

**COMMENTARY ON JULY 2004 CIPU REPORT ON THE FACT FINDING MISSION TO INDIA:  
WOMEN IN INDIA**

Compiled by  
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**BACKGROUND**

The following is an evaluation of the UK Home Office's Report on the Fact Finding Mission to India: Women in India, released in October 2004 by the Country Information & Policy Unit (CIPU) of the Immigration & Nationality Directorate. The preface to the report states that "The purpose of the mission was to obtain information that would assist the UK with the consideration of asylum and human rights issues. In particular the purpose was to obtain information on the situation of women in India with specific regard to whether women throughout India are able to access effective protection and whether there exists a willingness and ability to enforce laws designed to protect women".

The terms of reference to the report read as follows:

**"The purpose of the fact finding mission is to obtain information which will assist the UK with the consideration of asylum and human rights issues.**

**In particular the purpose is to obtain information on the situation of women in India with specific regard to whether women throughout India are able to access effective protection and whether there exists a willingness and ability to enforce laws designed to protect women. The focus will be on the following areas:**

**Violence against women...**

**Rape...**

**Dowry...**

**Police...**

**Access to Legal Remedies...**

**Relocation...**

**In addition to the specific issues identified in detail above, further information which comes to light in the course of the mission which relates to the purpose of the mission will be followed up as far as possible during the course of the mission."**

This commentary evaluates the Country Report in this light and identifies areas where the CIPU report could be improved.

The paper was compiled by Dr Gareth Price, the head of the Asia Programme at Chatham House. Dr Price has conducted research into a wide range of social, political and economic developments throughout South Asia. Prior to this, he covered political and economic developments in India and

Pakistan as the Senior South Asia Analyst for the Economist Intelligence Unit. He has also undertaken numerous consultancy projects for public and private-sector clients, and has worked for a political risk consultancy.

## GENERAL COMMENTS

Overall, the report raises the key issues affecting women's rights and status in India. It gives a strong sense of women's secondary status in society; of levels of domestic violence; of legislative protection and enforcement; protective infrastructure and women's ability to internally relocate.

According to the preface, the purpose of the mission was

**1.1 ... In particular the purpose was to obtain information on the situation of women in India with specific regard to whether women throughout India are able to access effective protection and whether there exists a willingness and ability to enforce laws designed to protect women.**

Section 6, which deals with the issue of enforcement, successfully highlights the issues involved in the enforceability of legal protection for women. This is primarily because most of the interviewees seem to hold roughly similar views on the issue. Problems arise when this is not the case.

The commentary focuses on two problematic areas within the report:

- the failure to ascertain the reasons for ambiguities in statements from different interviewees;
- a failure to assess regional differences.

Connected to the latter issue is the issue of NGOs. It is very difficult, from the report, to assess the geographical spread of NGO activity.

Clearly the report has been structured in a similar manner to the Country Report. However, in the Country Reports the source material generally provides both facts and analysis. But in an interview process, the response from interviewees is determined by the questions asked, and the overall conclusions are dependent on the composition of those interviewed. When there are discrepancies in responses from different interviewees these should be resolved, or the reasons for the discrepancies explained. While at times this occurs, too often it does not. Similarly, there are several points within the report when important follow-up questions or clarifications do not appear to have been asked. A more critical examination of the interviewees would have made the report more rigorous.

Coupled with this is the manner in which interviewees' comments are used in the report. While the attempt to present interviewees accurately is clearly correct, the use of quotation marks when interviewees are clearly quoted verbatim would improve the report. However, another difference between written reports and interviews is that there is a greater tendency to generalise in oral communication. This requires either a more rigorous examination of those interviewed (possibly by following up interviewees for subsequent clarification) or for prevalent ideas from several interviewees to be rewritten and sourced to different interviewees (possibly publishing the transcripts of interviews separately).

Instances of this lack of clarity, which stems from quoting interviewees verbatim, are endemic through the report. For instance, paragraph 4.4 reads

**“A representative from Jagori commented that in the last 15 years there has been a piece-meal approach to issues of violence. The representative said it was difficult to say if the police had improved or got worse since gender sensitisation training..”**

Presumably, the interviewee was not actually suggesting that gender sensitisation made the situation worse.

Several examples of these problems are provided in the analysis below. However, as noted above, overall the report is generally satisfactory. The problems are generic through the report and relate to the manner in which it has been compiled. Two specific examples – Kerala and internal mobility - are assessed in more depth but a similar examination of many other issues would provide similar findings.

## **MAJOR ISSUES: CONTRADICTIONARY STATEMENTS**

Paragraph 1.5 states that:

**1.5 In the report care is taken to present the views of the various interviewees in an accurate and transparent way. Unless otherwise indicated, all statements within a paragraph are to be attributed to the source mentioned at the beginning of the paragraph. It is inevitable that this report will contain a number of seemingly contradictory statements. However it should be noted that the report has been produced to reflect exactly what members of the fact-finding mission team were told in their meetings with the various interlocutors**

It seems entirely reasonable to cite different opinions, but the report frequently fails to explain the reasons for the apparent contradictions. While different viewpoints are to be expected, the reasons why interviewees hold certain views should be explained. At times, different interviewees take different approaches to subjects; the report should have clarified whether or not their views are compatible and, if not, why.

