

CHAPTER - 1

Need for Gender Sensitization in Police

Need for gender equality

The Constitution of India provides for equality of status and opportunity to all citizens in the country. The following provisions in the Constitution relate to gender equality:-

Article 14: Equality before law and equal protection of laws.

Article 15: Prohibition of discrimination on grounds of race, sex, etc.

Article 16: Equality of opportunity in the matters of public employment.

The following Directive Principles in the Constitution also specifically relate to gender equality:-

1. Article 39(a): That the citizens, men and women equally have the right to an adequate means of livelihood.
2. Article 39(d): That there is equal pay for equal work for both men and women.

Gender equality is necessary not only because of the Constitutional provisions but also to unleash the energy and productive capabilities of women. The Human Development Report published by the UNDP indicates that those countries which rank low in "Gender Related Development Index" (GDI) also rank low in overall human development (as mentioned by Human Development Index) and the status of the country in several other parameters. Some of these countries also report worst human poverty as measured by "Human Poverty Index".

Besides the realization that development of women is necessary for the overall development of the nation, the following factors have also been propelling countries towards attaining gender equality:-

1. Increasing awareness among people, particularly in advanced countries, that gender roles are social constructs and that women are capable of doing any type of job.
2. Increasing awareness among women about their rights and their subjugation and exploitation for centuries in male dominant and patriarchal societies.
3. Influence of feminist writings and efforts made by women's organizations to bring to light several discriminatory practices against women.
4. Improvement in educational level of women which made them aware of their relative status *vis-a-vis* men.
5. Women joining all types of jobs and performing equally well and sometimes better than their male counterparts.

Increasing Violence Against Women

As more and more women in the country started asserting their rights, got educated and took up jobs, they increasingly became targets of attack. Crime against women in the country is on the increase. The following statistics published in 'Crime in India-1998' speak loudly about the alarming picture of crime against women in the country.

- One case of violence against women took place every 4 minutes in 1998.
- One woman/girl was raped every 35 minutes in the same year. In 1995 there was one rape every 38 minutes.
- Some unfortunate woman got molested every 17 minutes.
- One dowry death took place every 75 minutes. In 1997 there was one dowry death every 87 minutes.
- There was one instance of torture every 13 minutes.

If we take into consideration the instances of violence that do not get reported because of illiteracy and ignorance of women and other social factors and also the amount of crime that does not get registered in the police stations due to various reasons, the true picture of violence against women would be more shocking.

Response of police personnel to increasing violence against women

In spite of the shocking and frightening picture, the police response to violence against women continues to be grossly inadequate and inappropriate. Besides the reasons for the generally poor response to instances of crime such as increasing workload, lack of resources, pressure of political bosses to maintain crime figures at a low level, mal-practices in the organization, there are certain specific reasons for the lack of appropriate response to offences against women. The cult of masculinity prevalent in the department makes the police officers hold some stereotypes about violence against women. The stereotypes lead to certain standard patterns of police response. For example, the following are some stereotypes held by the police about sexual violence/harassment.

Some Stereotypes about sexual violence/harassment

- Rape is victim-precipitated. Women ask for rape/sexual violence by provocative mode of dress and behaviour or by going out after dark or going to shady and lonely places.
- Women subconsciously desire rape and 'try rape' only when they are caught.
- Rape cannot occur if a woman resists.
- Women's place is at home. If they go out, they must take what comes their way.
- Sexual harassment at work place and eve-teasing are fun and women enjoy it.
- Male sexuality is an uncontrollable force. Women should not arouse it.

Standard police response

- Initial complaint is disbelieved and action is contemplated only after a value judgement as to whether the woman is deserving of appropriate police response.
- Victim is discouraged from pursuing complaint.
- Intensive bullying, callous interrogation and aggressive and sexist questioning.
- Medical examination is delayed and conducted in unpleasant and threatening surroundings.
- Victim is not supplied with basic information about her legitimate rights and support services available to her.

Stereotypes governing domestic violence

- Family is a private place where men have some legitimate rights.
- Husband has a marital right to discipline his wife.
- Women are irrational, nagging and provoke men.
- Only the poor/uneducated/alcoholic males are violent towards their wives.
- Women who deviate from feminine roles of mother and wife warrant discipline.

Standard Police Response

- Trivialisation
- De-criminalization and illegitimization of domestic violence.
- Non-intervention and advising the victims to seek remedies in a civil court
- Acting as peacemaker and mediator and letting off the male offender with mild, informal threats.

