging trend.¹³⁶

3.1.2. Community Based Approaches to Justice

Informal structures of redress remain the only available avenue of arbitration for many women — in a state such as West Bengal for example, studies estimate that about 95 per cent of disputes in rural areas are resolved through the

Alliances between the Maharashtra Police and the Tata Institute of Social Sciences', available at: http://download.tiss.edu/fap/RCI-VAW/RCI-VAW_Publications/Documenting_effective_interventions_and_strategic_alliances.pdf (accessed July 2013).

¹³³ T. Barai (2011), 'Hospital Based Crisis Centre for Domestic Violence', Mumbai: CEHAT, available at: (accessed July 2013).

¹³⁴ Human Rights Watch (2010), 'Dignity on Trial', op. cit.

¹³⁵ TISS and CEHAT have published basic findings of their evaluation survey, the end line evaluation of Oxfam's support centers will be finalized by early 2014 only and Humsafar is only now starting to plan for such an intervention.

¹³⁶ Lawyers Collective (2012), 'Staying Alive, 5th Monitoring & Evaluation on the Protection of Women from Domestic Violence Act', op. cit.

local traditional bodies of conflict arbitration.¹³⁷ These structures play an ambivalent role. On one hand, their sanctions often safeguard social structures that are unfavourable to women, lower caste or religious minorities; on the other hand, they are often the only existing recourse for victims. Interventions have sought to challenge traditional conservative structures while overcoming the limitations of the formal system of justice by organizing women in alternative bodies of arbitration.

Laws are important, but they are more helpful for women from middle class than for poor women, who get harassed at the police station. Poor village women seek redress in their customary laws, which are male dominated. Jamuna P, Indira Kranthi Patham, Hyderabad, 29 May 2013.

The Nari Adalat, or women's court is one such intervention. The model evolved out of the Mahila Samakhya, a government programme for women's education that focuses on building collectives at the grassroots. The programme spans nearly 30,000 villages in nine states. It initially focused on organizing women into groups where participants could discuss challenges and raise issues of access to basic services and infrastructure.¹³⁸ But the surfacing of cases of violence pointed at the need of a specific forum where these issues could be addressed. The conjugal murder of a member from Baroda, Gujarat in 1991 triggered the creation of the first women's court. The model has since spread across Gujarat, Uttar Pradesh and Bihar. Comparable structures of community-based arbitration on issues related to violence against women have evolved out of other foundations. For example, in West Bengal, a union of women agricultural labourer has adapted the state's traditional model of conflict arbitration, or Shalini.

Evaluations of the two models suggest that they have a positive impact on women's confidence and on their ability to seek help. An evaluation found that out of 143 women who had sought

¹³⁷ International Centre for Research on Women (2002), 'Women Initiated Community Level Response to Violence', Washington DC: ICRW, p. 5, available at: <http://www.icrw.org/files/publications/Domestic-Violence-in-India-5-Women-initiated-Community-Level-Responses-to-Domestic-Violence.pdf> (accessed July 2013).

¹³⁸ Government of India (2009), 'Expansion and Coverage of the Mahila Smakhya', Delhi: Ministry of Human Resource Development, available at: http://mhrd.gov.in/sites/upload_files/mhrd/files/Expansion&Coverage.pdf (accessed July 2013).

arbitration under the Shalini model, 86 per cent mentioned an increase in their level of confidence; 33 per cent had reported the problem after the first incident and most others within the first five incidents. Similarly, a review of the Mahila Samakhya found that the Nari Adalats have evolved into a "strong institution to deal with issues of violence against women and girls".¹³⁹

However, the model has limitations. Informal courts rarely challenge traditional caste and religious discrimination by taking up crimes committed by higher caste men against lower caste women. Their ability to overcome such conservative social norms largely depended on the support of formal institutions such as the Panchayat or the judiciary.¹⁴⁰ The nature of interactions between informal and formal systems varies tremendously depending on local contexts. Institutional linkages exist in states like Karnataka and Uttarakhand.¹⁴¹ In Uttar Pradesh, West Bengal and Gujarat, the police and locally elected representatives are increasingly referring cases of violence against women to such alternative mechanisms of arbitration.¹⁴²

