

GROUND REALITY

**Documenting Evidences
of
Violence Against Women
in UP**

A Report Prepared by

KRITI Resource Centre

On Behalf of

HISAAB Campaign

And

WAMA

(Women's Alliance for Mobilisation and Action)

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Preface

The *HISAAB – Hinsā Sehna Bandh* (Accountability, Stop Tolerating Violence) campaign was started in Uttar Pradesh on 25th November, 2000, on the International day of Action Against Violence Against Women. It was a collective effort of many organisations, some of whom were there from the early days, others who left off or took the work ahead. The campaign drew its strength from its own partners' experiences of working earlier on Violence Against Women as well as from the experiences of the women's movement within India and elsewhere. It involved volunteers, grassroots workers, activists, media persons, political parties, police personnel and policy makers, all of whom joined in this struggle to ensure a life free from violence for women in Uttar Pradesh. It impacted on women in other states of India, and has mobilized community women to protest and demand accountability from society and the state for continuing violence against women.

The Campaign has two phases: in the first phase, close monitoring of the incidence of reported violence from newspapers was combined with studies of police and hospital records to create a presentation on the extent of Violence Against in UP. This was supplemented by a literature review. Women's organisations presented the findings and recommendations to representatives of different government departments and media at an interaction in April 2001, along with a mandate for state intervention. This report contains the documentation done in the first phase.

We hope this will encourage other groups to undertake monitoring exercises to advocate more strongly for a society where women can be free from violence.

Community (which includes the police, the state and the nation etc.)

- Rape and sexual harassment
- Rape of girls/women of a certain community/social group to punish the whole community group
- Communal violence
- Dowry deaths

The above paragraph describes the extent of violence against women in Uttar Pradesh. A woman can be the victim of physical, mental or sexual violence. Physical violence is the easiest to identify. But more subtle form of violence is the mental violence, which drives so many women to suicide, depression, insanity or even suicide. Mental violence may take many forms. It can be said that a woman faces mental

Section 1

VIOLENCE AGAINST WOMEN AN OVERVIEW

In a patriarchal society women grow up in a climate of violence at home as well as outside (workplace, educational institution, community, state). The female self in such social setups is culturally constructed so as to accept and abide by violence. According to Goodman, et al. (1993); violence does not only include the physical act but also the whole continuum of behaviour all of which invoke men's abuse of power over women. Acts of violence faced by women throughout her life in various situations include: -

Domestic Violence

- ◆ Female Feticide
- ◆ Female Infanticide
- ◆ Sexual abuse of girl child
- ◆ Wife battering (which may lead to murder)
- ◆ Wife burning
- ◆ Torture for Dowry
- ◆ Marital rape
- ◆ Abuse of old women

Community (which includes workplace, educational institution, etc)

- ◆ Rape and sexual harassment
- ◆ Rape of girls/women of a certain community/social group to punish the whole community/group
- ◆ Communal violence
- ◆ Kidnapping
- ◆ Murder

State

- ◆ Torture at police custody, remand homes, hospitals, etc.
- ◆ Rape and sexual harassment at police custody, remand homes, hospitals etc.
- ◆ Coercion and violence related to population control programmes
- ◆ Inaction of the state machinery in the cases VAW, thus indirectly promoting it.
- ◆ Lack of proper redressal.

Physical, Mental and Sexual Violence

The above paragraph describes the three major agencies perpetuating various types of Violence Against Women. A woman can be the victim of physical, mental or sexual violence. Physical violence is the easiest to identify. But more subtle form of violence is the mental violence, which drives so many women to acute depression, insanity or even suicide. Mental violence may take many forms. It can be said that a woman faces mental

torture and violence right from her birth. A girl child is discriminated against in her access to food, parental care, and opportunities of education. She is forced to accept a censorship on all her movements and is burdened with household labour in comparison to her male counterparts. She is brought up to accept a subaltern position in comparison to men. As a married woman she has to put up with various mental stresses arising out of the prevalent patriarchal value system, for example:

- The pressure to give birth to a son,
- A constant fear of losing her good name and chastity,
- Facing mental torture for not bringing enough dowry
- Facing mental torture for not being fair skinned, etc.
- Being insulted in front of others/ own children
- Threats to her life, property or to severe all right over her children.

One of most heinous forms of sexual violence is child sexual abuse. Many forms of sexual violence like marital rape are not even recognized by the law or the society. Sexual violence is however not restricted to rape and sexual harassment. Attempts to exercise form of control over the sexuality of a woman is also considered a sexual violence. The following types of sexual violence could be identified:

- Rape
- Non-physical forms of pressure coercing a woman to have sex against her will.
- Sexual molestation
- Child Sexual Abuse
- Intimidation
- Verbal pressure
- Forced Marriage
- Marital Rape

Violence –Throughout the Lifecycle of a Woman

A woman faces violence throughout her lifecycle, as shown below

- Foetal- sex-selective abortion
- Childhood- Discrimination against girl child, Child sexual abuse
- Adolescent- trafficking of young girls, Violence at workplace, sexual abuse and rape of adolescents, unwanted pregnancy.
- Reproductive Age- Violence against pregnant women, wife beating, torture for dowry, dowry murder, marital rape, rape and sexual abuse, violence at work place, forced pregnancy, forced abortion, coercive population control and family planning programs sponsored by the State.
- Old Age- Abuse of aged, desertion.

VAW in all forms violates women's fundamental human rights. It violates their right to self-preservation, development, right over their own body and sexuality and of course right to equality. The international women's human rights movements have been very vocal on the question of violence and there are number of international laws safeguarding women's rights. But it has been noted that there has been a vast gap between the Government rhetoric and reality. Specially, in case of the state of UP, it has been widely felt that even the commitments made by the Central Governments are violated by the

state. Further, there has been a dearth of documenting violation of women's human rights and seeking remedies for such atrocities in the state of UP.

There has been a global concern against VAW for some years and this led to the UN Convention for Eliminations of Discrimination against Women (CEDAW 1979). As part of this convention The International Bill of Rights for Women was framed and the GOI signed and ratified the Convention for Eliminations of Discrimination Against Women in 1993. The first country report to CEDAW committee was submitted in 2000. The Indian Constitution was a revolutionary in that it accorded equality on all counts to men and women, over fifty years ago. As a part of its commitment to equality various legislations have also been enacted to deal with Violence against Women. The year 2001 has been declared as women's empowerment year by the GOI.

Defining Violence Against women:

The United Nations has defined violence against women in the Beijing platform for action as follows:

The term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

This includes:

- Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non- spousal violence and violence related to exploitation;
- Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.
- Other acts of violence against women include violation of the human rights of women in situations of armed conflict, in particular murder, systematic rape, sexual slavery and forced pregnancy.
- Acts of violence against women also include forced sterilization and forced abortion, coercive/forced use of contraceptives, female infanticide and prenatal sex selection.