Need for police to behave in a gender sensitive manner in dealing with violence against women

Because of the several social factors, women are more afraid of crimes than men and fear of crime extends well beyond the women who have themselves been victims. Further, because of several socio-economic factors, women victims are differently placed than their male counterparts. In view of the above, there is need for police to act in a gender sensitive manner in all cases relating to violence against women.

The increase in violence against women calls for a prompt and proper response from the police on all such complaints. As gatekeepers of the criminal justice system, police enjoy wide discretion in enforcement of law. Differential law enforcement, indifferent police response and fear of police deny women the access to justice.

Rationale for gender sensitization training for police

In order to make police officers behave and act in a gender sensitive manner in cases of violence against women and in the discharge of their duties in general, there is an urgent need to conduct gender sensitization training courses for police. At present, the concept of gender is grossly misunderstood by a large majority of police officers. There is also a lack of proper awareness of the prevailing gender inequalities among police officers. Even if there is awareness, the cult of masculinity prevailing in the police organizations does not easily permit a change in the attitude and behaviour of male police personnel toward women. The stereotypes held by the police about sexual violence/harassment and domestic violence, as described above, clearly indicate the general attitude of police towards women. The following findings of a research study about the opinion of male police personnel regarding the role of women colleagues also reflect the attitude of a majority of police officers towards women and the lack of awareness about the concept of gender:

1. There is no need to integrate women into the mainstream of police.
2. Women police personnel should be given specific tasks related to women and children.
3. Women are not enthusiastic about their jobs.
4. Women may work as cooks in the police mess.

5. Women should escort only female prisoners and not male prisoners.
6. Women should not be engaged in operations against militants, extremists and insurgents.
7. Women police officers are very gentle and are not capable of handling hardened criminals.

In order to remove the prejudices and biases of police officers towards women in general and women victims as well as women colleagues in particular and to develop in them the required professionalism (in terms of knowledge, skills and attitudes) for dealing with cases of violence against women more effectively, it is imperative that all State police organizations undertake suitable initiatives, including organizing of training programmes to sensitize the police personnel at all levels.

CHAPTER - 2

Efforts so Far made by the Police Organizations for Gender Sensitization

In spite of the increasing violence against women in the country and the grossly inadequate response of the police personnel, particularly at the cutting edge level, in dealing with crimes against women, no systematic and sustained efforts have so far been made by state police organizations to sensitize the police personnel with regard to various gender issues. Of course, there have been a few exceptions in this regard. For example, the Delhi Police has been making efforts to impart gender sensitization training to Inspectors/Sub-Inspectors with the help of Gender Training Institute, New Delhi. The credit for organizing the training courses should go to Dr. Kiran Bedi, Joint Commissioner (Trg.), Delhi. Training courses are also being organized for Inspectors/Sub-Inspectors in Maharashtra on the basis of a gender sensitization training module developed by a team comprising Shri S. Chakravarty, IG of Police, Maharashtra, Shri Sridhar Joshi of Yashwanta Rao Chavan Academy of Development Administration, Shri K.K. Maheshwari, formerly Asst. Director, National Police Academy, Miss. Anjali Dave of Tata Institute of Social Sciences, and Miss Pournima Chikarmane of SNDT Women's University, Pune. The module developed by the above team is also being used for conducting gender training courses by Madhya Pradesh Police. One training module for Training of Trainers developed by a Uttar Pradesh Team (3rd GPTP) comprising Shri S.K. Bhagat, Shri Rajnikanth Mishra (both police officers from UP), Shri Vijay Ranjan of TISS, Dr. Kamali Gajendran from Mother Teresa Women's University, Kodaikanal, Miss Rashmi Pande of U.P. Academy of Administration is being used to train police officers as gender sensitization trainers. A separate training module has also been developed by Tamil Nadu Police. The Administrative Training Institutes in different parts of the country have also been conducting gender sensitization courses for officers from various organizations, including police. Finally, the National Police Academy has been conducting a five day seminar on "Gender Issues". However, the reach of all these courses in terms of the number of police officers covered has been very limited so far (less than 1% of the total strength of the police organizations). Further the training courses are limited only to officers of the rank of SI/Inspector and senior officers in the police organizations. Systematic efforts have so far not been made in the state and central police organizations to impart gender sensitization training to the constabulary, which constitutes nearly 80% of the workforce.