3.1.3. Changing Mindsets to Prevent Violence

Several interventions focus on values and mindsets. The "We Can" campaign to reduce social acceptance of violence against women in South Asia is one such example. The campaign was designed by Oxfam and taken forward between 2004 and 2011 by an alliance of 3,300 civil society organizations, 3.9 million change makers across South Asia out of which 1.3 million change makers were in India.¹⁴³ Evaluation surveys suggest that the campaign

¹³⁹ Government of India (2013), 'Fourth Joint Review Mission of the Mahila Samakhya Program with DFID', Delhi: Ministry of Human Resource Development, p. 50, available at: http://mhrd.gov.in/sites/upload_files/mhrd/files/AideMemo_MSJRM2013_Formated.pdf (accessed July 2013).

¹⁴⁰ Ibid, p. 61.

¹⁴¹ Ibid, p. 36.

¹⁴² International Centre for Research on Women (2002), 'Women Initiated Community Level Response to Violence', Washington DC: ICRW, available at: <http://www.icrw.org/files/publications/Domestic-Violence-in-India-5-Women-initiated-Community-Level-Responses-to-Domestic-Violence.pdf> (accessed July 2013).

¹⁴³ M. Raab (2011), 'The "We Can" Campaign in South Asia, 2004-2011', Oxford: Oxfam Great Britain, available at: <http://policy-practice.oxfam.org.uk/publications/the-we-can-campaign-in-south-asia-2004-2011-external-evaluation-report-146189> (accessed July 2013).

brought about positive change: tolerance to violence against women and early marriage has reduced in their community, support for girl's education and mobility has increased. Changes in institutions are another positive sign: colleges have introduced modules on violence against women, "We Can" material was adopted by the Police Academy in Bhubaneswar and by the Mission Convergence, a Delhi government funded programme for women empowerment. Despite such successes, the final monitoring report assesses that "changes remain confined to a few geographical regions, and institutions; the goal of causing a fundamental shift in social norms still appears distant".¹⁴⁴

Another example of initiative aimed at changing attitudes is the campaign Men's Action for Stopping Violence against Women (MASVAW). The campaign aims to generate attitudinal change in men and encourage them to speak up against violence around them. An evaluation survey finds that its members were more likely to devote time to fight sexual violence in their surrounding — some of them had joined sexual harassment complaints committees, others were signalling cases to the media.¹⁴⁵ The survey also shows the resistance to such progressive ideas, which concretely translates in negative comments and reactions against members by relatives and neighbours. One major limitation of the initiative remains its limited scope. MASVAW involves 175 men and 100 NGOs in 30 villages of Uttar Pradesh and Uttarakhand. Reaching a broader scope requires financial and organizational resources that many smaller organization do not have. In contrast the We Can campaign mobilized over US \$16 million over seven years.¹⁴⁶

In recent years, web-based campaigns aimed at engaging young people in debates around gender identity or violence against women have spread among groups that were not part of earlier mobilizations by the women's movement — typically middle class youth who constitute the majority of social network users. Activists of the "Must Boll" campaign for example organize

online discussion forums on gender identity and are now considering how to structure these interactions and link them to mobilization in the physical space.

To summarize, there is evidence that campaign can make a positive change in mindsets that contribute to violence. However, one of the challenges faced by these initiatives is to reach scale and sustain impact. These challenges point at the importance of building convergences with community based networks such as those discussed in the section above or exploring how institutions like the police or schools can take up campaign messages, as exemplified by the "We Can" campaign.

3.2. ECONOMIC EMPOWERMENT AND THE RISK OF VIOLENCE

Women's empowerment has been the focus of significant efforts and resources. The complex relation between empowerment and the risk of violence highlighted in earlier sections calls for examining how these interventions include issues of violence against women.