- Harmful effects of certain traditional or customary practices and all acts of extremism linked to race, sex, language or religion that perpetuate the lower status accorded to women in the family, the workplace, the community and society.

This document further goes on to note that violence against women is exacerbated by social pressures, notably the shame of denouncing certain acts that have been perpetrated against women; women's lack of access to legal information, aid or protection; the lack of laws that effectively prohibit violence against women; failure to reform existing laws; inadequate efforts on the part of public authorities to promote awareness of and enforce existing laws; and the absence of educational and other means to address the causes and consequences of violence.

Others define violence against women as including exploitation, discrimination, upholding of unequal economic and social structures, the creation of an atmosphere of terror, threat or reprisal and all form of religio-cultural and political violence. It also underlies aspects of structural violence and form of control and coercion exercised through an hierarchical and patriarchal gender relationship in the family and society.

Violence against Women- Mandate for State Intervention

National Legal Framework

The legal and developmental framework of India has equality between sexes as one of its core values. This core value is fundamentally opposed to violence against women and specific provisions are being continually incorporated into the body of law and policy in the country. These provisions are found within the Constitution, the Indian Penal Code, the Judicial pronouncements (case law) of the Superior Courts.

International Commitments

India has ratified amongst other human right treaties the following which include issues relating to ending violence against women.

- International Covenant on Civil and Political Rights, (ICCPR)
- Convention on the Rights of the Child (CRC)
- Convention on Elimination on All Forms of Discrimination Against Women, (CEDAW)

In addition to this the Government of India has accepted the following international agreements with out reservations (brackets):

- Nairobi Forward Looking Strategies (1985)
- UN General Assembly adopts 1st resolution on Domestic Violence (1985)
- Vienna Declaration and Program for action (1993)
- Cairo Conference Programme of Action (1994)
- Beijing Conference Platform for Action (1995)

Development POLICY and WOMEN in INDIA

The development policies in India have been focusing on women right from the first five-year plans. However, the orientation of the plans has changed over the years and they no longer remain welfare oriented. A short summary plans is given below throwing light on the various programmes adopted for women's development first plan onwards;

First Five year plan (1951-56)	<ul style="list-style-type: none">➤ The plan focused on providing social welfare services to women .➤ Adequate services to be provided to promote welfare of women so that they can play their legitimate role in the family and community.
Second Five year plan	<ul style="list-style-type: none">• Collectives organized for better implementation• Women were clubbed with other categories for welfare such as old and disabled.
Third and Fourth Five year plan	Focus on Education & Mother & Child health
Fifth Five year plan	Development Approach: Social welfare enlarged to encompass family issues and the role of women
Sixth Five Year plan	There was a definite shift from welfare to development approaches for women. The plan adopted a multi-disciplinary approach with thrust on the three core sectors of health, education and environment.
Seventh Five Year plan	<ul style="list-style-type: none">• Focusing on linking women to mainstream development. Focus also on Beneficiary oriented programs that give direct benefits to women.• A separate Department of Women and Child Development was created in 1985.• The National Perspective Plan for Women (1988-2000) Was drawn up.
Eighth Five Year Plan	<ul style="list-style-type: none">• The 8th plan was formulated against the backdrop of the new economic policy .• The strategy of the plan was to strengthen the grassroots organisations to articulate local women's needs and

	play an import role in decentralized planning and implementation <ul style="list-style-type: none"> • 1/3rd seats in the urban and rural self governess bodies were reserved for women
Ninth Five year Plan	<ul style="list-style-type: none"> • NGOs recognized as valid constituents, to be consulted in all policy decisions.

The Department for Women and Child Development is the National Machinery for the Advancement of Women and Children, and is situated in the Ministry of Human Resource Development.

Violence Against Women – Situation on the ground

Uttar Pradesh can be easily considered one of the most violent states in the whole country. According to National Crime Records Bureau the highest number of crimes against women are recorded in UP (1998). The National Human Rights Commission reiterates the same situation where more than 60 % of all human rights violation complaints are received from UP alone. In the year 1999, 1902 cases of Dowry torture and murder , 1369 cases of rape and 2441 case of abduction were reported by a leading daily, Rashtriya Sahara (dated 19th December, 2000). Some cases were especially shocking where the age of the victim was below six years. The members of WAMA who work on violence and related issues in the grassroots have felt that the state response towards VAW is extremely clumsy and driven by patriarchal values and vested interests. The caseworkers found the attitude of the Police, Hospitals and even the Judiciary to be insensitive towards women who were victims of VAW.

HISAAB – the evolution of a campaign against VAW in UP

The situation in Uttar Pradesh is exceptionally grim and for all intents and purposes seems to be worsening. The overall political, economic and social climate is increasingly becoming intolerant of plurality and diversity and violence aided by total lawlessness is the easiest method of dealing with this intolerance. Increasing evidences of violence against women is the obvious corollary. Economic changes that have taken place over the last decade or so are also adding to the woes of women. At this juncture, women's activist, scholars and other concerned groups and individuals working in UP got together to reexamine the situation relating to Violence Against Women and to strive to reclaim the human rights of the women of the state which seem to be languishing.

The UP women's network WAMA took the initiative to spearhead a campaign against VAW and christened this campaign "HINSA SAHANA BANDH" or "HISAAB" which started on 25th November, 2000. *Hisab* which means Accounts in Hindi is focused on

state accountability in cases of violence against women. It also aims at sensitising academicians, politicians and people working in the social sector about VAW.

The campaign started with the following objectives :

1. To establish VAW as a major obstacle the path of women's development to the Govt. and in the political arena.
2. To advocate for an equitable policy regarding VAW.
3. To create awareness and concern among all those organs of the Govt. which are responsible for the redressal of VAW.
4. To encourage voluntary organisations all over UP working with women's to include VAW as a prime issue of their intervention and research programmes.

Documenting Violence – Looking at Ground Realities - It was decided to take up a preliminary study to analyse the attitudes of state, media as well as community regarding VAW.

Objectives :-

The main objectives of this study were –

1. To collect and analyse reported information regarding Violence Against Women in UP.
2. To analyse the response and attitudes of the state actors and the media

Sources of Information - Information was to be collected from the following sources at district levels -

- a. Police records
- b. Hospital records
- c. Courts records
- d. Media – Newspaper reports

Information from police sources :

- The following information was to be collected with respect to VAW :-
- Percentage of cases which are dismissed with final report, i.e. found baseless after investigation.
- Percentage of charge sheets/arrests
- Percentage of arrests in case of dowry deaths.
- Age group of women most vulnerable to violence.
- Age group of women most vulnerable to rape.
- No. of women employed in each police station.