CHAPTER - 3

The National Commission for Women and Gender Sensitisation

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After a long arduous struggle by dedicated women activists and lengthy deliberations by Government over a period of more than a decade and a half, under Act No 20 of 1990 passed by Parliament, the Government was empowered to constitute a National Commission for Women. It took the Government another two years to set up The National Commission for Women which finally came into being in 1992.

What was conceptualized by the activists and repeatedly stressed was a Commission at the Center and others at the States level, with an autonomous status and overriding powers so as to enable them to act as watchdogs to monitor and ensure implementation of laws and of government pronouncements or manifestos.

The Commission as set up, although far from being an autonomous body, has wide ranging powers, embracing protective, promotional and advisory roles. In particular, the Commission has been empowered to investigate all matters relating to the safeguards provided by the Constitution and other laws, review the existing provisions of statutes, investigate cases of violation of existing provisions of the Constitution of India and other laws relating to women and look into complaints and also take *suo moto* cognizance of matters relating to deprivation of women's rights and non-implementation of laws meant for their protection and development, or non-compliance with decisions aimed at their welfare, etc. One of the important roles of the Commission is to make appropriate recommendations for effective implementation of existing safeguards and also to move amendments to existing laws to make them more gender stringent.

For enabling the Commission to reach out to all types of distressed women, the Commission is also authorized to inspect custodial and similar other institutions and to fund litigation involving issues affecting a large body of women. These functions have enabled the Commission to provide some respite to several suffering women by taking up procedural and legal issues with the law enforcement agencies.

The Act also enjoins the Commission to evaluate the progress of development schemes and empowers it to participate and advise on the planning process of socio-economic development of women. Responsibility is also cast on the Commission to make periodical reports to the Government on relevant matters and particularly on difficulties faced by women in various fields. The Act, in turn, enjoins upon the Government to table the reports of the Commission before both the House of Parliament along with an Action-Taken Report accompanied by reasons for non-acceptance of any of the recommendations. Similarly, when a report relates to a matter concerning any State Government, the same is required to be laid before the appropriate legislature.

To be able to provide succour and reach out to as many women as possible, the Commission has set up its own Complaints Cell, a Counseling Unit and a Legal Unit. The Complaints Cell, established within the Commission, lends a sympathetic ear and a helping hand to hapless women involved in domestic trials and tribulations and provides counseling services to them. Normally, the Commission aims at conciliation but in suitable cases, it assists the victims in lodging police complaints and in the follow-up of their cases with the

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law enforcement agencies. As a special gesture of concern for the women, Helpline Control-rooms are maintained outside office hours for providing emergency assistance to the suffering women.

As per statistics available, the Commission had received 9010 Complaints from 1992 to 1998. With growing awareness of the existence of the Commission and the cases it had been handling, the number has been steadily going up. It shot up to 2181 between July 1999 to December 1999 and to 2369 from January 2000 to June 2000.

The Commission has widened its area of functioning by arranging visits and programmes ranging from legal awareness camps to public hearings to Parivarik Mahila Lok Adalats (PMLA) in the farthest nooks and corners of the country.

The Commission's initiative in organizing PMLAs through local NGOs has helped in reducing the work load on the District Legal Aid and Advisory Boards (DLAAB) which are constituted to coordinate free legal services and local Adalats within their districts. The objective of introducing PMLAs, apart from reducing the work load on DLAABs, was to provide speedy justice to women, to generate awareness amongst the public regarding conciliatory modes of dispute settlement, to gear up the process of organizing Lok Adalats, to encourage the public to settle their disputes outside the formal set up of courts and to empower people, specially women, to participate in the justice delivery system.

So much for the Commission's functions and organisation. Coming to the situational realities that it faces. We find that women continue to suffer from numerous disabilities and inequities despite the guarantees of the Constitution, protection of the laws and the support of various developmental schemes. Women continue to be victims of domestic violence, sexual harassment at the workplace and atrocities in general. Illiteracy, ignorance, lack of awareness, poverty and above all, economic dependence coupled with oppression caused by customary practices have placed women in a situation where they have to face persecution, day-in and day-out.

