

GENDER **VIOLENCE** in INDIA

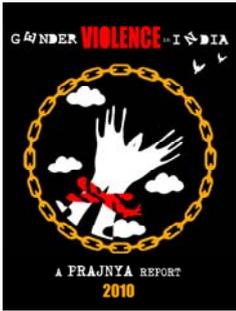


A PRAJNYA REPORT
2010

GENDER VIOLENCE IN INDIA
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This report is a project of the Gender Violence Research and Information Taskforce at Prajnya. Prajnya gratefully acknowledges the contribution and support of Shalini Umachandran and Gynelle Alves in the production of this report. We thank Ammu Joseph, Geeta Ramaseshan, Kalpana Sharma and Vibhuti Patel for their contributions to this volume.



In November 2010, Prajnya piloted a women's safety audit in Chennai as part of the annual 16 Days Campaign against Gender Violence. The audit, carried out by a group of local residents along with a small team from Prajnya, surveyed sections of Besant Nagar, a residential area with a well-used and busy public place, the beach. The audit revealed that while the area is generally considered safe during the day, several of the inner streets are considered unsafe after dark. Lighting was the major concern: lights came on too late (after it was already dark) and several of the existing street lights weren't functional. A section of the local playground was found cordoned off with tall aluminum sheets and virtually no lighting. In other words, an upper middle class area in a leading metro was still constrained by safety concerns that governance should have rendered redundant.

The 2010 Gender Violence in India Report focuses on violence in public spaces, drawing attention to the kinds of violence to which women are especially vulnerable when they step out of their homes. This year's report contains short accounts of four forms of public violence—street sexual harassment, workplace sexual harassment, ICT-related gender violence and gendered political violence. Each account both draws on any available data and flags the absence of specific kinds of data. Indeed, it must be clarified that our reports rely entirely on accessible public domain information, databases, reports, studies and media sources; no field or clinical research was possible.

With a view to facilitating more systematic comparative analysis, this year we have compiled a datasheet based on select National Crime Records Bureau figures on violence against women. In addition, we have included a short piece on the state of research on gender violence in India, adapted from a study by a Prajnya researcher.

We are also delighted that this edition of the Gender Violence in India Report features four short expert commentaries on different aspects of gender violence. Ammu Joseph explores the possible relationship between violence against women and the over-arching culture of violence that permeates most societies in the world today. Vibhuti Patel writes on the link between economic growth and gender violence. Geeta Ramaseshan examines the proposed Bill on honour killings and the response of the State to such violence. Kalpana Sharma discusses the violence that women face as a result of poverty and deprivation.

Some of the issues we highlighted in last year's report remain unchanged: data collection challenges and access problems, for instance. What this year's report points to is that beyond the forms of violence that we can now identify and for which we can seek justice, lies a murky, violent universe of which we are barely aware. As more women step into public spaces—even, the public sphere—they will encounter new forms of violence. Research and advocacy must pay pro-active attention to preventing, confronting and resolving these challenges—on the street, in the workplace, on the Internet and in politically volatile settings.

This report includes:

1. Gender Violence Statistics Across The Years
2. Gender Violence Research In India

Focus on gender violence in public spaces

3. Street Sexual Harassment
4. Workplace Sexual Harassment
5. ICTS and Gender Violence
6. The Gendered Face of Political Violence

Expert commentaries

7. Violence is as Violence Does, by Ammu Joseph
8. Politics, Economy and Gender Violence, by Vibhuti Patel
9. The Violence of Urban Poverty, by Kalpana Sharma
10. A Matter of Honour, by Geeta Ramaseshan



GENDER VIOLENCE STATISTICS ACROSS THE YEARS

The following table primarily draws on multiple issues of “Crime in India,” the flagship report of the National Crime Record Bureau. “Crime in India” was first published in 1955. The objective of this table is to provide a snapshot of the incidence of gender violence in India in the decades since independence. We have chosen to include figures at ten-yearly intervals starting from 1955, plus the five most recent reports, 2005, 2006, 2007, 2008 and 2009. Until 1971, kidnapping and abduction appears to be the only included form of violence that could be classified as gender violence. In 1971, rape began to be recorded. In 1989, a separate chapter on “Crimes against Women” began to be included, compiling data on IPC crimes as well as crimes for which special laws had been adopted. The NCRB has now placed all issues of ‘Crime in India’ online and they may be accessed at <http://ncrb.nic.in>.

Type of violence	1955	1965	1975	1985	1995	2005	2006	2007		2008		2009		2010	
								Tamil Nadu	India	Tamil Nadu	India	Tamil Nadu	India	Tamil Nadu ¹	India
Sex ratio (Census dates)	946 (1007) ²	941 (992)	930 (978)	934 (977)	927 (974)	933 (986)	-	-	-	-	-	-	-	-	-
Female infanticide	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	-	-	-	-	-	-	-	-
Pre-natal sex selection	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	-	-	-	-	-	-	-	-
Forced or child marriages	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	-	-	-	-	-	-	-	-
Honour killing	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	-	-	-	-	-	-	-	-
Domestic violence	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	-	-	-	-	-	-	-	-
Torture ³	-	-	-	-	31127	58319	63128	-	75930	-	81344	-	89546	-	-

¹ 2010 figures for Tamil Nadu were available from the Tamil Nadu police website, at <http://www.tnpolice.gov.in/CAWChart.html> (accessed February 25, 2011).

² Numbers in parentheses are Tamil Nadu statistics for the same crime in the same year. The other number is the all-India figure.

³ “Torture” and “Cruelty by Husband and Relatives” both refer to cases registered under IPC 498A; they are used interchangeably across a single NCRB report and across reports, with some tables listing one, some the other. More often than not, the numbers are the same, but occasionally, they are not.

Type of violence	1955	1965	1975	1985	1995	2005	2006	2007		2008		2009		2010	
								Tamil Nadu	India	Tamil Nadu	India	Tamil Nadu	India	Tamil Nadu ¹	India
Cruelty by husbands and relatives	-	-	-	-	28579 (345)	58319 (1650)	63128 (1248)	1976	75930	1648	81344	1460	89546	1570	-
Dowry-deaths	-	-	-	2814	4648 (94)	6787 (215)	7618 (187)	208	8093	207	8172	194	8383	165	-
Dowry Prohibition Act	-	-	-	-	2814	3204 (193)	4504 (81)	368	5623	262	5555	207	5650	199	-
Rape ⁴	-	-	3376 (50)	7289 (230)	13754 (268)	18359 (579)	19348 (457)	523	20737	573	21467	596	21397	686	-
Incest Rape ⁵	-	-	-	-	-	750 (11)	431 (1)	2	405	1	309	4	321	-	-
Custodial Rape ⁶	-	-	-	-	-	7 (1)	2	-	1	-	0	-	2	-	-
Molestation	-	-	-	-	26856 (1212)	34175 (1764)	36617 (1179)	1540	38734	1705	40413	1242	38711	1405	-
Sexual harassment (Eve-teasing IPC 509)	-	-	-	-	4689 (1078)	9984 (665)	9966 (852)	875	10950	974	12214	501	11009	638	-
Importation of Girls	-	-	-	-	191	149 (0)	67 (0)	0	61	0	67	0	48	-	-
Sati Prevention Act	-	-	-	-	27	1 (0)	0 (0)	0	0	0	1	0	0	-	-

⁴ Statistics on rape were first included in 1971.

⁵ Defined by NCRB as rape by Parents or Close Family Members.

⁶ Custodial rape began to be listed in 1997 in a newly introduced chapter on Custodial Crimes. Crime in India 1996 carried a section on "Complaints against the Police."

Type of violence	1955	1965	1975	1985	1995	2005	2006	2007		2008		2009		2010	
								Tamil Nadu	India	Tamil Nadu	India	Tamil Nadu	India	Tamil Nadu ¹	India
Kidnapping and Abduction of women and girls ⁷	5529 (480)	7927	11139	16051 (629)	14063 (661)	15750 (783)	17414 (718)	1097	20416	1160	22939	1133	25741	1464	-
Immoral Traffic (Prevention) act	-	-	-	-	8447	5908 (2777)	4541 (1732)	1199	3568	687	2659	716	2474	-	-
Indecent Representation of Women	-	-	-	-	539	2917 (30)	1562 (35)	25	1200	4	1025	2	845	-	-

⁷ Kidnapping and Abduction is not disaggregated in the table, but the instances mentioned in the 1955 text refer mainly to girls and women. The number in parentheses for 1955 is for Madras, which included Tamil Nadu and several other present-day states. The 1965 narrative does not describe the nature of the cases at all.