3.2.1. Linking Economic Empowerment with Safeguards

A number of interventions provide examples of how safeguards can be successfully mainstreamed into women's empowerment. The Andhra Pradesh state poverty eradication programme focused on women, Indira Kranthi Padham, is one such example. The programme supports a network of 8.8 million women organized into self-help groups. It provides credit, builds their skills and facilitates access to technologies. It has made zero tolerance to violence against women a priority. New members have to pledge that they will oppose violence, child marriage send girls to school. In each group, a gender focal point ensures the linkage with the police and legal aid cells. Project evaluations find that members are less exposed to violence, feel more confident to venture out alone, and are in a better position within the household.¹⁴⁷

The Government of Kerala's Kudhumbashree is a similar example of positive linkages between measures of economic empowerment and safeguard against violence. The community-

¹⁴⁴ Ibid, p. 20.

¹⁴⁵ Men's Action for Stopping Violence against Women (2008), 'Documentation of a Campaign to end Violence against Women and Girls and to Promote Gender Equality in India, Delhi: MASVAW, p. 32, available at: www.endvawnow.org/pampa/v0.1/library/filemanager/v1/files/masvaw_documentation_by_scs_2008.pdf (accessed July 2013).

¹⁴⁶ M. Raab (2011), 'The "We Can" Campaign in South Asia, 2004-2011', op. cit, p. 7.

¹⁴⁷ Government of Andhra Pradesh (2011), 'Gender Interventions in Rural Poverty Reduction Project', Hyderabad: Society for Elimination of Rural Poverty.

based programme of poverty reduction draws on a network of 3.8 million women organized into self-help groups. The network is leveraged by the state's interventions to address violence against women. Members are trained to identify, rescue and rehabilitate victims. They are supported by institutional linkages with the police and the Panchayat. Evaluations of the programme suggest a marked impact on a range of indicators of empowerment — women's situation within the family, their confidence and political empowerment.¹⁴⁸ However, though the project is recognized as a positive example of linkages between economic empowerment and violence against women, the evaluation is silent on the programme's impact on violence.

In addition to these large government interventions, several NGOs have linked livelihoods interventions with safeguards. These interventions often start with economic empowerment activities, but the surfacing of issues of violence against women results in extending activities to discussions on gender related issues and providing paralegal support to women. Their livelihoods intervention frequently are a necessary first step to gain acceptance among communities and provide a minimum economic autonomy to women.

Economic empowerment builds the ground for the work on violence. The benefits that a livelihood intervention generates for the entire community increase people's acceptance. Besides, women who play a leading role in addressing violence generally have developed an economic basis through livelihoods activities. Madhu Khetan, Pradan, 27 May 2013.

The models above point at the importance of proactively addressing violence in interventions aimed at empowering women. Practitioners involved in self-help groups stress the importance of a facilitation that encourages women to raise issues of violence. The perception that domestic violence is a private matter often prevents such issues from making their way into the self-help group.¹⁴⁹ Facilitators need to create a space where such discussion

¹⁴⁸ J. John (2009), 'Kudumbashree Project: Performance, Impact and Lessons for other States', Delhi: Planning Commission, Government of India, available at: http://planningcommission.nic.in/reports/sereport/ser/ser_kudu.pdf, Ibid, p. 58.

¹⁴⁹ Interview with Madhu Khetan, Pradan, 27 May 2013.

can take place. Another central factor of success is a strong support by formal institutions such as the police or the Panchayat. Just as for the initiatives of community-based access to justice discussed above, linkages to institutions are a requirement for effectiveness and for reaching scale.

Beyond this, examples of successful convergence have been few. Most states have set up programmes for women's empowerment, often through self-help groups. But schemes generally have a limited focus on livelihoods alone.¹⁵⁰ Broader interventions to reduce poverty have similar loopholes: they focus on increasing income without challenging the unequal power structures within families and society.¹⁵¹ For example, the Mahila Kisan Sashaktikaran Pariyojana, which aims to build the recognition of women farmers, focuses on productivity enhancement and value chain development without aiming to increase women's access to inputs and control over land.