Information from the hospital

- Percentage of male and female patients access in health services.
- Percentage of male and female patients in the burns wards.
- Age group of women most vulnerable to burn injuries.

- Status (Medico-legal) of female patients admitted in the burns ward.

Information from the Media

- The different kinds of crimes against women reported in the newspapers in each district.
- The form and content of such reporting.

Methodology

One of the basic agendas of the HISAB campaign a network was to build up of voluntary organisations in partnership with WAMA and their capacity building was to be done so as to enable them to take up research and advocacy on VAW.

Thus the research was conducted with partnership of seven organisations in Uttar Pradesh working in various districts.

The organizations were –

<i>Organizations</i>	<i>District</i>
Kriti Resource Centre,	Lucknow
Aali	Lucknow
Disha	Saharanpur
Vanagana	Karvi
Nari Vikas Seva Samiti	Kushi Nagar
Gramya	Varanasi

A two day workshop of all the above documentation centres was organised for briefing them. Each documentation centre was given the responsibility to collect data from police, hospital, court, media and village/district.

Time Schedule :

- The information from media was to be collected at least for the months of January, February and March (2001)
- Data from police and hospital sources were to be collected for the last one year (2001).
- The literature survey from various sources (books, journal and internet) was to be compiled by the end of March (2001)
- All the information were to be compiled by the end of March (2000) to be presented at a sharing workshop (April 2001)

Limitations of the study

While gathering information it became clear that it would not be possible for the study teams to gather all the information that we had set out to. One of the main difficulties was to access information from Government sources due to refusal to divulge, as well as the

unavailability of information. In effect information was collected more on the basis of what is available rather than of what we actually wanted.

- The information collected by the six focal points on many issues did not follow the same criteria and so comparative analysis could not be done.
- Information was collected from a limited area and it may not accurately reflect the situation of the whole state of U.P.
- Due to lack of cooperation of Government agencies, information from hospital and police could not be collected in a comprehensive manner, information from courts could not be collected at all.
- The study primarily focused on reported incidents of violence and did not include any form of community response.

Ethiopia	1984-85	1985-86
Kenya	1984-85	1985-86
Nigeria	1984-85	1985-86

Section 2

A REVIEW OF EXISTING LITERATURE

Part One - Situational Analysis

Violence against Women is a manifestation of the historically unequal power relations between men and women. It has been noted that in all patriarchal societies violence has been used as the most powerful instrument for suppressing the rights of women as equal partners both within the family as well as in society at large.

Violence against Women – A Global Phenomenon

Incidence of Violence against Women is very high in South Asia and this region is also known for its patriarchal social systems. This is also true for India, and social scientists (Kumar, 1991; Wadley, 1977) have observed that all predominant ideological trends promote male hegemony and women have to situate themselves within this framework. DasGupta, Chen and Krishnan (1998) observe that in our country, men's pivotal role is that of breadwinner, in spite of the contribution women make to the production process. Women, who are compared to the earth symbolically, are merely a necessary accessory for the "male seed" to reproduce itself. This conceptual framework ignores the contribution of women both in the area of production and also underestimates their reproductive roles. As a result, very high degree of culturally prescribed power and prestige is associated with having a male child. On the other hand, female children are subjected to an extremely hostile environment right from the foetal stage. Violence is accepted as an intrinsic part of the patriarchal ideology without much challenge from any component of the existing system which condones and contributes to discrimination against women and denial of many of their fundamental rights.

Violence against Women is however not restricted to South Asia only and is a phenomenon that cuts across class, socio-religious and geographic borders. The following tables based on studies conducted in various parts of the world presents a global overview of the phenomenon.

Table 1
VIOLENCE AGAINST WOMEN : A GLOBAL OVERVIEW

Country	Year	Pop size (n)	% of adult women physically assaulted by intimate partner		
			Previous 12 months	Current relationship	Ever
Ethiopia	1995	673	10		45
Kenya	1984-87	612		42	
Nigeria	1993	1000			31

S.Africa	1998	5077	6		13
Uganda	1995-96	1660		41	
Zimbabwe	1996	996			17
Australia	1996	6330	3	8	
Bangladesh	1993	10638		42	
Cambodia	1996	1374			16
India(UP)	1993-94	983		45	
Korea	1989	707	38		
Colombia	1995	6097		19	
Mexico	1996	1064			27
Nicaragua	1995	360	27		52

TABLE 2

SEXUAL CRIMES IN SOME SELECTED COUNTRIES

COUNTRY	YEAR	% of perpetrators known to the victim	% of victims age 15 and under	% of victims age 10 and under
Lima Peru	1988	60		18
Malaysia	1988	68	58	18
Mexico City	1990	67	36	23
Panama City	1990	63	40	
Santiago (Chile)	1992	72	58	23
United States	1992	78	62	29
Papua Newguinea	1985		47	13

- According to a WHO study presented at Geneva; 52% of the women worldwide were physically assaulted by close male associates at least once in their lives.
- According to a WORLD BANK study domestic Violence Against Women accounted for 5% of the healthy years of working life lost in developing countries.

Violence against Women – The Indian Scenario

In India, the situation of Violence against Women has been depicted in numerous studies. The situation was considered so grave that the last round of the National Family Health Survey (1998-99) included this as an issue around which data was collected. Table 3

shows women's experience with beating or physical mistreatment as gathered in this extensive country level study.

According to Dasgupta, Chen and Krishnan (1998-99) it is believed by majority of Indian people of Northern part of the country that as soon as a boy or a girl reaches pubescence some heat accumulates in their body. Girls get rid of this heat by menstruating monthly. After marriage this heat helps her to get pregnant and she needs to be hot in her husband's bed. But for men it is different. They need to get rid of the heat otherwise it may make them mad. This conceptual framework gives an excuse to the men to impose sexual advances on women. If a man commits rape or sexual harassment it is generally said that either he is not normal mentally or his wife is not able to satisfy him and the victim(woman) must have provoked him in some way or the other. Thus the blame ultimately lies with the woman.

Table 3

VAW in India : Findings from the NFHS 2

Background characteristics		%beaten or physically mistreated since age 15	%beaten or mistreated since age 15 by:			% beaten or physically mistreated in last 12 months
			Husband	In-laws	Others	
Age Group	15-19	15.4	12.8	1.3	3.1	11.5
	20-29	21.1	18.8	1.8	3.2	12.4
	30-39	23.0	20.9	1.9	3.0	11.3
	40-49	20.3	18.3	1.7	2.9	7.6
Married for	<5 YEARS	14.4	11.5	1.0	3.9	9.6
	5-9	21.2	19.0	1.5	3.1	12.8
	10 OR MORE	2.9	21.1	1.9	2.6	11.5
	Not Currently Married	27.4	24.2	4.2	4.1	6.8
Residence	Urban	16.8	14.3	1.5	3.6	7.7
	Rural	22.5	20.4	1.9	2.9	12.2

Facts and Figures - Violence against Women in India

According to a study conducted by International Centre For Research On Women; Washington DC (1999); in India:

- A case of rape or molestation in every 26 minutes

- A case of dowry death in every 102 minutes
- A case of sexual harassment in every 51 minutes
- A case of torture in every 33 minutes.