What do we know about the incidence, causes, costs and consequences of gender violence in the populous South Asian region, other than that it is highly prevalent in its many forms and manifestations and that it adversely impacts the lives of both women and men?⁸ Without research to lend direction and suggest approaches, advocacy and activism run the risk of becoming ad hoc, however well-intentioned and well-executed. The nature, quality and accessibility of research make a tremendous difference to the service, advocacy and policy-making sectors that work on this issue.

Since the late 1970s and early 1980s, Indian women's organisations have taken up the issue of gender violence, campaigning and supporting women who had filed cases (Patel, 1998). Domestic violence was the first, and for the longest time, the only research priority, partly on account of the early advocacy and lobbying for legislation by several of the women's groups. The focus appears to have shifted in recent times to sexual harassment and women's safety in public spaces. In the last year, two major studies on women's safety in Delhi (considered a particularly unsafe city for women) have been carried out.

In many ways, there is no lack of data on gender violence in India. The National Family Health Survey has begun to include questions on women's experiences of violence. The National Crime Records Bureau gathers extensive data based on police records from around the country; this is available in the public domain. Even given that this only includes reported cases of violence, it is a good entry point for researchers.

Ritu Menon (personal communication, 2010) points out that although there is a surfeit of data on gender violence, crucial correlates are missing. Without these, real analysis is difficult. We know there is a lot of violence, but we do not know much else - which income group do these women belong

⁸ This article is adapted from 'Gender Violence as Insecurity: Research Trends in South Asia', a study funded by the Global Consortium on Security Transformation. The objective of this study was to identify and analyse the state of research on gender violence in South Asia. The study is available in full at: http://www.securitytransformation.org/images/publications/197_New_Voices_Series_9_-_Gender_Violence_as_Insecurity.pdf Anupama Srinivasan is Programme Director Gender Violence Research and Information Taskforce at Prajnya.

to? Which social group? What is their individual and household profile? We have no context, except in the case of domestic violence.

Nandita Bhatla of the International Centre for Research on Women (personal communication, 2010) draws attention to several other gaps in research – how do women respond to the available services, are they satisfied? What is violence costing India, and the significance of the timing of specific acts of violence on a woman's life? Says Ritu Menon, 'all the significant analysis to date has revealed that violence is systemic – that is the major insight we have. Now we need to dismantle and understand this systemic nature.'

In summary, we can identify four key issues in researching gender violence in South Asia.

1. *Underreporting* remains a major stumbling block in every country, and on every form of violence. However, it is evident that we cannot wait for attitudes towards gender violence to change before we commence high quality data collection and analysis. We must work with the data that we have and continue to make the assumptions we already do: that what we know is the tip of the tip of the iceberg.

2. Yes, there are several forms of violence that demand and deserve more research attention. But *is more and more research really the answer?* As has been pointed out, there is an enormous body of existing research on gender violence and VAW. In many instances, organisations remain unaware of each other's work. There are two missing links in the chain: first, a lack of proper dissemination and ineffective communication of these research findings and second, an unwillingness to share experiences.

More transparent research processes and updated websites can make a world of difference to the quality of research on gender violence. In many instances, research is followed by inaction on the recommendations and findings. Yes, concerted action requires several willing partners, but very often, NGOs run out of energy and resources by the time the research is complete. The final step, using the research to push for policy change is often missing, despite evidence that has demonstrated the potential impact of this.

3. Given the dearth of both financial and human resources, the best intentioned civil society organisation or research institute cannot sustain

documentation or data collection. This has to be the *government's responsibility*. 'Governments should ensure that statistics on violence against women, including on prosecution and conviction rates, are regularly collected and disseminated and that interventions to address violence are properly evaluate' (WHO, 2005). But in practice, efficient, comprehensive systems that gather this kind of data do not exist.

It is up to governments to step up to the task, conceptualise and put in place, with the help of experts from civil society, data collection mechanisms, by both using existing frameworks and creating new ones. It is imperative that we look beyond crime and law and order to include data from other sources, particularly in the health sector. Ideally, each country would have a central data base, with publicly accessible data that researchers could use for analysis. Without transparent data collection and storage, we cannot prevent duplication. Furthermore, NGOs must continue data collection as well, on smaller scales, for verification purposes.

4. *Who will fund*, on a sustained basis, data collection and research on gender violence? With commendable exceptions in some countries, funding support has tended to be limited. All the more reason, then, for governments to take responsibility at least for extensive data collection, at the scale and depth of detail that this issue deserves. At present, the level of funding does not reflect the scale of the problem.

We have all heard stories of women who have experienced violence. These stories constitute the voluminous body of anecdotal evidence that we inevitably draw on in our advocacy efforts. No doubt, stories lend a sense of 'lived experience' to a reader or listener but it is time we supplement these with other kinds of data that also tell a story. We can do this only through rigorous, transparent, sustained and consistent research on gender violence. One thing is clear: research on gender violence and violence against women can, has and does save lives.



STREET SEXUAL HARASSMENT

Street sexual harassment is embarrassing, humiliating and undermines a woman's freedom. Endorsed by patriarchal societal attitudes, street sexual harassment is a particularly persistent form of violence against women; many women accept street sexual harassment as a 'normal' part of their daily lives.

In July 1998, Sarika Shah, an 18-year-old college student in Chennai died after a group of boys in an auto-rickshaw chased her and she was knocked to the ground when one of them fell on her. Following this, the Tamil Nadu government passed the Prohibition of Harassment of Women Act and revived its defunct 'white brigade' – female police officers dressed as students who would be on patrol outside girls' educational institutions.

What is street sexual harassment?

The term 'street sexual harassment' refers to the harassment women face in all public spaces— not just streets but also on buses and trains, in malls, parks, beaches, shops, hospitals, bars, bazaars, elevators, public toilets, and any other space outside the home or the workplace. It covers a range of sexually aggressive behaviour, verbal, non-verbal and physical.

A survey carried out by Blank Noise⁹ revealed more than 25 different ways in which street sexual harassment can manifest, including staring at or talking to breasts, passing comments or 'ratings', rubbing, 'accidentally' touching, flashing, blowing kisses or making kissing sounds, stalking, tickling or fingering, masturbating, spitting and unsolicited conversation or photography.

Increasingly, harassment is defined from the point of view of the individual who is at the receiving end; the intentions of the perpetrator are less relevant.

Know the Law

There is no specific law related to either sexual harassment or street sexual harassment.

Section 509 of the Indian Penal Code criminalises any word, sound or gesture that is intended "to

insult the modesty of a woman" or intrude upon her privacy. The punishment is simple imprisonment up to one year, a fine, or both.

Section 354 further extends the provisions of 509 to include assault or the use of 'criminal force', with the intention of 'outraging a woman's modesty'.

In addition, Section 294 prohibits obscene acts as well as the singing or reciting of obscene songs or words in any public places. The punishment is imprisonment up to three months, a fine or both.

Researchers have observed¹⁰ that even these provisions in the Indian Penal Code are either merely concerned with 'obscenity in public' or inadequately phrased as offences that insult or violate the 'modesty of women'.

Keeping Count

As in the case of many other forms of gender violence, street sexual harassment remains underreported for several reasons. Fearing restrictions on their mobility, young women often hesitate to report incidents to their families; if and when they do, they are discouraged from filing official complaints with the police. Very often, incidents are dismissed as one-off or trivial, as merely 'eve-teasing'; moreover if the incident has occurred on a bus or a train or even a crowded public space, there is no real way of identifying the perpetrator, especially if he is a passer-by or stranger.

According to the National Crime Records Bureau, a total of 11,009 cases of sexual harassment were filed in 2009 from across the country, a drop of 9.9% from 2008, when 12,214 cases were filed. Of these, Andhra Pradesh reported 32% of cases (3,520) followed by Uttar Pradesh with 22.9% (2,524). It is assumed that these figures include all forms of sexual harassment from 'eve-teasing' to stalking and potentially even sexual harassment at the workplace. There is as yet no separate category to enumerate incidents of street sexual harassment.¹¹

⁹ Blank Noise. <http://blog.blanknoise.org/>. Accessed 24 February 2011. See also, Fear in the city, Kalpana Sharma, August 2010, <http://www.indiatogether.org/2010/aug/ksh-harass.htm>.

¹⁰ For a discussion on legislation issues related to sexual harassment, see Sexual Harassment (2001), Pratiksha Baxi. Accessed 23 February at <http://www.india-seminar.com/2001/505/505%20pratiksha%20baxi.htm>

¹¹ Youth protests eve-teasing, gets killed in fight, Times of India, Nagpur, Nov 7, 2010, accessed at

In addition, incidents of molestation are recorded separately. In 2009, 38,711 cases were registered, a decrease of 4.2% from 2008, when 40,413 cases were registered. Madhya Pradesh reported the highest number with 16.3% of the total cases.