Occasionally, the contradictions relate to matters of fact. Here, the committee should have endeavoured to uncover the truth. For instance, several different figures are given for the instances of violence against women. There may be a reason for these ambiguities; some interviewees may doubt the accuracy of government figures; others may be basing their figures on their own research or they may be mistaken. However, these explanations should have been ascertained at the time, or clarified subsequently and added to the report. The contradictions give the sense that there is widespread argument over some issues which may, or may not, be the case. Contradictory statements are widespread through the report; a selection are provided below.

### Dalit empowerment

**3.33 According to the same publication, “The End of Silence...Dignity of Life for Dalit women” about 70% of Dalit women who are working in the tobacco or cotton fields may be subjected to sexual harassment. Dalit women face violence from within their own community as well as from other castes because of the rigid social laws and customs. Furthermore those that have migrated from villages to cities face increased exploitation. The Secretary of the Department of Social Justice and Empowerment spoke at the Convention saying there are many schemes run by the Social Justice and Empowerment Board, which provide houses for the self-employed as well as education and economic empowerment schemes and the public need to come forward and benefit from the schemes.[19](p13-15)**

**3.96 Ms Lalita Iyer, a Senior correspondent for a national publication, The Week, told members of the fact finding mission that women lack awareness of their rights and this is a phenomenon. In one of two locations awareness has increased amongst upper castes but never amongst the Dalits.**

Presumably, “never amongst the Dalits” is a generalisation that could have been removed.

#### Position of educated women

**3.41 Ms Visa Ravindran, a freelance journalist in southern India told the delegation that there is a rural/urban difference and this is also related to education levels.**

**3.42 Ms Fatima Ali Khan, interviewed in Hyderabad, from the Department of Women’s Studies at Osmania University, also affiliated to Saathi, a small organisation of academics, stated that in India the picture is so complex and varies a great deal where many factors influence the treatment of women, including class, caste, religion and education. Where you think women are empowered they are not and where you think they are weak, they are strong. Some of the most educated could be in the worse position and sometimes will not speak out until their dying declaration. Working class women are very independent because they do not have much to lose and are able to cope on their own with no social stigma.**

These two paragraphs appear to contradict each other regarding the position of educated women. While it may well be difficult to generalise, presumably the point is that, in general, educated women in urban areas are in a better position than uneducated rural women, though this may not always be the case. Leaving the contradiction standing without clarifying the views of the interviewees makes the report appear vague. The relationship between violence and economic development could also be drawn out: paragraph 3.45 argues that in faster growing states “crime against women have registered a higher growth rate”, and that “dowry related crimes has increased manifold”.

The question of who is worst affected by violence is not adequately answered. The section on patriarchy (3.1-3.15) generally implies that the situation is bad for all women (and particularly Hindu women) in India, though 3.15 suggests that Hindu women suffer most. The next section, Effect of caste, class, religion and education in the status and treatment of women (3.16-3.34) suggests that illiterate women and Dalits are worse affected but the next section, economic status (3.35-3.49) suggests that crimes against women are rising more rapidly in faster developing states.

These positions may well be compatible. Patriarchy may affect all women; less-educated rural women have been worse affected but, because of the rise in dowry-related crimes, now more educated women are suffering abuse. However, in its current format it is difficult to draw any conclusions from the report.

#### The independence of the NHRC

**7.49 “Even though the NHRC is not an entirely independent body...**

**7.52 ...The Commission is totally independent and employs 300-400 staff. ....**

While the claim that the NHRC is not independent comes from a written document, it would seem important to clarify on what grounds its independence is doubted.

## Kerala

Compared to most states not visited by the mission, Kerala is relatively frequently mentioned in the report. The following are the references to Kerala. The ambiguities in the references would make it difficult to reach reasonable conclusion as to the position of women in the state. But some of the contradictions relate to matters of fact; some of the people interviewed are, in fact, wrong, and their statements should have been clarified or omitted:

**3.18. Female literacy levels vary dramatically between States, only Kerala and Mizoram have approached universal literacy**

**3.39. ...Kerala which has a long history of gender sensitivity shows that 78% of the women work in non-agricultural services and their contribution is accounted for. ...**

**3.79 According to data from the 2001 Census the sex ratio for women of all ages was 876 in Punjab; 861 in Haryana; 821 in Delhi; 921 in Rajasthan; 898 in Uttar Pradesh; 919 in Bihar; 920 in Gujarat; 919 in Madhya Pradesh; 922 in Maharashtra and 1058 in Kerala. (see table below for more details of State sex ratios in the 0-6 age group) [31]**

**3. 83 ... In Kerala family planning is working because of high literacy levels yet it is one of the most backward states for women with the highest suicide rate in the country. This was attributed to a number of factors such as lack of industries resulting in high unemployment.**

**3.95 ...In Maharashtra and south Kerala for example, the more educated the woman is then the more dowry is expected, therefore the more education results in more violation...**

**4.83 ...She commented that even in Kerala it was not safe for women to be out because it is deeply patriarchal despite the 100% literacy rate..**

**6.27 ... However in Kerala where there is 90% literacy the police have to take women's complaints seriously.**

**6.45... An example was cited where in Kerala a women joined the police and wanted to wear trousers rather than a sari but her superior officer got angry with her saying it was not feminine, so you have to battle against these sort of attitudes.**

**7.37 ...The hostel has been publicised by word of mouth and the biggest intake is from Kerala where there is a very high literacy rate but very low employment so women come to Delhi for work.**

**8.32 ... However this preference [for boys] is not seen in Kerala which is traditionally matriarchal and has high literacy rates...**

**9.20 ... Elderly destitute widows are generally eligible for the OAP only, but in Kerala younger widows are eligible. ...**

Kerala's literacy rate, for instance, is well known and accepted. According to the 2001 census the literacy rate stood at 88% for women and 94% for men, approaching universal literacy, but not 100%.