According to a study conducted by Jaising(1995) in a clinic in Mumbai, out of 8000 aborted foetus 7997 were female.

Mahajan(1990)in Heise,et.al.(1994),reported that in Jullander district of Punjab 75% S.C. women were beaten by their husbands.

According to a study conducted by Rao(1993) in Karnataka,22% women reported physical assault by their husbands.

Siram and Bashi(1998)studied 617 battered women out of which 50% were beaten by husbands.

Visaria(1998).According to a study conducted in Gujrat,66% women reported both verbal and physical assault and 42%reported physical assault only.

According to a study by Castelino(1985) out of 133 post graduate upper and middle class students in India 26% reported having being sexually abused by the age of six.

In a study led by Dr. Sandra Martin (1999) of the University of North Carolina, Conducted in **Uttar Pradesh** and which interviewed more than 6000 men it was found that 50% of the men physically abuse their wives. It also shows that abuse was more common among men who had extra marital affairs; as well as in rural community or of lower social standing Martin said this sexual abuse could be the reason of the increase in HIV infection among monogamous wives.

In another study by Jeejeebhoy & Cook, 1997; out of a sample is of 983 women in **Uttar Pradesh** ; 45% of the women in the age group of 15-39 years reported physical assault by an intimate partner.

The draft policy on women of the UP Govt. claim that there are every year more than: -

- 1500 cases of rape
 - 2500 cases of indecent behavior
 - 200 cases of kidnapping
- (As reported by AMNESTY International, March 2001)

- Out of approximately 9,00,000 sex workers in India, 30% are children and the number engaged in flesh trade is increasing at the rate of 8-10 % per annum.
- Agra in UP is one of main the centres for trafficking of young girls.
[Ref: Womenspeak; New Delhi, March 2000]

A survey conducted by Radhika Coomaraswamy on violence against women in India revealed that in almost 94% of the cases the victims the offenders were members of the same family; in 90% of these cases the wife was the victim of the husband further more, 9 out of 10 murders of women were incidents of husbands killing their wives.

A study by Partha Banerjee (Injustice Studies Vol. I Nov. 97) on bride burning and dowry deaths in India in the states of Maharashtra and U.P. reveals that the incidence of dowry abuse and deaths have surged since 1987.

VIOLENCE AGAINST WOMEN : An Overview of UP

Uttar Pradesh is considered the most violent of all Indian states. According to national Crime Records Bureau the highest number of crimes against women are recorded in UP (1998). The National Human Rights Commission reiterates the same situation where more than 60 % of all human rights violation complaints are received from UP alone. The following figures show incidence of various types of violence against women (source NCRB, 1998)

Crimes committed against women	Incidence in the state of UP	Incidence in India
Incidence of total cognizable crimes	17497	131338
%contribution to all-India total	13.3%	100.0%
Rates of total cognizable crimes	10.7%	13.5%
Rank in India on the basis of %share	1 st	

Crimes committed against women in the state of UP (against all India total)

Rape	Kidnapping and Abduction	Dowry Murders	Cruelty by husband and relatives	Molestation	Eve teasing
10.7%	17.6%	32.2%	12.4%	7.8	31.7

The incidence of domestic violence against women as recorded in the NFHS-2 is given below:

Domestic Violence against women (source : NFHS-2 ,1999)

	Women physically abused since the age of 15	Physically abused since age 15			Physically assaulted in last 12 months
		By Husband	By in-laws	By others	
India	21%	18.8%	1.8%	3.1%	11.1%
UP	22.4%	20.8%	1.9%	2.2%	13.5%

According to a report published by a leading Hindi daily, Rashtriya Sahara dated December 19th 2000, the incidence of VAW in the state of UP reported in 1999 are as follows:

institutional and elsewhere, reflecting a trend...

Offence	Frequency
Dowry torture and murder	1902
Rape	1369
Abduction	2441

Variation in men's attitude and rates abuse of women in U.P.

In a study conducted by Narayana, it was found that men consider wife battering as their natural rights.

District	% Who Admit To Forcing Wife To Have Sex	%Who Agree That If Wife Disobeys, She Should Be Beaten	%Who Admit Of Hitting Wife	% Who Hit Wife In Last Year
Aligarh	31	15	29	17
Banda	17	50	45	33
Gonda	36	27	31	20
Kanpur Nagar	14	11	22	10
Naintal	21	10	18	11

Source-Narayana.G.(1996).Family Violence, Sex And Reproductive Health Behaviour Among Men In Uttar Pradesh. Unpublished.

Part Two – Theoretical Frameworks for understanding Violence Against Women

Defining Violence against women

The United Nations has prepared a very elaborate definition of violence against women in the Beijing Platform of Action which is reproduced below:

The term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. Accordingly, violence against women encompasses but is not limited to the following:

Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non- spousal violence and violence related to exploitation;

Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Other acts of violence against women include violation of the human rights of women in situations of armed conflict, in particular murder, systematic rape, sexual slavery and forced pregnancy.

Acts of violence against women also include forced sterilization and forced abortion, coercive/forced use of contraceptives, female infanticide and prenatal sex selection.

Some groups of women, such as women belonging to minority groups, indigenous women, refugee women, women migrants, including women migrant workers, women in poverty living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women, displaced women, repatriated women, women living in poverty and women in situations of armed conflict, foreign occupation, wars of aggression, civil wars, terrorism, including hostage-taking, are also particularly vulnerable to violence.

Acts or threats of violence, whether occurring within the home or in the community, or perpetrated or condoned by the State, instill fear and insecurity in women's lives and are obstacles to the achievement of equality and for development and peace. The fear of violence, including harassment, is a permanent constraint on the mobility of women and limits their access to resources and basic activities. High social, health and economic costs to the individual and society are associated with violence against women. Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men. In many cases, violence against women and girls occurs in the family or within the home, where violence is often tolerated. The neglect, physical and sexual abuse, and rape of girl children and women by family members and other members of the household, as well as incidences of spousal and non-spousal abuse, often go unreported and are thus difficult to detect. Even when such violence is reported, there is often a failure to protect victims or punish perpetrators.

Violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement. Violence against women throughout the life cycle derives essentially from cultural patterns, in particular the harmful effects of certain traditional or customary practices and all acts of extremism linked to race, sex, language or religion that perpetuate the lower status accorded to women in the family, the workplace, the community and society. Violence against women is exacerbated by social pressures, notably the shame of denouncing certain acts that have been perpetrated against women; women's lack of access to legal information, aid or protection; the lack of laws that effectively prohibit violence against women; failure to reform existing laws; inadequate efforts on the part of public authorities to promote awareness of and enforce existing laws; and the absence of educational and other means to address the causes and consequences of violence. Images in the media of violence against women, in particular those that depict rape or sexual slavery as well as

the use of women and girls as sex objects, including pornography, are factors contributing to the continued prevalence of such violence, adversely influencing the community at large, in particular children and young people.

A Gender Based Understanding on Violence Against Women

Feminists all over the world define violence against women as including exploitation, discrimination, upholding of ungentele economic and social structure, the creation of an atmosphere of terror, threat or reprisal and all form of religio-cultural and political violence. It also underlies aspects of structural violence and form of control and coercion exercised through an hierarchical and patriarchal gender relationship in the family and society. Women are considered the property the male; their sexuality, fertility and labour are systematically controlled. The consequent submission and subordination of women are further ensured through the process of socialization which establishes possessional right of men over women and which appear as an exchange of a promise of protection (whether actually fulfilled or not) in return or submission and exclusive use.

The family is however not the only place where a women is assaulted. The community and the state use violence against women. The increased reporting of gang-rape of women across the country is especially alarming. At present, the conviction rate or rape is barely 40%. Sexual violence is used as an instrument to send wide message. Humiliating women by raping and stripping them naked publicly; specially of those belonging to Dalit communities is used by economically and socially powerful persons to teach a lesson to the whole community. The understanding behind such action is that women are the repositories of family, caste or community honour and her body is the site where any kind of revenge can be wreaked.

Rape – A statement of Power - The act of rape itself not a “sexual act” (Brownmiller, 1997, Dworkin, 1987) but the statement of “power” of man over woman. Sexual violence is an insult to human integrity and human dignity. Browmiller states that “the popularity of the belief that a woman seduces or “cockteases” a man into rape or precipitates in rape by inaction behavior, is part of the smokescreen that men throw up to obscure their action.

Although rape and sexual abuse of women in war has been widely denounced, the assault of women in the situation of conflict is viewed more as a crime towards the community and less against the woman herself. Since the struggle for hegemony/power is carried out on women’s bodies, establishing control over women through sexual assault becomes a legitimate means of carrying out of this struggle. Although all international humanitarian laws prohibit rape in situations of conflict until recently it was dismissed as part of the “Spoils Of War“. Violence against Women in general and rape in particular serves as a tool of political repression. Further, it always occurs in connection with other forms of violence or abuse against women. In Kashmir, security forces army and paramilitary troops have engaged in widespread rape (Human Rights watch short report, Vol.5 No.9 ; May 1993).The act of rape was used as a means of targeting women whom the security

forces accuse of being militant sympathizers; in raping them, the security force attempted to punish the whole community.

Socio-cultural underpinnings of Violence Against Women - Jayawardane, De Alwis and Kumar (1996) argued that during the period of religions revivalism arising as an anti-colonial movement; assertion of national/cultural identity was reinforced by instrumentalising women's reproductive role (motherhood) as reproducer of nation or of nation's sons; thus rendering women as objects in the possession of male national collectivity. In this way, women's bodies become the battlefield of ideological politics.

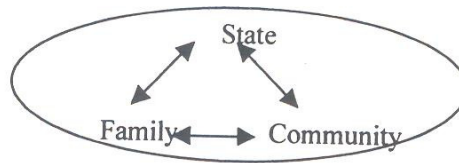
A woman's body is used for formation of community identity as well. According to Kannabiran (1995) there are two ways in which identity formation takes place; first through rape of women of minority and marginalises groups and second, through allegation by the dominant group of rape and aggression against their women; by men of minority community; This allegation justifies their hegemony by demonstrating lack of character of minority men.

It is apparent that the "religio-cultural value" are used as an excuse of violence and discrimination against women all over the world; e.g. genital mutilations in Africa; dowry in Asian countries, female foeticide and infanticide; wife beating; etc. The concerned countries often have a democratic constitution (e.g. in India) but the functioning of the state machinery endorses the cultural norms existing in the society. It is in this respect that feminists felt the intense need of international intervention for advocating for the human rights of women.

Role of the state in Violence Against Women

The State not only tends to overlook familial forms of violence against women but also perpetuates them in the name of upholding cultural legitimacy and law and order. It has been extremely insensitive towards the victims or victim's family of dowry deaths, beating, rape and molestation and being lenient towards the offenders. According to 1985 review of Bureau of Police research and development 20,000 rapes were committed in India per year. It is estimated that the actual number is fourfold since most victims/family do not usually report the incidence. The offenders usually go scot-free for lack of "evidence". In Feb. 1988, a group of 14 policemen assisted by home guards plundered the village Parasit, in Bihar, and committed mass rape. But in a 72 page judgement delivered by Justice O.P.Sinha in March, 1989; All the accused were acquitted because the victims – the women in question, belonged to working class and were tribals. It was naturally assumed that they lacked character. A similar judgement was delivered in the case of Bhanwari Devi in Rajasthan.

A close analysis of cases of gender violence reveals that the three agents (family, community, state) are not free of each other but closely interlinked, influencing each other's responses.



The state is the institution, which allows different socio-cultural and economic practices (family structure, civil society, gender and economic relations) to be transformed into a systematic practice of regulation, of rule and norm and of normalization within society. The state condenses very different social practices and transforms them into the operation of rules and regulation. When an act of violence occurs; the three agents were found to rally together by many activists working on gender violence.

The intricate relationship existing among the above three agents was also noted by the Ms. Radhika Coomaraswamy (Sri Lanka) who was appointed to the post of special rapporteur by the Commission on Human Rights, at its fifth session (March, 1994). It was noted in her report that the lack of legal guarantees and safeguards and the lack of access to information on these mechanisms and laws all reinforce women's vulnerability to violence. In addressing violence in family, state often tolerated violence intended to control women in their so called private lives. The rhetoric of public Vs private and the consequent primacy afforded to the public realm has fundamentally affected perceptions of women's rights. In distinguishing certain forms of violence as domestic violence only focuses attention on such violence as private acts within the family. And such a definition of domestic violence focusing solely on private actors, legitimizes the public/private dichotomy. The reporter also noted that at its most complex, domestic violence exists as a powerful tool of oppression. The "private" affair was reinforced by "community thinking" – the notion existing in society that women are liabilities and was on rise because the state machinery turned a blind eye to the incidences.