Men as well as women are affected by street sexual harassment, with those who stand up against perpetrators often targeted. In November 2010, The Times of India reported the death of a 26-year-old man, Rahul Rangari, who got into a fight with three men — a father and his sons — in Nagpur. Rahul had confronted Manohar, Atul and Vikram Suryavanshi as Atul had allegedly harassed his female cousin the previous day.

Most recently, two major studies on women's safety in New Delhi (considered a particularly unsafe city for women) were carried out by non-profit organisations Jagori and CEQUIN. The findings of both were similar. The CEQUIN study¹² revealed that sexual harassment of women in public places was frequent; occurred at all times of the day and night, in both crowded and desolate spaces; that onlookers were unresponsive to calls for help; and that women were reluctant to seek help from the police.

Jagori's research¹³, conducted between January and March 2010, included a baseline survey of over 5000 respondents in New Delhi over 23 areas in the city. According to the study, 85.4% of women, 87% of men and 93% of the common witnesses (men and women who are likely to have witnessed incidents of sexual harassment) interviewed said that sexual harassment was 'rampant' in public places and that this was the single most important factor that made New Delhi an unsafe city.

The findings further indicated that women in the 15-19 age group and women workers from unorganised sectors were especially vulnerable; that 2 in 3 women had experienced sexual harassment at least 2 to 5 times in the last year; that poor infrastructure including the quality of streetlights, pavements and public toilets were major reasons for lack of safety; and that women continued to bear the burden of keeping safe. These findings were triangulated by focus group discussions and safety audits in several parts of the city.

<http://timesofindia.indiatimes.com/city/nagpur/Youth-protests-eve-teasing-gets-killed-in-fight/articleshow/6882017.cms>

¹² CEQUIN (2009). Perception and Experience of Gendered Violations in Public Places of Delhi. Retrieved from www.cequinindia.org, 14 September 2010.

¹³ Jagori (2010). Gender Inclusive Cities: A Brief Research Report, Delhi.



A workplace is any physical or virtual space where working relationships exist, where employer-employee relations exist. It includes places and even vehicles that the employee visits and uses during the course of employment. There are at least three distinct kinds of workplaces—the corporate world, the unorganised sector that employs a large percentage of India's population and the domestic workplace.¹⁴

What is workplace sexual harassment?

The Supreme Court of India has defined workplace sexual harassment as unwelcome sexually determined behaviour, whether directly or by implication. This includes: physical contact and advances; a demand or request for sexual favours; sexually coloured remarks; showing pornography; and any other unwelcome physical, verbal or non-verbal conduct of sexual nature. (*Vishaka & others vs State of Rajasthan & others*)

The Protection of Women against Sexual Harassment at Workplace Bill (2010) bases its definition on the same Supreme Court recommendations.

Keeping Count

The National Commission for Women conducted a survey in 1998 that said at least 50 per cent of working women alleged mental or physical harassment at the workplace.

A survey published in November 2010 by the Centre for Transforming India found that more than 80 percent of the female employees of information technology, business process outsourcing and knowledge process outsourcing (BPO/KPO) companies had been subjected to some form of

workplace sexual harassment. The survey covered 600 women working in the IT sector in Delhi-NCR, Mumbai, Bangalore, Chennai, Pune and Hyderabad. More than 50 per cent said the harassment was extreme -- abusive language, physical contact or demands for sexual favours -- and 72 per cent of the incidents involved superiors. Forty two per cent of the respondents said they did not know how to report the incident.

There are no real numbers when it comes to workplace sexual harassment, whether in the formal, informal or domestic sector as there is no separate law under which cases can be recorded. Without a law, any impressions are based on anecdotal evidence and sample surveys of working women, who more often than not are from the corporate world.

Know The Law

In the absence of a specific law, cases of workplace sexual harassment are recorded under Section 509 of the Indian Penal Code (word, gesture or act intended to insult the modesty of a woman). All complaints of sexual harassment—whether related to workplace, street or other spaces—are registered under this section.

The Supreme Court in the case *Vishaka & others v/s State of Rajasthan & others* (1997) set out 12 guidelines to be followed by establishments in dealing with complaints of sexual harassment. According to the guidelines, the employer is responsible for both preventing sexual harassment and taking action on complaints. The organisation has to have a complaint mechanism in place, which should be well publicised among employees. It should also have a Complaints Committee to look into cases, and take disciplinary action. The committee is expected to submit an annual report to the government. It is also the employer's responsibility to initiate criminal proceedings where needed and provide all support mechanisms and facilities to victims.

Proposed Law

The only judgement to date on workplace sexual harassment is the guidelines laid down by the Supreme Court in 1997 in *Vishaka & others v/s State of Rajasthan & others*. Following the gang rape of a social worker Bhanwari Devi who tried to prevent a mass child marriage from taking place in Rajasthan, the apex court said harassment in the

¹⁴ Crime in India 2008, National Crime Records Bureau, Ministry of Home Affairs, <http://ncrb.in>;
The Prohibition of Sexual Harassment of Women at Workplace Bill, 2010, http://ncw.nic.in/PDFFiles/sexualharassmentatworkplacebill2005_Revised.pdf; Aarti Dhar, '88% women subjected to sexual harassment at workplace in IT sector, reveals survey', *The Hindu*, November 12, 2010, <http://www.hindu.com/2010/11/12/stories/2010111261892200.htm>, *Vishaka and others V. State of Rajasthan and others* (AIR 1997 SUPREME COURT 3011); Sexual harassment, Towards Equality seminar, Pratiksha Baxi, 2001, <http://www.india-seminar.com/2001/505/505%20pratiksha%20baxi.htm>

workplace was a violation of the fundamental right to equality, life and practice of a profession of one's choice. Based on provisions in the UN Convention on the Elimination of All Forms of Discrimination against Women, which India ratified in 1993, the court set down the guidelines that have been used for the past 14 years and form the basis for a new Bill.

The Protection of Women against Sexual Harassment at Workplace Bill (2010) is the first effort to create legislation to govern this crime. The proposed Bill offers protection to any woman who enters the workplace as a client, customer, apprentice, daily wage worker or in an ad-hoc capacity. Students and research scholars in colleges/university as well as workers in the unorganised sector have also been included.

The Bill provides for a complaint and redressal mechanism. Every large employer has to have an Internal Complaints Committee to examine allegations. Since a number of establishments (41.2 million of 41.83 million as per Economic Census 2005) have less than 10 workers, it provides for setting up of Local Complaints Committees (LCC) in every district or sub-district. The LCCs will enquire into complaints and recommend action to the employer or district officer. Since there is a possibility that the woman could be discriminated against or harassed further during the enquiry, she can ask for a transfer either for herself or the person she is accusing, or seek leave from work. The committees have to complete enquiries within 90 days, and the employer/district officer has to carry out its recommendations within 60 days. The Bill proposes a fine of Rs 50,000 for violations.

Some Prominent Recent Cases

Cases that have made international headlines in the last few years include the allegations of sexual harassment against the US-based head of sales at Infosys, Phaneesh Murthy, and more recently against the Canada-based CEO of Penguin International, David Davidar, both of whom were forced to resign. In both cases, the men in question were working abroad and in both cases, the women were white, leading to speculation that action might not have been as quick and as severe had the victim been Indian and the setting an Indian office. Both cases were settled out of court.

Closer home, in 2005-06, Indian Air Force pilot Anjali Gupta was court martialled and dismissed from service for misconduct after she accused three superiors of sexually harassing her. The sexual harassment charges were referred to a court of enquiry which said she failed to prove her case. A year later, three trainees were suspended when they leveled similar charges against an instructor.

One of the earliest cases in India was filed by Shehnaz Mudbhatkal, who worked as an air hostess with Saudi Arabian Airlines. She was harassed, denied promotions, demoted and finally fired in 1985 because she refused to give in to the sexual demands made by her superior, Abdul Allah Bahrani. A long and protracted legal battle followed. She won her case in 1996 when a Bombay labour court judged it a case of unfair dismissal under the Industrial Disputes Act. The airline took the issue to the Bombay High Court, which in 1998 upheld the labour court's order of reinstatement with full wages, perks and promotions with effect from 1985.



What are ICTs?

Genderit.org identifies three distinct categories of ICTs or information and communication technologies:

- Information technology that uses computers;
- Telecommunications technology including telephones, facsimiles and satellite broadcast of radio and television; and
- Networking technologies including the Internet and mobile phones.

In other words, ICTs are all or any forms of “technology and tools that people use to share, distribute, gather information and to communicate with one another, one on one, or in groups.”¹⁵

There are several points of intersection between gender violence and ICTs. While both men and women are equally vulnerable to several forms of fraud and identity theft, young women, children and those who are gay or lesbian are also vulnerable to violence of other kinds.¹⁶ In some cases, this violence can and has spilled over to the ‘offline’ world. For instance, harassment online or via mobile phones is often an additional dimension of sexual harassment at the workplace. Relationships that are forged online through dating sites are as susceptible to violence as any others. Increasingly, women face abuse and harassment online from strangers and casual acquaintances as well as former partners.