Similarly, ambiguities over whether Kerala is a matriarchal or patriarchal society could easily have been clarified. Kerala is a patriarchal society, but it is a matrilineal society (property is passed down the female line). In matrilineal societies in India (notably Kerala and Meghalaya) the uncle traditionally plays a major role, and modernisation and in particular urbanisation, have reduced the

importance of land ownership.

### Internal mobility

The section on internal mobility makes it clear that landlords do not like to let apartments to single women. This would seem to be a key deterrent to internal mobility, but the analysis of this subject is anecdotal; there is little sense of trend or geographic differences and it is unclear whether it is actually impossible for divorced women to let apartments or whether fear that it will be impossible leads to them remaining abused. A selection of quotes from the section about internal mobility is given below. It would have been useful had these issues been explored further:

**9.1 ... In small cities it is very difficult for women to set up homes independently if she has a family.**

**9.2 ... it is still difficult for women to live on their own in India however not so much in urban areas though. ... Some women manage to live on their own in apartments but this is an urban phenomenon. ...**

**9.3 ... It is difficult for lone women to move to rural and urban areas.**

**9.5 ... it would be very difficult for a single woman to relocate ... She suggested that even the more educated would find it hard so by comparison it may be easier for a single woman to relocate. ... In recent years in urban affluent areas, parents are more protective and the mindset has changed over the last decade or so but this is not the case amongst the urban lower middle classes. ...**

**9.6 ... Women from both high and low income brackets moving on their own in search of a safe home, are viewed with suspicion. She thought it may be easier in urban areas as accommodation for younger women to live alone did exist but along with tight restrictions, in the form of paying guest accommodation. ...**

**9.7 Lalita Iyer a journalist interviewed by the delegation in Hyderabad said that it was ok for women to live in groups alone ....**

**9.9 ... in Bombay there are examples of mobility amongst some Muslim women but not in Ahmedabad.**

**9.10 ...She responded that it is not easy to be a single woman and that renting a house would be difficult. ...**

**9.11 ... it is not possible for women to live on their own because society clings on to age old customs. They stated that it would also be a major problem for women to relocate, including middle class women.**

**9.12 ... there are more occurrences of girls living independently ... She also stated that there is stigma attached to a married woman returning to her parents so within the constraints she may try to signal to her family that she is under pressure.**

**9.13 ... living outside of the family home is not culturally acceptable behaviour and it is not safe for women on their own. While the society still does not accept single women in general, there is a class difference. The reference about safety is with regard to the women who live in slums in urban areas, who often also lack the community and networks that are essential for safety.**



9.14 ... some women can live independently or go to working women's hostels although these are mainly for middle class women. Those that cannot afford to, either find a mate or get a room then meet someone and remarry. ...

9.15 ... even for educated women it is very difficult for them to live separately. ... For divorced women it is not easy to set up on their own.

9.21 Human Rights activists interviewed by the delegation in Punjab were of the opinion that women are not able to relocate in India.

#### Widow immolation

3.11 Ms Urvashi Butalia, Director of Zubaan in Delhi commented that it is difficult to generalise about India but that much more is now known. She suggested that it was worse for women in certain parts of India where society is deeply patriarchal and it is not safe for women to be out. She said women traditionally are not allowed choice in anything yet it is ironic that in the case of widow immolation they are said to have chosen to die. She commented that there is optimism that things will be different with the new government.

5.10 The Commission of Sati (Prevention) Act 1987 provides for the more effective prevention of the commission of sati and its glorification and for matters connected therewith or incidental thereto.[24d] According to the NCRB figures for 2002 there were no incidences reported during 2002 across the country. The practice is declining in modern times but occasionally cases under this act are reported. [51](chapter 5)

It should have been determined whether Ms Butalia believes that widow immolation is still a problem.

#### Position of Muslim women

3.4 The picture is complex and varied. There are many factors which influence the treatment of women including class, caste, religion and education. There is a north south divide. In the south by and large women have more freedom, but this differs in pockets, whereas in the north it is very feudal in structure, as reported by Ms Fatima Ali Khan, a lecturer from the Women Studies Centre at Osmania University. A woman's place is still perceived as being in the home and women have not left the home. It is considered unsafe for women to be out and this creates a vicious circle because the more women are kept in the more repressed and vulnerable they become. In the domestic realm, the higher up in society she is, then the more social stigma becomes very important and this has nothing to do with income. In India so many women are uneducated and unworldly and do not move outside their village. The Indian media portrays a negative view of women and does not promote any positive ideas for women. The most vulnerable are those that have to live by social standards. However she commented that in Hyderabad women do have more rights and that in Islam women are supposed to have more rights. In the public realm women have all the rights but not in private.

4.116 Previously communal violence had been more of an urban issue but in 2002 it was also rural, according to Dr Lakdawala. Hindu women are taught that Muslim women suffer more so this creates a mindset. Society is communalised and historically Gujarat is anti-Muslim. Folk songs and stories are anti-Muslim and human rights organisations are looking to change school books but Dr Lakdawala questioned how can you change anti-Muslim folk songs taught at home. He commented that after 2 years there has not been much remorse and recognition that what happened was wrong. In the communal violence Muslim women suffered more than Muslim men, now they feel unsafe and there is a deep-seated fear. After the violence Muslim girls stopped going to school thus reversing the

previous trend of increased education amongst this group. He also commented that Gujarat is the State with the most inter-faith problems.