The use of information technologies for development exemplifies similar gender concerns. Schemes have been designed without considering existing imbalances. While 63 per cent of households own a mobile, but in most cases these assets are controlled by the male head of the household.¹⁵² Women's lower level of literacy and their lesser exposure to technology is an additional challenge. In the absence of specific measures to improve women's control over mobile phones and computer literacy, the use of information technologies by the government and companies is increasing the information gap between women and men, dominant and excluded groups. Similarly, interventions on violence against women have at best used technologies such as helplines or social media. They have not addressed the fundamental issue of access to mobile phones or provided Internet training.

¹⁵⁰ Mission Shakti and Tripti in Orissa, Mission Mangalam in Gujarat, Swaayam in Uttar Pradesh, Jeevika, Nukhya Mantri Nari Shakti Yojna in Bihar, Sajeevni in Jharkhand, Mahila Slah Suraksha Kendra in Rajasthan, schemes under the National Rural Livelihood Mission in West Bengal, Maharashtra, Tamil Nadu.

¹⁵¹ Interview with Satish Singh, Men's Action for Stopping Violence against Women, Delhi, 6 May 2013.

¹⁵² A. Saxena (2009), 'Rural E-Governance: Exploring the Gender Gap and its Impact on Women', *The Journal of Community Informatics*, Vol. 5, available at: <http://ci-journal.net/index.php/ciej/article/view/539/519> (accessed June 2013).

3.2.2. Control over Assets and Violence

The progressive recognition that access to property for women reduces their exposure to violence is a noteworthy policy trend. Several studies in India have highlighted the role of immovable property — land or house — in reducing women’s exposure to violence. A study in Kerala for example found that nearly one in two women without property reported facing violence; those with property were less than one in ten.¹⁵³ While both land and housing reduce violence, the impact is stronger for housing. With a house of their own and an effective option to escape violence, women were found to be less tolerant to violence for themselves and their daughters.¹⁵⁴ Other studies focusing on women’s access to land in West Bengal,¹⁵⁵ Haryana¹⁵⁶ and Uttar Pradesh,¹⁵⁷ reach similar conclusions.

Such findings need to be seen against the backdrop of women’s overall limited access to property in India: in rural areas, less than 10 per cent of them own some kind of land.¹⁵⁸ This figure varies tremendously across states: in Kerala for example, the number of women who own property is relatively high due to the presence of matrilineal communities and more gender equal inheritance practices — around 35 per cent of women own immovable property according to

a survey of 500 household across 10 wards.¹⁵⁹ In Karnataka, the figure stood at around 15 per cent.¹⁶⁰ No aggregate estimates exist in northern states like Bihar or Uttar Pradesh, but ownership of productive land is as low as 5 per cent, against 17 per cent in Kerala.¹⁶¹

Attempts to improve women’s control over assets have taken different shapes overtime. Since the 80s, the sixth Five Year Plan for the year 1980-1985 mentions that “the government would endeavour to give joint title to husband and wife in development activities involving transfer of assets” — distribution of land and house sites notably.¹⁶² Despite such stated intention, the number of joint titles remains very limited. A survey of 504 women in 19 villages of Andhra Pradesh and Bihar for example found that only six of them had joint titles.¹⁶³ Even in Odisha and Uttar Pradesh, where governments were more proactive in distributing land under joint titles, the quality of the land has often been very poor. The recent Women’s Farmer’s Entitlement Bill aims to systematize “women’s equal ownership over her husband’s self acquired agricultural land, (...) his share of family property, (...) or land transferred by the government”.¹⁶⁴ The bill was tabled in the Upper House of Parliament by Prof. Swaminathan in 2011. But its adoption by the two chambers remains uncertain.

In 2005, the amendment of the Hindu Succession Act gave married and unmarried daughters a right to a share of ancestral land and property equal to that of sons. However, the lack of awareness and

¹⁵³ P. Panda, B. Agrawal (2005), ‘Marital Violence, Human Development and Women’s Property Status in India’, *World Development* Vol. 33, No. 5, pp. 823-850.

¹⁵⁴ P. Panda (2006), ‘Domestic Violence and Women’s Property Ownership: Delving Deeper into the Linkages in Kerala’, in ‘Property Ownership and Inheritance Rights of Women for Social Protection: The South Asia Experience’, Washington DC: International Centre for Research on Women, available at: www.icrw.org/files/publications/Property-Ownership-and-Inheritance-Rights-of-Women-for-Social-Protection-The-South-Asia-Experience.pdf (accessed June 2013).