Keeping Count

While there is broad consensus globally that cases of cyber crimes and other ICT-related gender violence is on the rise, there is little data to confirm this. As with many other forms of violence, there is some powerful anecdotal evidence but little more.

In India, the National Crimes Record Bureau (NCRB) does count many different forms of cybercrimes but there does not appear to be any specific category to enumerate crimes against women. According to the 2009 NCRB data, 139 cases were registered and 141 persons were

¹⁵ “Glossary”. Genderit.org. Accessed on 19 February 2011 at <http://www.genderit.org/glossary/term/749>

¹⁶ This short section specifically addresses the vulnerability of women to ICT-related violence.

arrested for “Obscene publication/transmission in electronic form”.

According to a newspaper report¹⁷, the police received 268 applications of fake profiles, obscene content and defamation in 2009; of these, only nine cases were registered. In 2010 (up to June), 160 applications were received and six cases registered. It is however not clear if this is data from Maharashtra or from across the country.

Know the Law

India passed an Information Technology Act in 2000 and an amended version, now known as the Information Technology (Amendment) Act or ITAA in 2008¹⁸. The ITAA does address questions of privacy and confidentiality but is primarily focused on questions of e-commerce and the interests of businesses.

The relevant provisions of the ITAA are:

- 66E which prohibits the capture, publishing or transmission of ‘the image of a private area of any person without his or her consent, under circumstances violating the privacy of that person’. ‘Private area’ is specifically defined as ‘the naked or undergarment clad genitals, public area, buttocks or female breast’.
- 67 which prohibits the transmission of any material ‘which is lascivious or appeals to the prurient interest or if its effect is such as to tend to deprave and corrupt persons’.
- 67A which prohibits the electronic publishing of any sexually explicit acts, punishable by up to seven years in prison.
- 67B which addresses, at some length, electronic abuse and sexual exploitation of children.

¹⁷ “Cyber crime against women on the rise”. The Hindustan Times, 13 July 2010. Access on 19 February 2011 at <http://www.hindustantimes.com/Cyber-crime-against-women-on-the-rise/Article1-571518.aspx>

¹⁸ The Information Technology (Amendment) Act 2008. Ministry of Law and Justice, Government of India. Accessed on 19 February 2011 at http://www.mit.gov.in/sites/upload_files/dit/files/downloads/itact2000/it_amendment_act2008.pdf

In addition, some cases are registered under IPC 509 (insulting or outraging the modesty of a woman), but this is rare.

Cybercrimes are peculiar for another reason: very often, the perpetrators are not based in the same country as their victims, and this raises the tricky issue of jurisdiction. There is as yet no globally recognised legislation governing cybercrimes and prosecution is therefore often impossible. The same physical boundaries that are rendered invisible in virtual and cyber relationships become obstacles to achieving justice in the offline world.

Is more legislation the answer? Many feminist groups are not in favour of increased online policing and fear the infringement of privacy and freedom of communication. Finding the balance between state control (and therefore, it can be argued, an individual's safety) and an individual rights' is the real challenge for policymakers.

Fighting back with technology

Despite the potential dangers, ICTs do offer women a sense of agency¹⁹ – there are no restrictions on what to wear, what to say or most of all, how to talk to men. In addition, there is the thrill of anonymous flirting, of being sexy. Exploratory research in India by the Association for Progressive Communications has revealed that young women (in Mumbai) greatly value this sense of freedom but are aware of the dangers that come with increased use of ICTs; they do not fear harassment from strangers online as much as harassment from friends or family members that transcend the online and offline worlds.

ICTs therefore remain a double-edged sword. Organisations around the world are encouraging women to fight back with technology; the best example is the *takebackthetech* campaign (www.takebackthetech.net). Websites and chatrooms function as secure online spaces for women to share stories of violence and seek support from those who have experienced similar trauma. In India, individuals have used SMS technology effectively to build public outrage, as in the case of the campaign seeking justice for Jessica Lal.

¹⁹ 'Does your mother know?' Agency, risk and morality in the online lives of young women in Mumbai (2010). Manjima Bhattacharjya and Maya Ganesh. Accessed on 19 February 2011 at <http://www.genderit.org/content/does-your-mother-know-agency-risk-and-morality-online-lives-young-women-mumbai>

What are the different kinds of ICT-related gender violence?

Category	Definition	Vulnerability
Cybercrimes	All crimes committed against women in or via cyberspace, usually with the intention to intimidate, coerce or humiliate, including: <ul style="list-style-type: none"> Hacking and taking over existing profiles on social networking or micro blogging sites such as Facebook; Creating and maintaining fake profiles; Cyber-stalking and harassment (sending repeated messages via several medium including social networks, chatrooms, emails etc). 	<ul style="list-style-type: none"> Internet users who do not delete their private data from shared computers at Cyber cafes, offices or educational institutions are particularly vulnerable to online violence. Several cyber cafes operate as fronts for pornography networks that both gather and disseminate data from these centres.
SMS, MMS and phone stalking	Harassment by making incessant calls and/or sending a stream of SMS or MMS often at odd times of the day and night. The content of these messages and images is often sexually explicit; the tone can be either flattering or threatening, depending on the context.	<ul style="list-style-type: none"> In many cases, young women themselves share their numbers with young men they know casually. In other cases, men obtain contact details social networking sites.
Misuse and abuse of images	The easy availability of camera technology offers multiple opportunities for the misuse of women's images: <ul style="list-style-type: none"> Women are photographed, either casually or in vulnerable situations (bathing, swimming etc) by strangers who proceed to either blackmail the women in question or use these images in pornographic contexts; Women sometimes permit men they are in a relationship with (boyfriends, fiancés, husbands etc) to record images – often before, during or after sex. These images can become powerful weapons in the hands of an aggrieved man, if the relationship subsequently dissolves. Sometimes, innocuous images of women are also morphed (using software like Photoshop) and distributed on social networking sites or by email. 	<ul style="list-style-type: none"> Informed consent: This is a nebulous concept in such cases. A woman in a relationship invariably does not question or doubt the intentions of her partner, and permits him to record images. Ownership: Even if a woman has consented to having her photo taken, she has, in all likelihood, not authorised the sharing of these images with others. Who then is the owner of these images: the subject (usually the woman) or the documenter (who also often 'owns' the technology in question, such as a camera)?
ICT-aided gender violence	ICTs are used to reinforce older forms of violence including: <ul style="list-style-type: none"> Pornography (without consent); Mail-order brides; Child marriages; Trafficking²⁰; Sex tourism; Rape. <p>For instance, ICTs are a boon for the powerful trafficking and sex tourism industries and its many middlemen who can share images of the women who are 'available for sale' with potential clients. They can also use images taken without authorisation to blackmail women and lure them into their networks or to establish networks of paid users online.</p>	There have been several instances when incidents of rape are recorded by perpetrators, thereby enhancing the woman's sense of shame and humiliation. These recordings also become powerful blackmail weapons. In many cases, they ensure that women not only do not report rapes or assaults to the police but in fact, remain subject to continued assault and rape over a long period of time.

²⁰ For a detailed discussion on ICTs and trafficking, see Digital Dangers: Information & Communication Technologies and Trafficking in Women. APC "Issue Papers" Series 2006. Accessed on 19 February 2011 at http://www.apc.org/en/system/files/digital_dangers_EN_1.pdf



What is political violence?

“Political violence” may be used as a rubric to describe violence undertaken by states, groups or individuals to make a political point, assert their domination over another (state/group/individual) and/or achieve their political ends. Political violence may be directed by individuals towards individuals but it is seldom personal. Thus, a rape that occurs as part of a riot is very different from marital or date rape.

Political violence primarily takes place in the public sphere—which in turn, is a term encompassing all the media, discourses, sites and formats where individuals exchange ideas about public affairs, including community issues. Riots, elections, state violence against social/people's movements and extremists using gender violence, are some of the settings in which political violence takes place.

Rape has been a weapon of war through the ages; conflict situations also make abduction, trafficking, forced impregnation and sexual slavery possible because of the breakdown of social and political order. Violence that singles out lifestyle or dress choices as part of a cultural or moral policing agenda is also political violence.

Unlike gender violence that takes place in the private sphere—in the home, in the workplace—gendered political violence receives more attention—either because it becomes a part of the revenge discourse or because human rights activists make an issue of it. The result is an emerging climate of intolerance towards gendered political violence—even though people may tolerate high levels of other kinds of political or gender violence.