Whether or not Muslim women have more or less rights would seem to be a key issue for the report and one which could have been explored in more depth.

#### More violence or more reporting?

**4.3 The Institute of Social Sciences report states that violence against women stalks women from cradle to grave and begins with violence towards the unborn female foetus through the misuse of medical technology. The Government has published new studies based on crime statistics and these show a rising trend in crimes such as rape, assault, abduction and sexual harassment of women. Violence also becomes part of marriage and family life. Increasing numbers of women are turning to NGOs and the law for help. Sometimes the end result of this violence may be murder or suicide. Violence is seen as a way of exercising domination and control over women's lives.[3](p17-19)**

**4.15 According to the UN sponsored publication, "Women in India, How Free, How Equal?" "Official statistics show a clear trend over the last decade – there has been a dramatic increase in the number of reported crimes against women." [28](p71) "The rise in reported crimes has occasionally been interpreted as a positive development, showing that more and more women are "breaking the silence" and an increasingly gender sensitive police force is recording their complaints with sympathy and efficiency. However, the picture becomes disturbing when these statistics are seen side by side with the decrease in the number of convictions and the increasing number of pending cases in the courts." [28](71-72)**

The bulk of the report seems to imply that levels of violence against women are rising. However, throughout the report are suggestions that levels of reporting are rising, or that women's tolerance to violence is falling (see below). This debate is clearly important but it would have been preferable had this information been grouped together, probably close to the statistical tables.

**6.35 In another publication by the same source, "Snuffed Out" about unnatural deaths in women and young girls they report meeting with a Deputy and Assistant Police Commissioner of an area in Gujarat who said that even if circumstantial evidence is present the police cannot act on it without an FIR having been filed. According to the report police invariably arrive late to the scene often once the body has been dispatched to the hospital invoking speculation as to their motives. It was also commented by the Assistant Commissioner that 60% of crimes are happening because women's tolerance level has gone down.[20](p27)**

**4.1 According to the US State Department Report 2003, "The press consistently reported that violence against women was increasing, although local women's organisations claimed that there simply had been increased reporting." [40a](p22)**

**6.77 Dr Kumar said faith is being restored in getting justice through various programmes, for example it is more socially acceptable and satisfying to make a complaint to the police for women, but the by-product is that domestic violence figures have gone up threefold. This poses a question whether there is more violence or more reporting.**

#### Statistical discrepancies

**4.35 An Institute for Development and Communication (IDC) Chandigarh report Combating Violence Against Women in Punjab, also states, "Legally in India, sexual crimes are listed to include eve-teasing, molestation and rape. While eve-teasing has been defined as word,**



gesture or act intended to insult the modesty of a woman, molestation is assault of criminal force against a woman with the intent to outrage her modesty, while for rape a more conventional definition is used whereby a man has intercourse with a woman against her consent, will or these are obtained by threat/fear or deceit." The report continues that the reported crimes in Punjab between 1991-2000 indicate an increase in both rape and molestation, 34 cases of rape were reported in 1991, which increased to 310 in 2000. In the same time span reported molestations increased from 7 to 323. In comparison eve-teasing, emerged as a reported abuse in 1992 and only 27 cases were registered in 2000. [36](p66-67)

In 2003, according to the table in 4.8, there were 189 instances of eve-teasing in 2003. Given that the number of rapes and molestations were similar, this discrepancy could have been explored.

**4.26** The representative from the Centre for Social Justice in Gujarat informed the delegation that Gujarat is the second highest state in terms of violence against women. Every year 2,545 cases involving crime against women are reported in Gujarat. For every 50 unreported cases involving incidences of serious sex offences in Gujarat only one case is reported which equates to 11.5 % of the total number. Dowry is the leading cause of death among women, around 6,700 women die on account of dowry annually in India but accidental deaths are not included in that statistic so the figure is much higher. Twenty-five percent of the cases handled by the Centre per year are domestic violence (they have to limit it). Many suicidal deaths/murders of women actually get reported as accidents.

According to table 4.10, there were 5,373 incidents against women in 2002. Furthermore, one reported case for every 50 unreported cases is, presumably, just under 2%, not 11.5%.

**4.71** According to the US Department of State report 2003, "The issue of rape received increased political and social attention during the year. The majority of rapes are never reported to the authorities. The NCRB reported that there were only 16,075 cases of rape from 1998-2001. However, the Home Ministry reported in February [2003] that, in 2001, there was a 16.5 percent increase in reported rape cases as compared to 2000." [40a](p22)

According to the table in paragraph 4.12 of the Home Office report, there were 16,075 reported rapes in 2001, not in 1998-2001. According to the same table, the number of rapes declined by 2.5% in 2001 compared to 2000, and rose by 1.8% in 2002.

A better example: the abuse of dowry laws

**4.64** This view that the laws on dowry are abused was also proffered by Mr Rajvinder Singh Bains, a human rights lawyer, when he suggested that most demands for dowry cases are false and it is the most misused section in law. He said that section 498A is a woman's only right so it is open to abuse. The law states that where death of a wife occurs within the first 7 years of marriage there is a presumption of murder. Mr Singh Bains states that this is being abused and is biased in favour of women, sometimes the whole family is arrested. The Husband's Association of India are complaining about abuse of the dowry laws. This is an important issue because arrest under that section is non-bailable.