Domestic Violence

A study by International Centre for Research on Women(ICRW 2000) on domestic violence in four countries included India. The Indian experience was compiled by the following –

- Institute of Development studies; Ahmedabad (A study of 346 married women in rural Gujrat by Leela visaria)
- TATA Institute of Social Sciences, Mumbai(Assessment of domestic violence through hospital and community health records)
- International Clinical Epidemiologists Network(INCLEN) (The Study Evaluating domestic violence - based in seven sites of India;)
- Duvery Nata; P Varia, Misha, "Violence against women in marital home; links with education and unemployment"

Some of the key findings of the above studies related to domestic violence are summarised below:

- ❖ Domestic violence is a pervasive and serious epidemic that cuts across class and regions in India.
- ❖ Though there may be variation in the reporting of violence according to strata or other correlates, the character of violence experienced is uniform. Similar proportion of women from strata (urban slum, Urban non-slum, rural) reported experiencing violence in multiple forms, several times during their married lives, and during pregnancy moreover, 58% of the women said that both their natal and marital kins were aware of the violence, 41% reported that neighbors also have the knowledge. Majority of the women think that violence is a normal part of their marriage.
- ❖ Exploring the relationship between employment status of women and violence, it was found that no easy equation can be drawn. Many factors have to be taken into account as described below:
 - (a) If the woman has a steadier income than her husband but her nature of job is seasonal/casual/low paying; added generally with husband's alcoholic habits, the violence increases.
 - (b) If the wife has a secure job in a formal sector and is able to get the support of her natal kins as well (which her steady and nice income may ensure) the violence decreases.
 - (c) There is thus a likelihood of "U" shaped relationship between employment and reporting of violence.
 - (d) Violence may be expressed in terms of gender dynamics of power within a relationship.

Culture As An Excuse

A study by Partha Banerjee (1995) cited earlier; reveals that in most cases of violence against women; the first information report (FIR) was not filed. The reasons were "Cultural". Parents thought that it was against their "custom" to take a "private" affair to the "public" field; they were certain of the inaction of the "police" who would invariably advise them to resolve the private matter within their own four walls. This is more so when the offender and his family members may belong to upper caste/class or may have connections with ruling parties. Further it takes five to ten years to resolve a case, it is very difficult to find "evidences". Incredible as it may sound, in many cases it was found that the convicted husband will be requested by the parents of his killed bride to marry her sister and "bury" the whole affair. The logic for this apparently fantastic decision being that the death of the woman as well as the legal action taken by the parents has left a permanent mark of misfortune on her natal family, resulting in out casting/abhorrence by other prospective bridegrooms for her sister. The pressure of the patriarchal society and the upper caste rulers/workers on the natal family; the unmarried sisters are sure targets for neighborhood hecklers. But if the "Son-in-law" agrees to marry with less dowry (not without); parents feel relieved.

Part Three

Dealing with Violence Against women

International Treaties and Conventions

In response to the growing concern over violence against women worldwide, a number of International Treaties and Conventions were reiterated. A brief summary of these are presented below:

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women was passed in 1979. However, the article defining violence against women was incorporated only in 1989 under group 12 and group 19.

GR 12

1. The legislation in force to protect women against the incidence of all kinds of violence in everyday life (including sexual violence, abuses in the family, sexual harassment at the work place etc.)
2. Other measures adopted to eradicate this violence;
3. The existence of support services for women who are the victims of aggression or abuses;
4. Statistical data on the incidence of violence of all kinds against women and on women who are the victims of violence

GR 19

1. Gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men.
4. The Committee concluded that not all the reports of States parties adequately reflected the close connection between discrimination against women, gender-based violence, and violations of human rights and fundamental freedoms. The full implementation of the Convention required States to take positive measures to eliminate all forms of violence against women.

General comments

6. The Convention in article 1 defines discrimination against women. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence.

7. Gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention. These rights and freedoms include:

- (a) The right to life;
- (b) The right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment;
- (c) The right to equal protection according to humanitarian norms in time of international or internal armed conflict;
- (d) The right to liberty and security of person;
- (e) The right to equal protection under the law;
- (f) The right to equality in the family;
- (g) The right to the highest standard attainable of physical and mental health;
- (h) The right to just and favorable conditions of work.

11. Traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion, such as family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision. Such prejudices and practices may justify gender-based violence as a form of protection or control of women. The effect of such violence on the physical and mental integrity of women is to deprive them the equal enjoyment, exercise and knowledge of human rights and fundamental freedoms. While this comment addresses mainly actual or threatened violence the underlying consequences of these forms of gender-based violence help to maintain women in subordinate roles and contribute to the low level of political participation and to their lower level of education, skills and work opportunities.

23. Family violence is one of the most insidious forms of violence against women. It is prevalent in all societies. Within family relationships women of all ages are subjected to violence of all kinds, including battering, rape, other forms of sexual assault, mental and other forms of violence, which are perpetuated by traditional attitudes. Lack of economic independence forces many women to stay in violent relationships. The abrogation of their family responsibilities by men can be a form of violence, and coercion. These forms of violence put women's health at risk and impair their ability to participate in family life and public life on a basis of equality.

VIENNA PROGRAMME OF ACTION

The Vienna Programme of Action (1993) emanates from the UN Declaration on the Elimination of Violence against Women (1993). This PoA clearly articulates that gender based violence, sexual harassment and exploitation including those behaviour resulting from cultural practices and prejudices controvert human rights norms and dignity of human person, therefore cannot be tolerated.

18. The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.

Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated. This can be achieved by legal measures and through national action and international cooperation in such fields as economic and social development, education, safe maternity and health care, and social support.

The human rights of women should form an integral part of the United Nations human rights activities, including the promotion of all human rights instruments relating to women.

The World Conference on Human Rights urges Governments, institutions, intergovernmental and non-governmental organizations to intensify their efforts for the protection and promotion of human rights of women and the girl-child.

Indian Legal Framework

- **The Constitution of India** –The issue of equality of men and women and that of VAW is taken up in the following sections-

Preamble

Articles 14, 15, and 16

(Special Provisions to ensure equality and Non Discrimination for Women)

Directive Principles of State Policy (Articles 39 and 42)

- **Indian Penal Code**

Recognizes Violence against women as a crime

Recognizes Domestic Violence against women

Government of India recognizes women's need for

compensation in cases of rape, at least for the Dalit women, in view of their special circumstances. (SC/ST Act)

Some of the Acts related to VAW include Sections 304B, Section 363, Section 354, Section 366, Section 366A and Section 498A.