¹⁵⁵ J. Gupta (2006), ‘Property Ownership of Women as Protection for Domestic Violence: the West Bengal Experience’, in ‘Property Ownership and Inheritance Rights of Women for Social Protection: The South Asia Experience’, op. cit.

¹⁵⁶ P. Chowdhry (2012), ‘Reduction of Violence Against Women: Property Ownership & Economic Independence in Rural Haryana’, Delhi: UN Women, available at: www.unwomenouthasia.org/assets/Violence-Property-Rights2.pdf (accessed May 2013).

¹⁵⁷ M Bhattacharya, A. S. Bedi, A. Chhachhi (2009), ‘Marital Violence and Women’s Employment and Property Status Evidence from North Indian Villages’, op.cit.

¹⁵⁸ This percentage has in fact decreased marginally, from 9.5, to 9.3 per cent in the 10-years gap between two surveys. Government of India (2007), ‘Agricultural Census 2005-2006’, available at: <http://agcensus.dacnet.nic.in/nationalT1sizeclass.aspx> (accessed June 2013).

¹⁵⁹ P. Panda, B. Agrawal (2005), ‘Marital Violence, Human Development and Women’s Property Status in India’, *World Development*, op. cit.

¹⁶⁰ H. Swaminathan, R. Lahoti, J.Y. Suchitra (2012), ‘Women’s Property, Mobility and Decision Making’, Discussion Paper 01188, Washington DC: International Food Policy Research Institute, available at: www.ifpri.org/sites/default/files/publications/ifpridp01188.pdf (accessed June 2013).

¹⁶¹ Agricultural Census 1995-1996, Number and Area of Holding by Size and Class, data available: <http://agcensus.dacnet.nic.in/nationalT1sizeclass.aspx> (accessed June 2013).

¹⁶² Government of India (1980), ‘Sixth Five Year Plan’, Paragraph 27.19, Delhi: Planning Commission, available at: <http://planningcommission.nic.in/plans/planrel/fiveyr/6th/6planch27.html> (accessed July 2013).

¹⁶³ G. Kelkar (2013), ‘The Fog of Entitlement: Women and Land in India’, Paper presented at the Annual Conference on Land and Poverty, Washington DC: World Bank, p. 13.

¹⁶⁴ M.S. Swaminathan (2011), ‘The Women Farmer’s Entitlement Bill, 2011’, as introduced in the Rajya Sabha, line 40, available at: https://s3.amazonaws.com/landesa_production/resource/190/India_Women-Farmers-Entitlement-Bill_2011_Pending.pdf?AWSAccessKeyId=AKIAICR3ICC22CMP7DPA&Expires=1375337533&Signature=wH%2BQzskheF0mdDqtVB4G61m6p%2Bk%3D (accessed July 2013).

resistance within families and among traditional authorities has undermined the impact of the law. In Andhra Pradesh and Bihar, only 22 per cent of 504 female respondents are aware about their right to inherit under the Hindu Succession Act, and half of them mention that religious leaders are opposed to equal inheritance practices.¹⁶⁵

In recent years, the focus among policy makers has tended to shift from joint titles to individual titles.

We should focus on individual entitlements to land because land is the central factor of power in India, and house because no one will tell a woman either you adjust or you leave. With just this one policy change, you can address several challenges: domestic violence, public violence, and killing of girls. Just like a contract, joint entitlements work only when both parties are equal socially and economically. In our context, it has no meaning. Govind Kelkar, Rural Development Institute, 3 May 2013.

A series of consultations organized by the Planning Commission ahead of the 12th Five Year Plan for the year 2012-2017 have questioned the effectiveness of joint titles for women's empowerment.¹⁶⁶ For the first time, the 12th Plan refers to individual titles for women.¹⁶⁷ The 12th Year Plan declaration is powerful, but the government is yet to show that it has the political will to enforce it. Land is at the heart of unequal power relations structured by gender, caste, religious and tribal identities. Realizing this promise will require making it mandatory and monitoring its implementation tightly despite foreseeable clashes. The government has shown on other occasions that it is not ready to seriously take up the thorny issue of land reforms. The Hindu Succession Act's poor implementation is an example of this lack of determination. Furthermore, the unequal distribution of land between social groups and the limited amount of quality public land means that women from traditional upper-caste landholding elites are likely to benefit most.