**4.65** However, Dr Ila Pathak of AWAG disagrees with the view that the dowry laws are being abused. She believes that this argument is usually put forward by lawyers and men. She referred members of the delegation to her book, "Aftermath of Domestic Violence Against Women", where it records the results of a study which demonstrated that most of the cases are compromised. She said that the courts do not hear cases until a compromise is arrived at. She said that the woman is pressurised into compromise by society. For example, in one case a man was charged under 4 different provisions of the Indian Penal Code, 323, 498A, 342 and 114. The charges under 114 and 325 were

**compoundable (which means that a negotiated settlement is possible) When the court is told that there has been agreement on the two compoundable offences then this is a signal to the magistrate that the case can be settled.[38]**

While these two paragraphs contradict each other, each paragraph explains why they hold differing views. This should have been the case throughout the report.

Similarly, there are other instances in the report where obvious follow-up questions appear not to have been asked.

**3.60 Dr Basu at AIWC told the delegation that widows are thrown out of the house with nowhere to go. Women in villages do not demand their property rights because they do not want to be cast out of the family.**

This paragraph is particularly unclear and would benefit from clarification. Do women who are “thrown out with nowhere to go” at the same time remain within the family?

**3.82 A representative from Asmita stated that female foeticide crosses classes and castes and is rampant in Andhra Pradesh with the medical profession viewing it as a choice rather than a crime. She commented that where you have the right to abortion it is difficult to prove if the foetus is being aborted on gender grounds. However scanning centres can be charged and punished where one or two cases are proved.**

How many times are scanning centres charged and punished?

**4.6 According to records from the National Crime Records Bureau for 2002, “A total of 1,47,678 crimes against women were reported in the country during 2002 compared to 1,43,795 during 2001 recording 2.7% increase during 2002. These crimes have reported continual increase since 1998 when 1,31,475 crimes were reported in the country signifying 12.3 per cent increase in 2002 over 1998. Andhra Pradesh, accounting for nearly 7.3 per cent of the country’s population, contributed 12.8% towards total incidents of crimes against women in the country by reporting 18,880 cases. Uttar Pradesh with nearly 16% share of the country’s population followed with contribution of 10.6% by reporting 15,647 cases during the year.”[51](chapter 5)**

The report gives very little sense as to why Andhra Pradesh’s record is so poor. One possible answer is given in the paragraph below. As ever, this relates back to the key problem with the statistics; that those states with the highest number of incidents of violence may in fact be those where women’s status is relatively higher, so that they feel able to report abuse.

**6.12 According to a senior correspondent, Lalita Iyer, interviewed by the delegation in Hyderabad, there may be caste discrimination but there is not too much gender discrimination within the police. In the main the Andhra Pradesh police are very fair and responsible in a positive way. She was very pro Andhra Pradesh police in that respect and said the police would definitely try and help a woman and would register a case. The Andhra Pradesh police are friendlier towards women than in other areas although there may be caste discrimination but generally people are afraid of the police however in the main they are friendly.**

**6.122 Ms Lalita Iyer, a Senior Correspondent in Hyderabad, stated that over the last 5 years human rights has been the new trend in India. Women judges have been posted to Mahila (family) Courts but Family Court judges are not respected so inevitably a woman judge may wreak vengeance on the public for example, in custody issues.**

This comment needs further clarification.

**8.8 As noted by the Director of Zubaan in response to a question, whether the situation had changed for women in India, there have been many new laws in keeping with the empowering idea but the drafting is an issue. For example, she commented that the Domestic Violence Bill is a deeply flawed document because it is a document that has a basic flaw in its definition of domestic violence.**

The justification for this claim is not given. Presumably it is because of the use of the term “habitual abuser” (see paragraph 8.5 and 8.6) but this could have been clarified.

## **MAJOR ISSUES: ETHNIC/RELIGIOUS/GEOGRAPHIC DIFFERENCES**

The terms of reference ask:

- **Is domestic violence an issue throughout India irrespective of class, background or geographical area of the country?**
- **What form does it [societal violence against women] take?**
- **Does its existence vary between states?**
- **Does its existence vary between different ethnic or religious communities?**

It is not clear that the report answers these questions. The question of ethnic differences are not raised in the report. A greater focus on geographic differences and reasons for them may well have enabled conclusions on this issue to have been drawn.

Religious differences are raised within the report, but drawing definitive conclusions on relative levels of abuse is difficult. For instance, interviewees argue that domestic violence affects Muslim and Hindu women in similar ways (for instance, paragraphs 3.61 and 4.42), that Muslim women are worse off (4.116), that they are better off (3.4), and that lower-caste Hindu women are worse off (3.24-3.34).

A notable omission from the report is any mention of Sikhism, although the Punjab suffers the lowest female-male sex-ratio in India (among children aged 0-6), and was visited by the mission. According to the table in 3.90, the number of Sikh girls aged 0-6 is just 786 for every 1,000 boys. Jains and Buddhists (while a much smaller proportion of the population) also have female-male sex-ratios lower than Muslims among this age-range.

The issue of Punjab highlights a wider lack of assessment of geographic differences. While several paragraphs<sup>1</sup> suggest that the situation is worse in the “north”, nowhere is it explained which states comprise north India. Clearly, Uttar Pradesh and Bihar would fall within this category. But many other northern states are barely mentioned in the report (apart from in the statistical tables). These include West Bengal, which has a population of over 80m, and which ranks 8<sup>th</sup> (worst) in the statistical table (4.10). Whether the situation in central Indian states such as Madhya Pradesh is more akin to the north or the south is unclear. Even those states which are mentioned more frequently (like Kerala, see above), it is difficult to get a reasonable sense of the position of women.