What to count, keeping count

Sexual violence as a conflict weapon: Women's bodies offer a proxy battlefield to which conflict parties can extend hostilities through rape, abduction, trafficking, forced marriage and/or impregnation and sexual slavery. This is not new, and neither state nor non-state actors are above such abuse. After all, women serve patriarchal societies both as property and as symbols of community identity and honour.

Sexual violence charges have emerged wherever there is a heavy deployment of paramilitary and military personnel. In 2009, the death of two sisters in Shopian, Kashmir was followed by an unsavoury saga which remains unresolved. Indian army officers were accused by locals of rape and murder, but investigators later stated that there had been no rape. Both the possibility of Indian army officers being guilty and being innocent provoked protest. The real tragedy of sexual violence in conflict settings is that the trauma experienced by the victim quickly passes into the background. The Shopian case is only one example; similar allegations are part of the history of every conflict.

The experience of sexual violence is often said to fuel support and recruitment to militant groups. However, in August 2010, reports surfaced that sexual violence and sexual slavery were not unknown among rebel cadres. A surrendered Maoist leader spoke about how common sexual exploitation was in militant ranks; an AIDWA demand for investigation lent some credibility to the report which might have as well been a counter-insurgency exercise.

When the allegation is against the state, the accused are still bound by law, and the organisations have internal procedures such as court martials for investigation and trial. When an organisation's *raison d'être* is to challenge the state and its laws, it is scarcely likely they will observe the same states laws and rules. Even where action is possible, Kunan Poshpora is an example of how it is hard to either prove or fully efface charges of rape in fraught conflict situations. And related to that is the question of counting. How do we know how many rapes and sexual assaults take place in conflict situations?

Moreover, rape and sexual assault are not the only types of violence that are seen. Women and girls, we know, are abducted to fight, and also to provide support and sexual services. We have no way of extrapolating from anecdotal evidence to come up with aggregate numbers. Finally, during the conflict and in the post-conflict period, domestic violence becomes more common. The silence that surrounds gender violence is further compounded in conflict settings, where allegation, investigation and impunity are all politically fraught.

Gender violence during riots: The Ministry of Home Affairs annual report states that in 2009, 750 communal riots took place around India.²¹ There are no records or reports on particular incidents of sexual violence during the riots in this period as there were during the Gujarat and Kandhamal riots earlier.

Agencies of the state and sexual violence: Working for the state invests its agents with power that they are sometimes accused of abusing, especially those agents who are vested with enforcement authority, such as the police, paramilitary and military.

Political mobilisation in India around changing the rape law followed from a case of custodial gangrape (Mathura in 1974). Since 1997, "Crime in India" has been listing custodial rape cases (along with other custodial crimes), a significant admission even if the same documentation issues plague this listing as others. The numbers seem very low, probably reflecting the same reporting issues as in other forms of gender violence, with the additional challenge of reporting to the perpetrator his/her own transgressions: 7 in 2005; 2 in 2006; 1 in 2007; none in 2008 and 2 in 2009. But while the numbers seem low, it is also hard to reconstruct from anything more concrete than instinct, what the real numbers might look like. A newspaper search threw up little, and where reports mention custodial rape it is done in fairly generalised terms (as here), suggesting that previous researchers have also not found information. The one exception is the Asian Human Rights Commission report, "Torture in India 2010" which lists half a dozen incidents.²²

Since 1945, India has contributed troops to more than 40 UN peacekeeping missions. In 2010, newsreports emerged both about their role in rescuing women held by militia in Congo for sexual exploitation²³ as well as about charges of sexual violence leveled against them.²⁴ When a peacekeeper perpetrates sexual violence, the investigation is carried out by the UN but further action is left to their own governments. Very

²¹ Ministry of Home Affairs, Government of India, Annual Report 2009-10, accessed at <http://www.mha.nic.in/pdfs/AR%28E%290910.pdf> page 66.

²² *Torture in India, 2010*, Asian Human Rights Commission, <http://www.achrweb.org/reports/india/torture2010.pdf>, accessed February 15, 2011, pages 27-28

²³ "Indian peacekeepers rescue 7 women in DR Congo: UN," *Times of India*, January 29, 2011, accessed at http://article.wn.com/view/2011/01/28/Indian_peacekeepers_rescue_7_women_in_DR_Congo_UN/

²⁴ 21 cases of sexual abuse during UN missions in 2nd quarter, Deccan Herald, July 21, 2010. <http://www.deccanherald.com/content/82516/21-cases-sexual-abuse-during.html>

seldom is a case reported from allegation to investigation through final action. The UN has now started placing some statistics online but these do not mention nationality.²⁵

Gender violence in the name of moral or cultural policing: The policing of dress codes for women is not uncommon in conflict situations, the diktats on compulsory hijab, for instance. Moreover, the justification of street sexual harassment as a response to inappropriate dress is a characteristic of public spaces in many Indian cities. It is the systematic targeting of particular lifestyles, spaces and dress in the name of cultural conservation that makes this sort of harassment political. The imposition of arbitrary cultural standards is political violence, and when women are considered primary standard-bearers and suffer violence because it is deemed that they transgressed particular rules, this is definitely gender violence.

In the first quarter of 2009, the conjunction between identity politics and gender violence was illustrated through the activities of the Sri Ram Sene in Karnataka. Attacks on churches, attacks on pubs, a call to boycott Valentine's Day, accosting young people and forcing them to tie rakhis and finally, stalking and attacking women they determined to be transgressing cultural codes, were elements of the same campaign. That the outrage against their behaviour was not universal was demonstrated by the report of the National Commission for Women member investigating the pub attack in Mangalore, which blamed the pub for not assuring safety but also advised women to be careful while simply stating that the assailants were regretful, but provoked.²⁶

Legal context

There is a growing consensus in international civil society on the importance of eliminating gender violence. The first sign of attitudinal shift was the indictment by the International Criminal Tribunal in 1996 of eight Bosnian Serb military officers charged with raping Muslim women during the Bosnian war. The judgment focused solely on the sexual assault charges, pinning responsibility on individual officers for the deeds of their subordinates. It thus recognised rape and sexual assault as crimes against humanity.

In 2000, the UN Security Council passed Resolution 1325, which affirms the importance of including women in the peace process, and also

²⁵ United Nations Conduct and Discipline Unit, <http://cdu.unlb.org/Statistics/OverviewofStatistics.aspx#>

²⁶ Twist in the tale: NCW blames pub for attack, IBNLive.com, January 31, 2009. <http://ibnlive.in.com/news/ncw-blames-pubowner-for-mangalore-pub-attack/84089-3.html>

clearly enjoins conflict parties “to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse...” (UNSCR 1325: Article 10: 2000).²⁷ It also emphasises that there should be no amnesty for acts of “sexual and other violence against women and girls.” (UNSCR 1325: Article 11: 2000) Moreover, UNSCR 1325 places its provisions in the context both of a decade of UN activism as well as a range of existing international legal regimes that have taken cognisance of sexual violence and rape in conflict settings, from the Geneva Conventions to the Rome Statutes.

In the last three years, three more UN Security Council Resolutions have signaled a fast-diminishing tolerance towards gender violence in conflict situations. UNSCR 1820 (2008) is strongly worded, demanding a cessation of sexual violence against women and girls by all sides in a conflict and also notes that “rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide.” (Article 4) UNSCR 1888 (2009) points to the role that UN peacekeepers could play to protect women and girls from sexual violence. UNSCR 1889 (2009) reaffirms the importance of bringing women to the peace table. But voting for a resolution at the United Nations and finding ways to bring its essence home are different, and UNSCR 1820 recognises this, urging the UN to support legal reform and capacity-building at national and local levels as well, so that there is no impunity at any level.

In the domestic context, the laws that obtain in cases of political violence—riots, custody, conflict settings—do not specifically mention rape, sexual assault and other gender violence. These still have to be tried under the same laws that pertain to “peacetime.” Given the harrowing circumstances in which political violence takes place, evidence is harder to collect and corroborate and as the Gujarat riot trials show, justice becomes a tug-of-war in which the trauma and rehabilitation of the victim-survivor is forgotten.

When gender violence is political violence

Politics thickens the silence that surrounds gender violence.

In conflict and riot situations, it is very hard to reconstruct the sequence of events and pin responsibility. Formal investigation and trial take places in a charged atmosphere, where any finding and any punishment are likely to be contentious. Moreover, if states are considered to act with impunity, little accountability is possible with violent non-state actors. The power politics of a custodial setting also results in custodial rape very possibly being underreported and undercounted.

Problems of reporting and investigation have consequences for documentation, as the Gender Violence Report has maintained. Therefore, we know these things happen, but cannot assert with complete certainty what their frequency is, whether things are getting worse, how many complaints are properly investigated or how many culprits are punished. In the absence of this information, the silence around gender violence thickens into invisibility, which politically defined interests then institutionalise.