One most telling statistical data which sums up the total scenario is contained in the continuously falling sex ratio of females. Whereas in most developed societies, women outnumber men because of well known biological forces, Indian society has always had a scarcity of women. Worse still, the ratio has been getting more and more skewed. The 2001 Census has indicated that there are 933 females for every 1000 males. At the beginning of the century there were 972 females for every 1000 males. These diminishing ratios and the missing women have naturally caused immense concern. Where have they gone? What has caused such drastic reduction in the number of females? Well, the missing numbers have been traced to the increasing cases of female foeticide and infanticide, at least in certain States. Alas, even those females who survive these early threats at birth or in infancy, continue to be neglected and abused, at home and outside, throughout their lives whether as daughters or as wives or as widows. Various statistics relating to education and health document the same story. Figures of crimes against women as revealed by the National Crimes Record Bureau bring out the grimness of the situation affecting the "better half" (which, alas, is less than half) of our population.

While various reasons such as provocation, alcoholism, drug abuse, dowry demand, etc, are being cited for the ever-increasing crimes, analysts opine that they do not sufficiently account for such a spate of crimes. Most activists feel it all boils down to the degraded condition of women caused by illiteracy, unjust gender division of labour, economic stress due to their total dependence on men folk and a lack of community support system.

A holistic picture concerning women must comprehend the totality of laws intended for their protection and the schemes intended for their development. It will have to look at both the design as well as the implementation of the laws and schemes. Obviously there are deficiencies of design which need looking into. Equally there has to be spread of awareness among women so that they know what they are entitled to. And above all, laws have to be enforced and the schemes have to be implemented with a sensitivity which will ensure the end purpose being achieved.

If the legal mechanism is at fault, even partially, then we need to look at improvement in the laws as well as the justice delivery system by means of which women can access their rights. No doubt, the formal justice delivery system is an important link for achieving justice for all but the unruly delays and corruption at all levels have become even more serious hurdles in the pathways leading to justice.

So far as the laws themselves are concerned, their deficiencies have been the subject of considerable research and discussion. This is where the National Commission has made appreciable contribution. There have been continuous and systematic efforts on the part of the Commission to review laws relating to women and to suggest stringent additions / alterations to make them more gender effective. So far as the legal provisions containing safeguards for women are concerned, the Commission has undertaken an in-depth study and review of 39 Acts so far and forwarded appropriate recommendations to the Government from time to time. Some of these study-cum-review exercises were mooted by the Ministry, while others were initiated by the Commission *suo-moto*.

Some of the important statutes to which amendments have been suggested by the Commission are:- The Dowry Prohibition Act, 1961 (28 of 1961), the Medical Termination of Pregnancy Act, 1971 (34 of 1971), The Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act, 1994, The Child Marriage Restraint Act, 1929 (19 of 1929), The Family Courts Act, 1984, The Indian Divorce Act, 1869 (4 of 1869), The Christian Marriage Act, 1872 (15 of 1872), The Hindu Marriage Act, 1955 (25 of 1955), National Commission for Women Act (20 of 1990).

Beside, the Commission has also mooted fresh legislation in some areas, for example, legislation concerning domestic violence and sexual harassment of women at work place.

Equally important, is the factual aspect that the laws, even as they exist, are not implemented. The rigour and vigour which are required if age old problems afflicting Indian society are to be combated effectively are found miserably wanting. It is to fill in this emergent need that the NCW has stepped in and taken a lead in addressing the issue of law enforcement vis-à-vis gender in a holistic manner.

It is with this objective in view that it was decided to hold a national workshop on the subject at New Delhi on 1st and 2nd June 2001. As a prelude, four regional workshops (at Patna, Chandigarh, Bangalore and Bhopal) were designed to facilitate interactive participation of victims of crime and officials concerned with law enforcement together with NGO's. It was felt that bringing all sectors of the justice delivery systems together for an interface with the victims would act as a conduit between the various agencies as they would get to understand each other's perspective and thereby be able to identify the real issues and factors responsible for the injustice suffered by women in our society.

All the four workshops witnessed a number of depositions on the theme of law enforcement by members of the police force and public prosecutors who participated therein, as well as victims and NGOs who placed their experiences before the participants at the workshops. The general discussion featured around the fact that women are discriminated against from womb to tomb. Women also live in constant fear of violence and

abuse not only from strangers but also from their own relatives, be it their father, uncle, brother, cousin or husband.

Criminal Justice system has three wings- investigation, prosecution and judiciary. Some of the typical remarks about the prevailing situation and suggestions for improvement concerning these various wings of the law enforcement mechanism are summarised hereunder.