Other states barely mentioned include those states most affected by conflict - Jammu and Kashmir and the states of North East India. The issue of whether domestic violence is worse in states affected by wider conflict could well have been raised within the report. Several of the Delhi-based NGO representatives would probably have been able to have provided a more detailed geographical assessment, or to have explained why this was difficult to do.

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<sup>1</sup> Paragraphs 3.1; 3.2; 3.3; 3.4; 3.48; 3.66 and 8.32 describe the north as more patriarchal; paragraphs 4.99 and 9.17 describe it as more violent; 9.3 suggests it has more illiteracy while 4.66 argues that dowry is not as prevalent in Gujarat as it is in the north or the south.

The statistical tables raise several other issues which are not addressed. According to table 4.10, the highest incidence of violence against women occurs in Chhattisgarh, another state barely mentioned in the report. But the two largest northern states – Bihar and Uttar Pradesh – have a low ranking for incidents of violence, being ranked 28<sup>th</sup> and 23<sup>rd</sup> respectively. By contrast, the southern state of Kerala, where the situation appears much better, ranks 9<sup>th</sup>. This would seem to imply that many of those states where the situation is better, people are more willing to report abuses. This implies, in turn, that there is still massive under-reporting of violence in states like Bihar and Uttar Pradesh, an issue which is not adequately addressed in the report.

Table 4.11 raises another question which, given that the panel visited Andhra Pradesh, could have been addressed in more depth. Three of the cities in the table are in Andhra Pradesh – Hyderabad, Vijayawada and Vishakhapatnam. Hyderabad ranks 9<sup>th</sup>, Vijayawada 1<sup>st</sup> and Vishakhapatnam 17<sup>th</sup> (out of 34). Many of those interviewed in Hyderabad may well have been able to give opinions as to why Vijayawada is India's worst city (statistically) for violence against women. This could have helped inform the answer to the issue of whether the rising statistics demonstrate earlier under-reporting or rising levels of violence.

## **MAJOR ISSUES: NGO ACTIVITY**

The terms of reference ask:

- **What network of support and assistance is provided by NGOs and what accessibility is there to this throughout the country?**

Clearly, one of the key sources of information for the mission were representatives from NGOs. However, there is little sense of the geographic coverage of their work; whether it is confined to a few villages or districts, or whether they have a wider impact. There is also little sense of whether these NGOs are working together or competing.

**3.94 The Centre for Social Justice in Gujarat stated that they are involved in spreading and creating legal awareness among the vulnerable to ensure the legal and human rights of the vulnerable by providing free legal services. They have created a grass root orientated network of law centres to instil a human rights perspective in the judiciary and stakeholders and to improve legal education. They run socio legal organisations in 29 Talukas in 8 districts of Gujarat and support several other organisations working for social change. There are 25 lawyers and 35 paralegals working on these issues. (They also link grassroots experiences with the police, and are involved in advocacy for law reforms.) They have also initiated a Working Group on Women's Rights and collaborate with various networks working for women.**

This provides useful context for the remit of this particular NGO. It would be useful to note that there are usually 10 or so Talukas in a district, and there 593 districts in India. It may have been preferable to place the activities of the NGOs (see also 3.39, 3.99, 7.13) into Annex 5 rather than in the main part of the report.

The main concern though regarding NGOs is that it is difficult to get a sense of whether NGOs are active throughout India or whether they are concentrated in certain areas. If they are concentrated in particular areas, are these the areas where the position of women is worst, or would NGOs find it difficult to operate in these areas? Furthermore, the question arises as to the impact of these NGOs. If awareness is being raised, why is the suggestion frequently made that violence against women is increasing. The paragraph below raises several of these issues which could have been addressed in more depth.

3.3 This view was reiterated by a representative from Oxfam in Delhi who said that patriarchal attitudes are more deeply ingrained in northern India than the south. Cherian Mathews from Oxfam Delhi said there is a constitutional guarantee of equal rights to women and many protections in civil and criminal law, but women are viewed as property. Oxfam is trying to launch a campaign to challenge attitudes and work with the community to look at power structures, human rights in gender issues and to support more dialogue for women. Their view was that legislation without social acceptance does not work until you have more empowered people. The Oxfam/Delhi representative said that over the last five years there have been improvements for women's rights but they have been in isolated pockets and in certain villages where Oxfam, the women's movement or other organisations have been working. Oxfam aim their campaigns at the huge body of young people who can be targeted as the agents for the future.

#### **OTHER ISSUES: REPETITION**

Paragraph 1.6 states that:

1.6 There will be occasions when information could be covered in more than one chapter, however, to avoid repetition, this information will usually only appear once, with a cross-reference as required.

This is not always the case, and occasionally information is repeated in the same section. The repetition of similar material in different sections suggests that the structure of the report could be improved:

##### Unreported rape cases

4.73 The same source notes that a field study conducted in 2000 by the Chandigarh based think tank, Institute of Development and Communication (IDC) on atrocities against women, showed that for every rape case 68 were unreported. [48]

6.25 As cited in an India Today article of 9 September 2002, given to the delegation by Jagori, a study by the Institute of Development and Communication found that for every rape case reported there were as many as 68 unreported and that for every first information report (FIR) filed on molestation there were 374 unreported.[48]

##### Court appearances for victims of rape

4.79 Kamal Singh reported that the legal process for rape is very long and is not very responsive. In camera proceedings should take place. Court room practice was examined from a litigants perspective and the kind of questioning lawyers were doing is not acceptable. The perception being that it was like being raped again so now judges are sensitive to stop that. There are a few landmark judgements from the Supreme Court which are very good but the justice system is slow.