²⁷ UN Security Council Resolution 1325, accessed at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement> on February 14, 2011.

VIOLENCE IS AS VIOLENCE DOES

Ammu Joseph



One murder and one conviction for murder which grabbed major headlines in Bangalore (and perhaps minor ones elsewhere) in mid-2010 set me thinking afresh about attitudes to violence in society today.²⁸

In July S.Shubha (a young lawyer) and three others were sentenced to life imprisonment for murdering her software engineer fiancé within three days of their engagement in 2003, when she was a 21-year-old student in the last stages of qualifying to be a lawyer.

In August Sathish Kumar Gupta, an employee of one of the best known information technology companies in the country, was arrested for the brutal murder of his 29-year-old school-teacher wife, Priyanka, despite apparently meticulous advance planning as well as elaborate efforts to deflect suspicion from himself.

The two cases are connected in my mind not because of obvious similarities (such as class and links to the IT industry) or observable differences (notably the sex of the perpetrators and victims) but because, in both instances, extreme violence appears to have been the first option rather than the last resort. What could possibly have prompted these young, urban, educated professionals to choose murder over breaking off an engagement or filing for a divorce? Could it have anything to do with the culture of violence that surrounds us today, which makes lethal violence a regular, routine and therefore increasingly acceptable part of our everyday existence?

Discussions on culture and violence against women (VAW) generally focus on forms of gender-based violence linked to what are known as harmful cultural and traditional practices, such as infanticide/sex selection, honour killing and dowry-related murder. The connection between VAW and dominant cultures of masculinity is also increasingly being recognised. However, the

possible relationship between VAW and the overarching culture of violence that permeates most societies in the world today—certainly ours—seems to receive less attention.

With front page and prime time news over-run every day with reports of fresh violence and more casualties of such violence in different parts of the country (not only in known conflict zones), it is hardly surprising that India appears in the red zone of the 2010 Global Peace Index: at the 128th spot in a list of 149 nations, it emerges as more peaceful than just 21 countries, including Afghanistan, Iraq, Israel/Palestine, Pakistan, Somalia and Sudan.

Thinking along these lines I was pleased to discover that, on the occasion of the 20th anniversary of the 16 Days of Activism Against Gender Violence Campaign, the 2010 global campaign theme is “Structures of Violence: Defining the Intersections of Militarism and Violence Against Women.” The idea is, apparently, to look more closely at the structures that continue to permit gender-based violence to exist and persist.

Militarism—“an ideology that creates a culture of fear and supports the use of violence, aggression, or military interventions for settling disputes and enforcing economic and political interests”—is widely viewed as one of the key structures that perpetuates violence in society. According to campaign literature, militarism also represents a psychology that can have grave consequences for the safety and security of women and of society as a whole.

Wars, internal conflicts, and violent repressions of political and social justice movements—all characteristics of a culture of militarism, and almost all very much in evidence in India—have a particular and often disproportionate impact on women, commonly manifested in specific forms of gender-based violence.

Rape, for example, is often used as a tactic of war to drive fear and to humiliate women and their communities—and we certainly hear of many such instances here, both within and outside acknowledged areas of conflict. But sexual violence is just one form of violence that women and girls suffer throughout the continuum of violence before and during conflict, as well as after overt conflict has ostensibly ended.

²⁸ Ammu Joseph is an independent journalist and author based in Bangalore, writing primarily on issues relating to gender, human development and the media. Among her publications are six books: *Whose News? The Media and Women's Issues*; *Women in Journalism: Making News*; *Storylines: Conversations with Women Writers*; *Just Between Us: Women Speak about their Writing*; *Interior Decoration: Poems by Indian Women*; and *Terror, Counter-Terror: Women Speak Out*. She has also contributed chapters to several other books.

As the initiators of the campaign point out, militarism neither begins nor ends in war-zones nor does it confine itself to the public sphere. While security tends to be discussed in terms of 'national security,' genuine security begins in the home which is, all too often, a site of violence and abuse. The campaign stresses that the use of violence in public spheres cannot—must not—be seen separately from the use of violence in private spheres.

Reports abound of sexual violence in the context of armed conflict (as in the clash between Maoists and the state), in violent political conflicts (as in Kashmir and Manipur), in communal conflicts (as in Gujarat) and in caste conflicts (as in Khairlanji and other parts of the country). What we rarely hear about are the heightened experience of violence and trauma women generally undergo during periods of conflict, both physical and psychological, both within the home and outside it.

If gender violence is to be reduced, en route to being eliminated, we need to challenge power imbalances, discrimination, violence against women and girls in all forms. We need to challenge and prosecute those individuals, groups and governments that violate human rights. We need to understand the subtle influences of militarism that lead many of us to believe—wrongly—that having a strong military and more weapons or using force to settle conflicts will lead to more security and create peaceful societies. We need to believe—and proclaim—that violence is not an acceptable way to solve conflicts, whether in personal relationships or among nations, communities or groups.

Only in an environment where human rights (economic, social, cultural, political, and civil) are protected can people, including and especially women, hope to be really safe and secure. To me this appears to be a necessary, if not sufficient, condition for effective, sustainable freedom from gender violence.



Vibhuti Patel

Gender violence has become a central issue in discourses of the women's movement in India in the 21st century.²⁹ Women's networks have taken up a range of issues concerning gender violence in personal lives as well as the systems and structures perpetuating it. Indian women experience all kinds of gendered violence at different stages of their lives, from womb to tomb, as a result of modernisation and commercialisation of subsistence economies, family ties becoming less supportive, increasing migration, demanding work, inhuman labour processes in informal economies, sectarian vested interests manifesting through identity politics, trafficking of women and girls as cheap labour, forced marriage and various forms of misogyny in print and electronic media. Honour killing of young lovers and married couples by their relatives brings to the fore the undemocratic family structure that is stifling, suffocating and mercenary.

During the 1980s, women's rights organisations mushroomed all over the country and focused on gender violence. They organised rallies and demonstrations, sit-ins and conventions, seminars and conferences, which culminated in the politics of protest movements and petitioning. In the 1990s, women's groups consolidated their base by finding allies in the state apparatus, and created institutions and shelter homes for women and child survivors of violence (Patel 2002). In the new millennium, they managed to get the Protection of Women from Domestic Violence Act, 2005.

Social Paradigms

A woman's status in the family is determined by the *Panchmahabhoota* (five omnipresent factors) of Patriarchy (PPs), namely caste, religion, economic status, media and the state. PPs draw their strength from male chauvinism and women's subjugation. Patriarchal control over women's sexuality, fertility and labour takes a barbaric turn due to commercialisation of human relations in a capitalist drive for profit. Economic globalisation thrives on poorly paid work of women and girls in

the informal economy. Economic subordination of women and girls makes them prone to covert and overt, psychological, emotional, sexual and physical violence.

The lifecycle of a woman is governed by a patriarchal value system, which promotes preferential treatment for men and neglect of women. Antenatal sex-determination tests, female infanticide and neglect of daughter in terms of food, health care and education result in stunted growth of women. Nearly 40% of marriages in India are child marriages (NFHS 2006). Teenage pregnancy takes place both within marriage and among unmarried girls due to rape, seduction, incest and child prostitution. Discrimination and violence make women suffer from low self-esteem and psychological dependence.

The historical legacy of strong son preference and neglect of daughters has taken a dangerous turn. Technology for sex determination such as amniocentesis, chorionic villus biopsy, foetoscopy and sonography are abused for selective abortion of female foetuses by money-minded medical professionals (Patel 2002, 03, 04). Sex-selective abortion of female foetuses accounted for 17.6% of 1,492 induced abortions in a sample survey in India (Ganataru, Hirve and Rao 2001). Newer and cheaper reproductive technology has facilitated patriarchal genocide of girls in several countries in Asia. This is also an indication of stigmatisation of women delivering daughters. Sex selection in society occurs in the context of entrenched cultural beliefs and practices. Their eradication requires investment in long-term strategies for economic and social development, and educational and cultural empowerment. It is a matter of deep regret that many states in Asia perceive this phenomenon as an indicator of population stabilisation and development, the logic being fewer women means less reproduction.