¹⁶⁵ G. Kelkar (2013), 'The Fog of Entitlement: Women and Land in India', Paper presented at the Annual Conference on Land and Poverty, Washington DC: World Bank.

¹⁶⁶ Ibid, p. 5.

¹⁶⁷ Government of India (2013), '12th Five Year Plan', Delhi: Planning Commission, Paragraph 23-25, pp. 168-169, available at: http://planningcommission.gov.in/plans/planrel/12thplan/pdf/vol_3.pdf (accessed June 2013).

Beyond this, several interventions draw lessons from the relation between control over assets and freedom from violence. NGOs condition the distribution of funds for husbandry or for a homestead garden to a written recognition of the women's control over the parcel of land used for the activity.¹⁶⁸ The PWDVA provides that a woman has the "right to reside in the shared household irrespective of whether she has a right, title or ownership" until the case is settled lawfully. It goes on to outline several protective measures aimed at enforcing her right to residence. The clause was a demand by the Lawyers Collective and other civil society organizations whose advocacy effort led to the adoption of the new law.

3.3. CROSSCUTTING LESSONS

3.3.1. Improving Convergence

One of the challenges that cuts across the mapping above is the need for greater convergence between areas of interventions, stakeholders and levels of interventions. Interventions on violence against women have primarily focused on protection, relief and redress for survivors. They have rarely focused on addressing the economic and political causes of vulnerability. Similarly, with a few exceptions, interventions focusing on economic and political empowerment have not been linked to safeguards, despite the recognition that greater empowerment could be a factor of risk in the short-term.

The challenge of bringing stakeholders to work together is illustrated by the PWDVA. The law is conceived as a coordinated, multi-agency response that brings together protection officers, the police, medical practitioners, the judiciary and service providers. But its implementation has stumbled on the difficulty of convergence. Police forces settle cases at the station without redirecting women to protection officers; magistrates do not share information with protection officers, who file the Domestic Incidence Report in the first place; interactions with medical service providers are even scarcer. Interactions with service providers are just as problematic. Criteria to select and appoint them are often obscure, and selected service providers are poorly integrated with the government's system of support.

¹⁶⁸ Interview, Madhu Khetan, Pradan, 27 June 2013.

The National Mission for the Empowerment of Women set up in 2010 is an attempt to address these challenges. Its interventions include: setting up an inter-ministerial body aimed at ensuring convergence on gender issues within the government; reaching out to academics, NGOs and the corporate sector; producing research and monitoring interventions; reviewing gender biases in existing laws and policies. Yet, the mission's implementation has been slowed down by some of the obstacles it was set up to address during its initial years.

So much energy goes into preparing the conditions of convergence. Convergence at various levels, among various sectors is a time taking process, since it requires rigorous follow up with several stakeholders from varied sectors. We are only now starting to be operational. Dr. Deepa Ahluwalia, Senior Advisor, National Mission for the Empowerment of Women, Delhi, 30 May 2013.

Beyond this, interventions have often failed to integrate the top-down focus on policy reforms with bottom up processes of empowerment. The PWDVA for example institutionalizes interactions between NGOs and the government, but does not set up mechanisms allowing women to raise issues of violence within their own community. With the exception of a few community-based interventions to address violence against women, most interventions have had a more limited focus. Organisations that work on violence have often focused on engaging with policy frameworks like the PWDVA or the SHWW without relying on community networks or engaging with female representatives at village level. On the other hand organisations that work with such networks often focus on empowerment alone.