6.22 With regard to registering rape cases it was suggested by some representatives that some police officers discourage victims from filing complaints and that some police officers were not familiar with procedures when dealing with the women. Many women are reluctant to report complaints because of stigma, social pressure and the fear that her character would be judged in addition the fear of ridicule and the feeling she is being raped again every time she has to recount details of the crime. Furthermore many women feel intimidated and may have preconceived ideas about adequacy of assistance and police attitudes.



6.86 The British Council has been involved in gender training for the judiciary. Kamal Singh stated that court room practice was looked at in terms of litigants and the kind of questioning lawyers undertook, with the conclusion that for rape victims it was like being raped again, so now judges are sensitive to stop that. When they attended training within the British Council, many of the judges said it was the first time they had heard of CEDAW and the first time they had met judges from outside their State. There are a few landmark judgements from the Supreme Court that are very good but the legal response is slow. The training given to the judges demonstrated that judges had not thought about the issue and were disconnected. There was a view that judges were being isolated from what was going on outside and this was down to more of a lack of understanding of information rather than a lack of sensitivity. Now they definitely feel the judiciary has a role to play but the opportunity of bringing them together is lacking. The National Judicial Academy with DFID funding trained 43 judges with the University of Warwick which was a mutually beneficial exercise. In turn, some of those judges had trained 1200 judges who also attended from District level. Now the National Judicial Academy is running the programme.

#### Accidental deaths

4.26 The representative from the Centre for Social Justice in Gujarat informed the delegation that Gujarat is the second highest state in terms of violence against women. Every year 2,545 cases involving crime against women are reported in Gujarat. For every 50 unreported cases involving incidences of serious sex offences in Gujarat only one case is reported which equates to 11.5 % of the total number. Dowry is the leading cause of death among women, around 6,700 women die on account of dowry annually in India but accidental deaths are not included in that statistic so the figure is much higher. Twenty-five percent of the cases handled by the Centre per year are domestic violence (they have to limit it). Many suicidal deaths/murders of women actually get reported as accidents.

4.67 Dr Hanif Lakdawala attributed dowry as one of the major reasons for the decline in the female sex ratio. The Centre for Social Justice in Ahmedabad, cited dowry as the leading cause of death among women – around 6-7,000 women die on account of dowry annually in India, (but accidental deaths are not included in that statistic so the figure is much higher).

6.115 ... There is also a lack of classification for accidental deaths. Experience shows that the availability of women paralegals helps women to negotiate their power in the community more easily.

This subject may well be pertinent to several sections. Each of the quotes above comes from the same source; it would have been useful if other interviewees had been asked their opinion. Furthermore, the figures for the number of dowry deaths are different in 4.26 and 4.67 and it may have been useful had (they have to limit it) in 4.26 been explained.

#### All-women police stations

6.43 Senior correspondent Ms Visa Ravindran told members of the delegation that the Government is trying to increase the number of All Women Police Stations. The All Women Police Stations have a help-line where they refer women to a shelter. They refer victims not only to shelters but to NGOs who may be able to give victims other kinds of support too, like free legal and other kinds of counselling, skill training to help them to eventually be able to stand on their own feet, to help illiterate women to fill in forms and applications and to help them deal with State authorities. There are two schools of thought, one that it is effective and on the other hand that there is insufficient infrastructure.



6.50 Ms Visa Ravindran a freelance journalist, informed the delegation that there are all women police stations in Andhra Pradesh and that the Government is trying to increase the number. The Women's cell has a help-line and they either send a vehicle out or go out to collect the woman, they then refer the woman to a shelter. There are two schools of thought as to their effectiveness. One that it is effective and on the other hand, ineffective because of a shortage of infrastructure. In Andhra Pradesh the State Government has different departments concerned with social welfare and development but they are not doing any gender sensitisation in a meaningful way and it is mostly being done by NGO's.

#### Hindustan Times advert

6.39 Whilst in India members of the delegation saw a prominent colour advert from the Delhi police in The Hindustan Times, dated 15 July 2004, publicising a help line for students at Delhi University with regard to eve-teasing and sexual harassment. The advert states that plain-clothes policemen and PCR vans were deployed at colleges and strategic points to combat anti-social behaviour. Complaint boxes have been strategically placed in colleges and Girls' Hostels and with surprise checks carried out on buses travelling to the university. The advert offers preventative guidance to students and prominently displays an emergency number and the Women's help-line number.[15]

7.30 Members of the Fact Finding Mission saw an advert in a national newspaper dated 15 July 2004 advertising the Delhi police help line number for students experiencing sexual harassment at university. The advert was prominent in size, graphics, colour and location.[15]

#### Divorced women's status

3.5 The Fact Finding Mission (FFM) delegates met with Ms Abha Bhaiya, Chairperson for a women's NGO called Jagori in Delhi and Ms Nandini Rao, Senior Coordinator. It was stated that marriage is a very important premium in Indian society and that divorced women have secondary status...

3.38 According to Jagori, widows and divorced women have secondary status in society. The highest female status is afforded to a married woman with a son.

9.4 The same source [Jagori] stated that widows or divorced women have secondary status in society and a married woman with a son the highest status.