Economic Development and VAW

Women from South Asia are supposed to be relatively timid, obedient, easy to control, disciplined and meticulous to handle skilled, monotonous jobs. The New International Division of Labour intensified by globalisation depends on super-exploitation of poor Asian women, especially young unmarried girls who are recruited in Free Trade Zones (FTZ), Export Processing Zones (EPZ) and Special Economic Zones (SEZ). During the last two decades, in the absence of any democratic rights in these labour concentration

²⁹ Dr. Vibhuti Patel is one of India's leading gender economists, and has been active in the labour-civil rights and women's movement since the late 1970s. She is professor and head of the University Department of Economics, and Director, Department of Post Graduate Studies and Research of SNDT Women's University, Mumbai.

camps, young girls had only one way of expressing their anger, fatigue and alienation — mass hysteria. Now, the heads of ASEAN countries are negotiating to create more and more EPZs, SEZs and FTZs. Human and women's rights groups need to ensure that the horrible past of back-breaking, hazardous, highly labour intensive work for women workers in the region, is not repeated. Industrial pollution and occupational health risks also take a heavy toll on Asian women's reproductive health. The carcinogenic and mutagenic effects of industrial pollution, incidents like the Bhopal gas tragedy and radioactive nuclear waste have raised danger signals. Commercialisation of forest and natural resources has enhanced the plight of rural women as they are responsible for collection of fuel, fodder and water.

Population Control Policy

A paradigm shift in the discourse on population stabilisation in South Asia is connected with racist and sexist bias in population control policies, which dump the burden of population control on women. Targeting of poor Bangladeshi or Indian women for forced sterilisation and unsafe hormone-based contraceptives and pro-natalist policies for educated Asian women in a bid "to enhance the quality of population" are two sides of the same coin. In South Asia, a large percentage of women in the reproductive age group suffer from anaemia, irregular and heavy bleeding due to use of inadequately tested hormone-based contraceptives. Long acting hormone-based contraceptives can have catastrophically damaging consequences (Sarojini & Murthy 2005). We must highlight the sexist implications of eugenics. All these efforts violate bodily integrity of women and rest on the presumption that penetrative sex is the be-all and end-all of women's existence. States in the region have reduced social sector budgets for women's development, including health, education, employment and empowerment initiatives. Instead, they are pumping massive funds into population control programmes and military expenditure.

Globalisation and New Forms of Gender Violence

In the absence of any safety net, globalisation has enhanced control over sexuality, fertility and labour of women migrants. Innocent rural girls as well as educated adolescent girls are inducted into the workforce. Cross country migration of girls and women for domestic work, industrial and professional services such as nursing, secretarial practice, telemarketing and business process outsourcing has increased.

Trade in the organs of destitute women and children from poor Asian communities has gained demonic proportions. Soft porn as well as hard-core pornography and cyber sexual violence are used for humiliation and intimidation of women and girls. Cyber stalking is also on the rise. Policy intervention is needed to deal with online sexual violence. An increasing number of women from cities are also reporting harassment through spam, cyber porn and SMS messages.

Smut parties for executives of multi-national and indigenous houses have become routine affairs, and governments do not take action in spite of prima-facie evidence provided by the media (Shyam 2002).

Jingoism, Militarisation and Gender Violence

The implications of jingoism and the psychology of war mongering are dire for women and children. The politics of rape used against women in Kashmir, the North East and in refugee camps in conflict zones have evoked extreme indignation from human rights organisations all over the world (Manchanda 2001). In Myanmar and Nepal, military rulers use rape as a means of social control and torture women deemed dangerous to the regime. Jingoism in South Asia has enhanced insecurity for women. Women's groups of SAARC countries have demanded peace and launched several programmes for public awareness.

Women in border regions and in refugee camps of conflict areas need civilian intervention for safety and security. In the North East, women constitute two-thirds of the population. Development programmes supported by the UN are inadequate. International NGOs need to take the lead. The mass rape of women in Manipur, where soldiers are also owners of brothels, needs to be condemned by the international community. The institutionalisation of sex slavery in the region demands the collective efforts of women's networks. Objectification of women in the media has reached such a proportion that humiliation of womanhood is complete. Power relations between men and women based on subordination of women and male domination are a result of interplay of forces such as class, caste, race, religion, ethnicity with gender.

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THE VIOLENCE OF URBAN POVERTY

Kalpna Sharma



Between February and June 2010, three minor girls were raped and murdered in the Nehru Nagar slum in Kurla, Mumbai.³⁰ The body of a five-year-old was found in a drain on February 9, that of an eight-year-old on the terrace of a building on March 9 and then on June 19, the body of a nine-year-old in a dilapidated building.

The serial rapes and murders of these little girls—followed closely by a media that normally only chases sexual assaults against women when they affect the middle class and the rich—were a grim reminder of the constant face of violence that the urban poor confront every day.

Poverty and deprivation are forms of violence that the poor living in cities are forced to accept. And women bear the brunt of this violence. If they live in pavement slums, they survive without water, sanitation and electricity. Worse, the sword of demolition hangs over their heads.

If they live in the more settled informal settlements, life is a little easier. At least water and electricity are available and you are promised an alternative if your slum has to be demolished for any reason. But the sense of security and even safety—with many eyes watching the common spaces—that comes with living in these densely packed settlements can be shattered easily when your child does not return after school, or when your young daughter is harassed and teased when you send her out for errands, or when your husband, who has lost a steady job, comes home drunk and takes out his frustration on you.

Our cities are growing by the day and projections suggest that by 2050, every other Indian will be an urban resident. But even as the urban population grows, so does that of the urban poor, those living in impermanent housing and facing the daily challenge of survival in a city. In a year, by 2011, 93 million people or 7.75 per cent of the country's population will be living in slums.

³⁰ Kalpna Sharma is an independent journalist, columnist and writer based in Mumbai. In her journalistic career of almost four decades, she has worked with *Himmat Weekly*, *The Indian Express*, *The Times of India* and *The Hindu*. She has written several books including *Rediscovering Dharavi: Stories from Asia's Largest Slum* (Penguin, 2000) and edited *Missing: Half the Story, Journalism as if Gender Matters* (Zubaan, 2010).

While women everywhere face violence inside and outside their homes, the urban poor women live with many forms of violence almost every day. Take for instance water. In settled slums, water is supplied for a few hours in a day through common taps. And even though there are systems of sharing and distributing this water, more often than not this breaks down and leads to low-level clashes and sometimes even violent fights. Women are the principal collectors of water.

The situation with sanitation is even worse. There are never enough public toilets to serve a slum population. More often than not they are badly maintained and cannot be used, particularly by the women. And unlike in rural areas, there are no open and secluded places where women can relieve themselves. As a result, everyday millions of women deal with this lack of a basic service by waiting until it is dark and risk humiliation and sexual harassment.

When crimes, such as the rape of these young girls in Mumbai occur, poor families get little help from the local police. Indeed, in a city like Mumbai, there is a history of hostility between the police and slum dwellers that dates back to the 1992-93 communal riots when the role of the police was deemed as partisan. Minority dominated slums, in particular, feel even more vulnerable as a result of this history. Some steps have been taken to rebuild trust but these efforts get wiped out each time there is a communal incident, or a "terror" strike. It is the women who confront this violence.

During the 1992-93 riots, women who live in pavement slums in Mumbai spoke to this writer about the terror they lived with as they hid their sons in their tiny huts so that the police would not pick them up. Other women confronted the police in the lanes leading into their settlements, literally stopping them from entering and arresting their young sons. And still others were some of the first to make peace with the "enemy" by bringing all women on board during the post-riot period to heal the wounds and even to build trust with the police. But on a daily basis, many still hesitate to seek help from the police.

But none of these daily occurrences of violence, personal and in the community, can match the terror of the demolition squad. Increasingly, with urban planning being determined by the price of real estate, poor people are being persuaded or hounded off prime land to distant, badly serviced and often barren suburbs. In one fell swoop, a life,

a community, a shared history is demolished as the poor are shipped out of city limits.

Documentation of such forcible resettlement in places like Delhi reveal the additional pressures and the vulnerability of women who are forced to commute long distances, using public transport that cares little for their safety, because they must hold on to jobs in the city to survive. No one takes account of this violent upheaval of millions of lives.

In Mumbai, where the resettlement has been a little kinder, there is still anxiety about new forms of violence. For instance, studies of families resettled under the Maharashtra government slum redevelopment scheme in seven-storied buildings reveal that women face much greater harassment from men as they are forced to live amongst strangers and they cannot “watch” their children once they leave their houses in these multi-storied buildings.

Rich or poor, upper caste or lower caste, at a certain level all women are vulnerable to various forms of violence. But while the rich can “buy” safety by insulating themselves in gated communities and with personalised transport, the poor have nowhere to hide. As the lives of so many poor women living in cities demonstrate, their poverty, their inability to get secure housing combined with cities that only cater to the needs of the rich, increases their vulnerability.