We need to work incrementally, given the layers of unaccountability, the power structures. External agencies rarely create far-reaching change in a community; growth and change generally comes from within. The perpetrator is just around the corner; people from outside are not a tangible power in the same way as he is. In such cases, informing women about their rights may be useful, but not enough. The help should come from someone who is locally connected but has relations to higher levels of powers because oppressors are often linked to higher levels of powers. One option is to rely on educated youth -- most of them go their own way but a few are

willing to work with the community. They are the agents of change, and can link the community with broader development discourses. Annie Namala, Centre for Social Equity and Inclusion, 14 May 2013.

3.3.2. Overcoming Knowledge Gaps

The need for more systematic empiric evidence is another cross cutting lesson of this discussion. Available data on aspects ranging from the level of women's exposure to violence, to the impact of interventions is fragmented and often unreliable.

The National Crimes Record Bureau is notoriously under reported. In certain regions, state-level records of cases provide a more complete source of information. But the data is not systematized and not available across the country. The lack of consistent disaggregation for social groups is another major gap if considering the specific vulnerabilities of certain sections of society. For example, data on women calling government run helplines are not differentiated based on caste, religion and tribal identity.

The NFHS made one step towards addressing this gap by collecting rich information on violence within households and disaggregating it along caste and religious lines. But the survey dates back to 2006: it took years of mobilization by academics and civil society organizations to convince the government to run a new round, and the new set of data will not be available before 2015.

Evaluations of interventions carry similar weaknesses. The government has rarely focused on setting up sound monitoring systems, even for policies that create a centralized framework such as the PWDVA. Furthermore, with the exception of a few interventions such as the Indira Kranthi Patham in Andhra Pradesh or the all-India Mahila Samakhya, evaluations of programmes on economic empowerment have rarely included data on violence against women. Poor land records also hinder a systematic study of the impact of different types of ownership on women's exposure to violence. For the PWDVA, NGOs have somehow filled this gap, with a number of state-wise status reports and the annual monitoring report of the Lawyers Collective. Other evaluation reports by NGOs create a rich, though variably reliable set of data.

In addition, several academic studies provide precious insights into different dimensions of the relation between empowerment and violence.

Despite their limitations, these various sources have the potential of feeding into a rich database. This would require resources and technical support by the government and donor organizations. Provided there is political will, the Resource Centre for Women, which aims to serve as a knowledge centre under the National Mission of Empowerment for Women, could play a leading role in systematizing these efforts and creating a platform where information can be shared and collated. In the absence of this attention, the lack of systematic data will remain a major handicap for planning interventions that target the most significant causes of violence and the most vulnerable groups.

4. CONCLUSION

The discussion above has highlighted several major evolutions affecting women's empowerment and exposure to violence. At the policy level, mobilizations and legal struggles have contributed to institutionalizing their rights to live and work without facing violence. At the village level, the massive entry of women into local politics is progressively challenging social norms that have prevented them from getting involved so far. Interventions by the governments and NGOs are targeting factors of women's vulnerability across the country. These successes have deep bearing on women's exposure to violence.

But the picture of acute vulnerability outlined in this report suggests that these processes of change struggle to overcome conservative social structures and obstacles of implementation. Despite a strong corpus of laws, women's exposure to violence remains high. Surveys show that tolerance towards violence against women is high within families and among officials responsible for enforcing women's rights. Poor implementation of progressive policies aimed at preventing violence against women, providing relief and justice to survivors further hamper the record in enforcing women's rights. In the absence of strong safeguards and given the high levels of cultural tolerance to violence, women's empowerment has paradoxically exposed them to greater risks of violence.

The discussion above suggests a few entry points to overcome such challenges:

- **Systematically link women's empowerment with measures to address violence against women.** Not only will such linkages protect women from eventual backlashes, they will also help reach out to many more women than those covered by interventions directly focused on violence. Programmes such as the Mahila Samakhya, the Indira Kranthi Patham in Andhra Pradesh, Kudhumbashree in Kerala or interventions by NGOs provide examples of how the two dimensions can successfully be linked. They should be replicated across the country. More broadly, concerns for women's safety should be mainstreamed into all development programmes.
- **Focus on enforcing progressive laws.** Allocate adequate resources and set up tight systems of monitoring. Promote models to address challenges of implementation, such as

CEHAT's forensic protocol, various models of integrated support centres to survivors, or the Lawyers Collective training. Create a coherent framework across all levels, for the women's reservation bill notably where a progressive law at district and below level is undermined by the failure to pass a similar law at state and central level.