#### Attitudes towards women

4.21 Kamal Singh at the British Council said that a lot of women tolerate violence, the social and cultural response would be to try to keep it within your family and because of this ethos the end result may even be death. According to a study undertaken by the British Council in 2001, there is a high level of tolerance from young people to accept violence as shown in a 2001 study in Calcutta. There is also a lot of stereo-typing when it comes to violence against women, such as "she attracted it".

4.75 The article states that sexual assault is the outlet for male domination in a patriarchal and male dominated society and it suggests that the attitude of many men is that women invite assault and are "asking for it" because of the way they dress or their behaviour. One such recorded comment was "So what else does she expect if she dresses like that?" and "If she is so bothered about her dignity why doesn't she sit at home?" and it is reported that a Delhi Police Commissioner stated that "Crime against women will drop by 50% if they are careful in the way they dress, if they know their limits and if they do not exercise unsafe behaviour." The 2000 IDC survey showed that fifty-two respondents in their survey

blamed the victims for inviting the rape/molestation by “improper” dress, conduct or mobility with 54% attributing rape to the influence of alcohol.[48]

#### Women adopting male attitudes

6.45 Dr Basu at the AIWC in Delhi reported that the Crime Against Women Cell works quite well and is very helpful and that the police are sympathetic. Another view in support of this came from the Director of Zubaan who said that Women’s Crime Cells have been reasonably effective in the South. They have possibilities for making a difference but this is dependent on individuals and a sensitised system. There are efforts to recruit more women which is a good thing. However it is thought that some women take on male attitudes in the Women’s Crime Cell. An example was cited where in Kerala a women joined the police and wanted to wear trousers rather than a sari but her superior officer got angry with her saying it was not feminine, so you have to battle against these sort of attitudes.

6.63 The Zubaan representative commented that there is a lot of police gender sensitisation training going on with officers being trained from all over and this is a very important initiative but needs to be very carefully done and needs to include judges and lawyers. She acknowledged that there are possibilities for making a difference but this is dependent on individuals and a sensitised system. There are efforts to recruit more women into the police force which is a good thing because numbers are still very low, however sometimes women in these institutions take on men’s attitudes.

#### **OTHER ISSUES: INCORRECT REFERENCING**

Apart from the examples below, there seemed little problem with the use of written sources in the report.

3.18 An independent report commissioned by the UN, Women in India, how free, how equal 2001 states that “Only 50% of Indian women are literate as compared to 65.5 men.”...”In the past 50 years it has increased fivefold however despite this progress, close to 245 million Indian women lack the basic capability to read and write. Female literacy levels vary dramatically between States, only Kerala and Mizoram have approached universal literacy. In Orissa, Rajasthan and Bihar, less than 40% of adult women know how to read and write.[28](p43)

The relationship between this and the source is uncertain. The source says that “close to 190 million Indian women lack the basic capability to read and write”. It also says that “In Orissa, Rajasthan, Uttar Pradesh, Arunachal Pradesh, Jharkhand, Madhya Pradesh, Andhra Pradesh and Bihar, almost 50% of women do not know how to read and write.”

4.98 According to a leaflet entitled “Stop sexual violence against woman [sic] on trains” given to the delegates and produced by Jagori, “Sexual assault, obscene remarks, stares, gestures, songs and unwanted attention are all forms of sexual violence punishable by law under the Indian Penal code and the Railways Act.” Sections 354 of the IPC (using assault or force to outrage a woman’s modesty, s509 (word, gesture or act intended to insult the modesty of a woman, s 294 (obscene acts and songs), s145 of the Railways Act (drunkenness or nuisance) and s 162 of the Railways Act (entering a carriage or other place reserved for females). The leaflet sets out practical advice and helpline numbers for victims of sexual harassment whilst travelling.[48]

The source is incorrect.

## OTHER ISSUES: ALCOHOL AND PROHIBITION

The report mentions alcohol and alcoholism five times; alcohol abuse is clearly linked to domestic violence – until recently, prohibition was in force in Andhra Pradesh and it is still in place in Gujarat. A discussion of the benefits, or not, of prohibition may have assisted in providing some analysis of possible regional disparities.

## OTHER ISSUES: LESBIANS RIGHTS

The report does not mention the status of lesbians in India, a matter which has risen in public profile given the recent release of several Bollywood films tackling the issue. This issue would seem relevant to the report, and could well have furthered understanding of issues regarding obstacles to mobility in India.

## OTHER ISSUES: DELHI CRIME STATISTICS

**4.9 Chart showing statistics of the number of various crimes against women reported during the last three years and up to 15 June 2004 NCT (National Capital Territory) of Delhi: (as cited in a Home Ministry response to an unstarred question dated 19 July 2004) \***

Sl.No.	Crime Head	<u>YEARS</u>			
		2001	2002	2003	2004(Upto 15/06/2004)
1.	Dowry Death	117	135	130	60
2.	Rape	400	403	490	248
3.	Molestation of Women	502	446	489	270
4.	406 IPC Relating To Dowry	10	4	7	4
5.	498-A IPC Cruelty By Husband or In-Laws	1208	1252	1211	530
6.	Dowry Prohibition Act	7	7	14	7
7.	Kidnapping/ Abduction of Women	1061	893	797	402
8.	Eve-Teasing	593	976	1599	1051

[12d]

**\*(The total provisional population of New Delhi as at 2001 Census was 294,783 as noted in Europa World Year Book, 2004 [39](p2076)**

The population of New Delhi is not the same as that of the National Capital Territory of Delhi. The population of the NCT in the 2001 census was 13,782,976.