A MATTER OF HONOUR

Geeta Ramaseshan



The term “honour crimes” is a misnomer as there is nothing honorable about them.³¹ However, it has come to encompass a variety of violence against women, such as murder, assault and detention, most of which involve preventing a person from exercising their choice in marriage or relationships. Such crimes are often committed by the family or by members of the community which perceives that there has been a “threat to honor” thereby giving the crime a social sanction. In this context, there is a publicly articulated “justification” that is attributed to a social order claiming to require the preservation of the concept of “honour” vested only in male (family and/or conjugal) control over women, and specifically women’s sexual conduct; actual, suspected or potential (Lynn Welchman & Sara Hossain).

It is today well-documented that young persons, who often make their own choice in terms of marriage and have inter-caste, *sagotra* (marrying within the same clan) or inter-religious marriages, face the wrath of their communities or their families, using forms of violence that do not spare them. The increasing number of *habeas corpus* cases filed in various High Courts across the country by young persons seeking protection from their families is all too pervasive. The Supreme Court in *Lata Singh vs State of Uttar Pradesh* (AIR 2006 SC 2522) has even directed the police in every State to protect young persons who exercise their choice in marriage.

While the term “honour” is absent in *de jure* law, the concept can be traced to the Indian Penal Code that introduced the notions of “modesty” in the offence relating to outraging the modesty. Other concepts such as abduction, enticement, kidnapping from lawful guardianship and seduction provided a framework for developing the notion of honour of communities (rather than that of the individual who was the survivor of the violence) in the interpretation of the law. If we were to take the offence of rape as it is currently defined, the focus on penetration clearly indicates the preoccupation with women’s “chastity” that in turn is closely linked to honour. It is thus a natural corollary for honour

to be used as a factor against women’s sexual autonomy.

The notion of “honour” gets enmeshed in criminal law in various ways. In criminal trials that are of a sexual nature such as rape, kidnapping from lawful guardianship, outraging the modesty and abduction, the focus is often on the wrong caused to the family and not to the individual. In such situations the conduct of the victim/survivor becomes very crucial in determining her contributory role to the offence. The lengthy cross examinations that women undergo with reference to their conduct in such trials is to a large extent due to the structure, substance and culture of the law that encourages such a position.

The question I pose is: What should be the response of the State to such violence?

Current responses to such increasing violence have been in the form of a Bill that was circulated by the law ministry to various states. The Bill seeks to amend provisions of the Penal Code by creating a new offence under section 300 which defines murder. Under the Bill culpable homicide is murder if it is done by any person or persons acting in concert with or at the behest of a member of the family, or a member of a body or group of the caste or clan or community or caste panchayat (by whatever name called) in the belief that the victim has brought dishonour or perceived to have brought dishonour to the family or caste or clan or community or caste panchayat. Dishonour includes acts of adopting dress code that is unacceptable, choosing to marry outside the community, *gotra*, or caste and engaging in sexual relations that are unacceptable to the family, or caste or clan or community or caste panchayat. While the definition adds a new dimension and brings such violence into sharp focus, the Bill also seeks to shift the burden of proof in such cases. From a human rights perspective, the shifting of the burden of proof that is often demanded in an emotional response to such crimes is violative of fair trial standards. This can bring in its wake a whole set of problems as the definition currently makes all members of a Panchyat or community (even if they were absent when the decision was taken to attack the perceived violator of social norms) liable for an act of violence.

One interesting response in the Bill is the amendment to the Special Marriage Act. The Special Marriage Act that legalises marriages between different religions is an optional legislation

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under which parties can choose to get married. However, currently the statute requires parties to give a minimum of a month's notice. This notice is affixed in the offices of the sub registrar of marriages. This is a public document that is generally put up on the notice board. Right wing parties have often sought out the persons in the notices and attacked them either physically or continued a massive propaganda in their communities against them. I know of instances of persons who had to shift their residences due to such violence. The current Bill seeks to remove the waiting period of a month.

The State's response by legislating in the realm of criminal law can at best be only reactive, that is react after the violence is perpetuated. It cannot be the only strategy. For an effective response, there have to be imaginative initiatives and interventions that actually go to the root of our understanding of the problematic term "honour". Awareness raising especially in the field of education and health that modify social and cultural behaviours that sanction violence against women must go hand in hand with legislative interventions. Young persons who make their own choice must have sufficient support systems that validate their decisions as well as offer them protection. An enabling atmosphere must be created by the State that makes people feel that they are safe. The legal system is ultimately a "stand alone" route and there has to be many paths that address such gendered violence against women.

FIVE SIMPLE RULES FOR REPORTING ON GENDER VIOLENCE

1. USE ACTIVE VOICE IN REPORTING CRIMES RELATED TO GENDER VIOLENCE.

For example: "A 32-year-old man *allegedly* raped a 23-year-old woman..." instead of "a 23-year-old woman was raped by a man...."

2. INTERVIEW APPROPRIATE EXPERTS WITH EXPERTISE AND PERSPECTIVE ON THE ISSUE.

For example: It is important to guard against the common, but mistaken, assumption that anyone who works on "women's rights" is qualified to comment on a case of gender violence; and important to take the trouble to find people with the right, relevant expertise.

3. LINK THE SPECIFIC INSTANCE TO LARGER ISSUES.

For example: An incident of honour killing following an inter-caste/inter-community marriage offers an opening for commentary and features to extend to broader questions relating to caste and patriarchy; traditional beliefs and customs that take the force of law; as well as the absence of laws to cover many kinds of gender violence.

4. UNDERTAKE MORE FOLLOW-UP STORIES AND STORIES THAT HIGHLIGHT TRENDS.

For example: After the initial reports on a given instance of rape or molestation, in addition to follow-up on the specifics of that investigation and trial, ancillary reportage could highlight other cases of sexual harassment and abuse in similar circumstances (employers, government officials, relatives, as the case may be) and delayed, miscarried justice; impunity and social costs of such violence.

5. FOCUS ATTENTION ON THE MANY FORMS OF GENDER VIOLENCE, DEBILITATING EVEN WHEN THEY ARE NOT DRAMATIC.

For example: A dowry-related murder or suicide may have been preceded by other forms of domestic violence, including psychological and economic abuse, which require probing and may provide useful evidence of the continuum of violence leading to death. Indeed, these are worthy of attention even when there is dramatic incidents of assault, battery or death to cover.

*These guidelines emerged from the discussion at the
Reporters' Roundtable on Gender Violence and the Media
2009 Prajnya 16 Days Campaign against Gender Violence, Chennai, November 26, 2009*



**Say No To Gender Violence
with the annual
PRAJNYA 16 DAYS CAMPAIGN
AGAINST GENDER VIOLENCE**

The "16 Days of Activism against Gender Violence" campaign originated in 1991 as an initiative of the Center for Women's Global Leadership at Rutgers University.

Since then, hundreds of organisations worldwide have used the campaign as an organising strategy in order to advocate the elimination of all forms of violence against women.

When?	25 November to 10 December
Where?	At multiple locations across Chennai and cyberspace
Why?	Because violence against women cuts across caste, class and community. Because gender violence is not a private concern. Because gender violence hurts us all.
How?	Through a broad, inclusive, structural and human rights approach to gender based violence; By forging partnerships to create a network for action; By involving diverse audiences including educational institutions, corporate groups & civil society organisations; By working with multiple media and programme formats.

To learn more about the Prajnya 16 Days Campaign

Visit our website

<http://www.prajnya.in/16days.htm>

Read our campaign blog

<http://prajnya16days.blogspot.com>

Email us

prajnya.16days@gmail.com

Find us on Facebook

<http://www.facebook.com/prajnya16dayscampaign>

Gender Violence in India 2009

A Prajnya Report

<http://www.prajnya.in/gvr09.pdf>



The GRIT@Prajnya Blog

<http://gritprajnya.wordpress.com>



Gender Violence Media Resources

GRITPrajnya YouTube Channel

<http://www.youtube.com/user/gritprajnya>



Campaign Chronicle

The Prajnya 16 Days Campaign Blog

<http://prajnya16days.blogspot.com>



What's in a Game?

<http://prajnyagamecheck.blogspot.com>



Collaborative Cooking

<http://prajnya-16days.wikispaces.com/Recipes+against+VAW>





About Prajnya

Prajnya is a non-profit think-tank in Chennai that works in areas related to peace, justice and security. Prajnya's work embraces scholarship, advocacy, networking and educational outreach and is organised into thematic initiatives.

About the Gender Violence Research and Information Taskforce (GRIT) at Prajnya

GRIT at Prajnya anchors a full-fledged research agenda on gender violence in tandem with a year-round public education programming calendar whose pivot is the 16 Days Campaign against Gender Violence.

About this report

"Gender Violence in India: A Prajnya Report" draws on available data on the different forms of violence against women to highlight the magnitude of the issue, underscoring the need for more systematic monitoring and gathering of data related to crimes against women.

This is the second edition of this Prajnya report.

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