- **Supreme Court** recognizes the concept of Restorative Justice and has taken initiatives against violence against women through judicial pronouncements, a recent example being the *Visakha vs State of Rajasthan*, where it formulated the Sexual Harassment at Workplace Law.
- **Domestic Violence against Women Bill (draft)** – This is a bill pending before the Parliament. It was moved by the Government of India (Department of Women and Child Development, in consultation with NGOs).
- Many **laws** have been formulated by the state to protect women's rights eg. (please find examples)

Saying No to Violence – Civil Society Response in India

The history of modern India is replete with examples of individuals and groups taking a stand – individually or collectively to protest against the widespread violence against women which receives social sanction and legal connivance. Early protests like that against Sati was within a paternalistic approach but later on feminists have taken the lead. Some of the milestones in recent history have been – (can we include the Bombay women's groups experiences; also some of the legislative milestones)

- In 1979, the Anti-Dowry movement started in New Delhi, which continued to rock the country till 1982.
- In 1982, the Anti-Dowry (Amendment) Act was passed.
- In 1980, the Mathura rape case proved to be a curtain raiser on sexual violence against women and feminists all over the country took up the agenda strongly.
- In 1982, specific amendments were made in the Anti-rape Act to make it more pro-women.
- In 1986, women of Kesaragaw village, Jahanabad, Bihar; protested against domestic violence collectively by stopping all household work.
- 1987, women groups staged strong movements against foetal sex-determination tests. Women groups throughout the country protested against the rape of Bhawari Bai, a Sathin of Rajasthan in 1991; especially so because the upper caste perpetrators were let scot free by the court.

Section Three

Findings

Media Findings

The six focal points each scanned a number of local newspapers for the information related to Violence against Women for approximately three months. The following types of violence were reported in the media:

- Rape
- Domestic Violence
- Dowry Murder
- Suicide
- Murder
- Mental Torture
- Violence Under Civil Custody
- Kidnapping
- Criminal Negligence Of Health
- Rendering Homeless
- Torture
- Others

The following Table shows distribution of cases of VAW (after eliminating common cases reported in multiple newspapers) as recorded by different focal points from their local newspapers between the months of January to March.

TABLE I

Frequencies Of Cases Of Vaw As Recorded By The Focal Points

Focal Points	Number Of Days Of Media Scanning	Number Of Days Of Without Any Incidence Of Vaw	Cases Of Vaw/Day (Based On Total No. Of Days Scanned)	Cases/day of reporting of VAW
Vanagana, Karvi	69	15	3.4	4.4
Grammonati Sansthan, Mahoba	89	43	2.1	4.1
Gramya, Varanasi	58	32	1.3	3
NVSS, Kushinagar	89	35	1.3	2.1
Disha, Saharanpur	58	2	9.3	9.6
AALI, Lucknow	89	0	4.3	4.3

As the table shows, the number of days scanned by the focal points varied between 58 to 89 days. The data indicates that reporting of violence against women is quite high in some parts of the state – Lucknow, Saharanpur, and Karvi. If we only see those dates in which violence against women is reported, the average number of cases per day across the state comes to roughly the same figure of 3 to 4 cases per day with the exception of Saharanpur. Obviously violence against women here is perhaps higher. It is also interesting to note that there are very few violence free days of reporting in Saharanpur (2 days) and Lucknow (0) days.

Table 2 shows the frequency of reported violence (a cumulative of all focal points) during the period of three months:

Type Of Violence	Frequency
Sexual Violence	76
Rape	218
Domestic Violence	165
Suicide	137
Murder	243
Mental Torture	107
Violence Under Civil Custody	21
Kidnapping	96
Criminal Negligence Of Health	16
Rendering Homeless	63
Torture	110
Others	110

There were 95 reportings of dowry murders in this period of three months. In the reported 137 cases of suicide, many were due to domestic violence and torture for dowry. The principal reasons of dowry deaths were demand of motorcycle/scooter, cash between Rs.20, 000(Rupees twenty thousands) to Rs.25,000.(Rupees twenty-five thousands);a gold necklace or even a buffalo. The main perpetrators in cases of dowry death and domestic violence were :

- Husbands
- Parents-in-law
- Brother-in-law, and others.

Usually, the following methods of killing were reported:

- ◆ Burning
- ◆ Throttling
- ◆ Hanging
- ◆ Beating with a blunt instrument

Later on ,the dead bodies were reported to be disposed off secretly, some were thrown in river, others cremated in a hurry or left unclaimed in the hospital.

However, in cases of rape and sexual violence, reported perpetrators were usually outside the family.

Reporting of police action in the cases of VAW – In a majority of reported cases, police had arrested one or more accused. However in many cases, the arrests were unnaturally delayed. Delays in filing the FIRs were also reported.

Attitude of the press -In most of the headlines mother-in-laws were mentioned, shifting the blame to women and consorting to the popular belief that women themselves are the greatest upholders of dowry system. It was also noted that atrocities against women always find a second place in terms of news value in comparison to other news items.

Information From The Hospitals

A total of 508 cases were collected from six focal points and their distribution is given below-

<i>Centre</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
AALI	98	8	106
DISHA	29	47	76
Grammonati SANSTHAN	32	58	90
Nari Vikas Sewa Samiti	9	1	10
VANAGANA	200	0	200
GRAMYA	18	7	25

Nature of Cases and time period.

While looking for the cases of VAW the following categories were taken into account:

- ◆ Burns
- ◆ Serious injuries
- ◆ Poisoning
- ◆ MLPC & MLVC (Medico –Legal cases; MLPC – Police Case registered; MLVC not registered)
- ◆ Accidents
- ◆ Others

However, data was not collected uniformly by all the centers and the time periods were also different, so the data was analysed according to hospital specific parameters rather than common parameters. In Lucknow, information was collected from two large city hospitals over a two months period. At Karvi, data was collected for one year from the district hospital, but only for women patients. Grammonati Sansthan, and Gramya, the information was collected for four and six months respectively. Nari Vikas Sewa Samiti collected information for one month. Gramya focused on burns related information while Vanangana focused on the medico-legal nature of the women's admission.

The distribution of cases from various centres as per their conditions of injuries are given below:

200 cases of female records were collected from district hospital Karvi for one year. These were classified as being medico-legal cases or not. A total of 106 (more than half) cases were found to be medico-legal cases compared to 94 accidents.

Conditions Of Cases

Centres	Burns	Poison	Serious Injuries	MLPC	MLVC	Accidents	Others
AALI	3	18	59	0	0	0	26
Vanagana Gram.	0	0	0	67	39	94	0
Sansthan	2	1	6	0	0	0	81
Gramya	25	0	0	0	0	0	0
NVSS	0	0	0	0	0	0	10
DISHA	17	65	56	0	0	0	3
Total	47	24	65	67	39	94	111

Analysis

Lucknow:

- ◆ Between a period of 15 days, 65 women were admitted in serious condition in one hospital. Out of these 65, 59 women were seriously injured and, four were severely burned and one was poisoned.
- ◆ Most of these women (55 out of 65) belonged to the age group 15-49.
- ◆ In another hospital, during a period of 42 days 42 patients were admitted for similar causes out of which 34 were women and only 8 were men.
- ◆ A total of 80 women were admitted in serious injuries out of which 11 were pregnant and in 4 cases abortion had already started due to injuries.
- ◆ The main areas of injuries among women were face, abdomen and breasts.
- ◆ Hitting with blunt objects caused majority of the injuries among women.