- **Institutionalize and strengthen support to drivers of change at the community level.** In particular, the models discussed in this report suggest the following two entry points. First, institutionalize linkages between community-based approaches to address violence against women and formal bodies such as the Panchayats, the police, protection officers appointed under the PWDVA and complaint committees on sexual harassment at the workplace. Second, explore ways of improving the uptake of progressive campaign messages by community networks and institutions such as schools and the police. This institutional support will combine the enabling structures set up by the PWDVA or the SHWW with the networks' ability to reach out to many more women than those who can benefit from the formal system of law enforcement.
- **Invest in robust systems of data collection and monitoring.** The central government should set up robust systems to track trends of violence against women, and monitor the implementation and impact of its interventions. Evaluations of interventions by NGOs and the corporate sector should be systematized and made public. Setting up this knowledge infrastructure will require resources and expertise. It calls for the support of academics and donors.

Implementing the measures above and delivering the promises of India's progressive laws will require resources and the political will to enforce these laws despite foreseeable clashes with conservative mindsets and social structures. Never in the past has the context been so favourable: the concern for issues of violence against women has broadened among decision makers and the population at large, and the policy framework is more conducive than ever. But norms and mindsets have proven their resilience to change. Only a concerted, long term effort by government agencies, civil society, the corporate sector and donor agencies will have a chance to revert the trend that sees women retreating from insecure workplaces and public spaces into violent homes.

ANNEXURE I: GLOSSARY OF KEY LAWS

The Women's Reservation Bill (pending) — proposes extending the 33 per cent reservation for women to state and central assemblies.

Criminal Law (Amendment) Act 2013 — broadens the range of recognized crimes against women to stalking, voyeurism, acid attacks, trafficking and exploitation of a trafficked person. Introduces sentences up to death penalty for sexual assault and rape.

The Sexual Harassment of Women at the Workplace (Prevention, Prohibition, and Redressal) Act (SHWW) 2013 — defines sexual harassment at workplace and outlines measures to address cases in the formal and informal sector — through complaint committees notably.

Protection of Children from Sexual Offences 2012 — includes a range of crimes including sexual abuse, and complicity in abuse, watching and collecting pornographic content. Simplifies judiciary procedures for children.

The Protection of Women from Domestic Violence Act (PWDVA) 2005 — links the right to freedom from violence at home with a structure aimed at facilitating access to justice through devoted staff and infrastructure.

The Hindu Succession Amendment Act, 2005 — provides married and unmarried daughters a right to a share of ancestral land and property equal to that of sons. Applies to Hindus, Buddhists, Jains and Sikhs but not to Muslims, Christians, Parsis and Jews.

The 73rd Constitutional Amendment 1993 — institutionalizes village level elected assemblies and creates a 33 per cent reservation for women.

The Scheduled Castes and Tribes (Prevention of Atrocities) Act 1989 — provides for severe punishment on crimes including violence against women of Scheduled Caste and Tribe.

Commission of Sati (Prevention) Act 1987 — on the immolation of widows.

Sections 302 and 304 IPC 1986 — dowry deaths or their attempts.

Indecent Representation of Women (Prohibition) Act 1986.

Section 498A IPC 1983 — mental and physical torture by relatives.

Dowry Prohibition Act 1961

Immoral Traffic (Prevention) Act 1956

Section 376 IPC — rape

Section 363, 369, 371, 373, 373 IPC — kidnapping and abduction

Section 354 IPC — molestation

Section 509 IPC — Sexual Harassment

Section 366 B — importation of girls

ANNEXURE II: RESPONDENTS

Annie Namala, Centre for Social Equity and Inclusion
Anju Pandey, UN Women
Anupama Saxena, Guru Ghasidas University
Asha Kowtal, National Campaign for Dalit Human Rights
Bidyut Mohanty, Institute of Social Sciences
Deepa Ahluwalia, National Mission for the Empowerment of Women.
Dhruv Arora, GotStared.At MustBol
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