Mahoba

Between December 2000 and March 2001, 90 cases were recorded from District Hospital Mahoba of which 32 were women. Of these seven cases of burns and one of poisoning.

Varanasi

A total of 25 cases of burns were admitted in District Hospital Varansi between October, 2000 and March, 2001 out of which a disproportionately high proportion 18 (nearly three quarters) were females.

Karvi

200 cases of female records were collected from district hospital Karvi for the year 2000. These were classified as being medico-legal cases or not. A total of 106 (more than half) cases were found to be medico-legal cases compared to 94 accidents.

Saharanpur

Interestingly the Saharanpur district hospital data reveals that in the three month period – December 2000 to February 2001 a total of 73 cases of poisoning and burns were admitted. Of them 26 were women and 47 men the proportion of burns and poisoning was roughly the same with both women and men- Burns - 6 out of 27 (22%) in the case of women and 11 out of 46 (24%) in men; Poisoning – 21 out of 27 (78%) in women and 35 out of 46 (76%) in men.

Conclusions - Some of the tentative conclusions that can be drawn from the limited data are:

- A very large proportion of admissions in the case of women is due to striking by blunt objects. It can be safely assumed that these blunt objects were wielded by someone known to the women.
- Women in the Reproductive age groups are at high risk for injury
- If the same nature of injuries are taken for both men and women (eg. Injury with blunt instrument) women are at far higher risk of injury than men
- Pregnant women are at risk of facing injury
- Physical injury in pregnant women is often associated with pregnancy loss
- Women are at higher risk for burns
- A large proportion of injuries in the case of women can be attributed to medico-legal causes as opposed to accidents.

Information from the Police

Data from five police station were collected by the respective documentation centres. The data consisted of FIRs filed by women or their families. Unfortunately, the time frame for all the centres was not uniform.

A total of 193 cases were documented. They were filed under following sections:

Section	No of Cases	Type of Offence
498A	74	Cognizable and Non-bailable
304B	43	Cognizable and Non- bailable
354	26	Cognizable and bailable
376	51	Cognizable and Non- bailable

498A is for dowry related harassment, 304B is related to dowry murder, 354 is for outrage of modesty and 376 is for rape. All of these are cognizable offences which means that police is entitled to take action straight away. Apart from 354, all the above are non-bailable .Out of total of 193 cases, 181 were in such in which the victim had named the accused (Namzad) but arrests were made only in 161 cases.

Rape: Section 376

There were 51 cases of rape reported. Among these, 34.32% (about a third) were such where the rape victims had recognized and named the accused yet, in 47% (less than half) of these cases no arrest were made though rape is a cognizable and non-bailable offence.

It has to be noted that 47.6% of all the rape victims below 20 years of age.

Outrage of Modesty: Section 354

Section 354 is a cognizable but bailable offence. But it should not be taken lightly since it includes those cases where a victim is stripped paraded in the village. It was found that out of 26 cases, 92% were such where the accused were named (Namzad). But it was to find that 42.3% cases the police did not even bother to put up an enquiry, reflecting the callous and insensitive attitude of this department.

Dowry related Violence: Sections 304B and 498 A

Torture related to dowry demands and dowry related murder are one of the most heinous crimes against women in our country. What is more shocking is that the accused are close family members. In the records we collected no arrests were made in 40.% cases under 498A and under section 304B no arrests had been made in 30% of the cases.

Analysis

An over all analysis of the data from all sections show that shows that:

- Out of the total cases (193) , 41% were such where no arrests were made despite the fact that in 84% (161) cases, the accused were named (namzad).
- 37% of the violent family members of the women who were murdered or tortured are free and at large, and were never arrested
- 46% of the sexual assaulters have never been arrested and free and at large.

This clearly indicates that police action in terms of arrests and detention is very poor and there is sufficient grounds to suspect that this could be due to malafide intentions. Justice for women who have suffered from or succumbed to violence is not possible even with the requisite laws in place.

Overall the data collected is just the tip of the iceberg. But one can clearly say that incidence of violence against women is very high in the state. It was shocking to see the non-committal and irresponsible attitude of the state redressal machinery towards violence against women.

Annexure

DECLARATION ON ELIMINATION OF VIOLENCE AGAINST WOMEN

Recognizing the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings,

Noting that those rights and principles are enshrined in international instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recognizing that effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women would contribute to the elimination of violence against women and that the Declaration on the Elimination of Violence against Women, set forth in the present resolution, will strengthen and complement that process,

Concerned that violence against women is an obstacle to the achievement of equality, development and peace, as recognized in the Nairobi Forward-looking Strategies for the Advancement of Women, in which a set of measures to combat violence against women was recommended, and to the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women,

Affirming that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms, and concerned about the long-standing failure to protect and promote those rights and freedoms in the case of violence against women,

Recognizing that violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men,

Concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women and women in situations of armed conflict, are especially vulnerable to violence,

Recalling the conclusion in paragraph 23 of the annex to Economic and Social Council resolution 1990/15 of 24 May 1990 that the recognition that violence

against women in the family and society was pervasive and cut across lines of income, class and culture had to be matched by urgent and effective steps to eliminate its incidence,

Recalling also Economic and Social Council resolution 1991/18 of 30 May 1991, in which the Council recommended the development of a framework for an international instrument that would address explicitly the issue of violence against women,

Welcoming the role that women's movements are playing in drawing increasing attention to the nature, severity and magnitude of the problem of violence against women,

Alarmed that opportunities for women to achieve legal, social, political and economic equality in society are limited, inter alia, by continuing and endemic violence,

Convinced that in the light of the above there is a need for a clear and comprehensive definition of violence against women, a clear statement of the rights to be applied to ensure the elimination of violence against women in all its forms, a commitment by States in respect of their responsibilities, and a commitment by the international community at large to the elimination of violence against women,

Solemnly proclaims the following Declaration on the Elimination of Violence against Women and urges that every effort be made so that it becomes generally known and respected:

Article 1

For the purposes of this Declaration, the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Article 2

Violence against women shall be understood to encompass, but not be limited to, the following:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and

intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Article 3

Women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. These rights include, inter alia:

- (a) The right to life;
 - (b) The right to equality;
 - (c) The right to liberty and security of person;
 - (d) The right to equal protection under the law;
 - (e) The right to be free from all forms of discrimination;
 - (f) The right to the highest standard attainable of physical and mental health;
 - (g) The right to just and favourable conditions of work;
 - (h) The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment.
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