Concerning the Police

Factually speaking, the only institution that is perceived as the State by the masses in rural areas is the police station. But its functioning leaves a lot to be desired. In principle, priority is supposed to be given to crimes against women, which are to be supervised by senior officers. This norm, however, is not implemented in practice. There is an acute shortage of women in the police force. As the participants pointed out, there were only 745 women police officers in the whole of Punjab and they were not stationed at strategic points. There was need for more women in the police force because women victims feel more confident in interacting with women officials. In Madhya Pradesh also there were only two per cent female police officers. The police officers themselves felt the need to have at least 10 per cent women in the police force. Each police station could then have a cell with female staff to look after matters relating to crimes against women.

Another intrinsic problem within the police department, which is the main anchor for gender related issues, seems to be that women constables are not used for effective contribution and are considered more of a liability than a regular police resource. It was stated that as most of them had been recruited on compassionate grounds due to the death of their husbands while on duty, they do not come up to the mark and therefore even though the police department is at present over burdened, work distribution is uneven.

More than the issue of numbers and work distribution, it was brought out again and again that the police, like any other segment of society, had stereotyped, patriarchal values. Reportedly, when a woman victim enters a police station, the usual comments she has to hear from the police officials are: '*kitni bold mahila hai*', '*dekho thana me chali ayee hai*'. When the victim speaks about harassment by the husband which compelled her to approach law enforcement agencies, the insensitivity of the police officers leads to further lewd comments on her, blaming her for the evils. The police take no time in throwing her out of the police station.

Leaving aside, for the present, the women victims of atrocities and their reported illtreatment by the police, it was stated that even women in police services are looked down upon by the male colleagues and treated at best as individuals with secondary status. One lady police officer explained this with an example: when there is an important event, women officers are allotted reception duties and not given important assignments. That being so, even the talented clever lady officer develops a feeling of inferiority as against job satisfaction for which she pines. In utter frustration makes her feel that it would have been better if she had been a receptionist instead of being a police officer. She would at least have had job satisfaction.

Talking of attitudes vis- a- vis the victims of gender crimes, some of the typical behavioral patterns of investigating officers as described were as follows:- Insensitivity to women complainants; reluctance to register cases of the nature of family quarrel; registration of cases under section of law inviting lesser punishment; viewing cases of premarital pregnancies as the sole responsibility of women; ignoring instances of eve teasing as due to the 'dressing style' of women; attitude of branding a rape victim as 'of loose moral character'; dismissing dowry-related torture cases as matters of 'quarrelsome women', blaming child sexual abuse cases as caused by failure of the mother in bringing up the child; very liberal attitude in dealing with bigamy cases;

tendency to brand persistent women petitioners as 'insane'. Hence it was emphasised that the police personnel needed to be sensitised to women's issues.

Concerning the Public Prosecutors

The problems in law enforcement are a lack of co-ordination amongst investigating agencies, prosecuting agencies and judiciary, anomalies in the sentencing process and anomalies in the Indian penology systems; e.g. when an accused is sent for recording statement under section 164 of the Criminal Procedure Code, the accused is detained with other criminals and as a result, he returns properly tutored. When he is brought back, he declines to make a confessional statement, which grossly affects investigation.

If only the existing laws were properly implemented, crime against women could be controlled. Investigation and prosecution should be a joint venture as it was before. The separation during the amendment of the Criminal Procedure Code during 1973 has created more dislocatory problems. Police should be given special training in handling sensitive cases. They must be made fully aware of the laws. They must respond to every complaint of domestic violence made even over telephone. They must react expeditiously.

It was also pointed out that appointment of public prosecutors was handled politically which affected accountability. Their role and function needed to be defined and their efficiency improved by providing more facilities. Here also the question of values and attitudes was seen to be important. It was suggested that women prosecutors are needed to deal with crimes against women and they need to be suitably sensitised.

Concerning the Judiciary

Our judiciary has an admirable record in protecting the rights of women and other disadvantaged sections of society and people could have an innate faith in the judicial system, but for the delays which have become part and parcel of the justice delivery system. The causes are not difficult to trace. An analysis has shown that the delays occur partly due to the inadequacy of benches and partly because of the frequent adjournments. Again and again demands have been voiced for increasing the number of judges, filling up the vacancies and to speed up the process of justice by cutting down adjournments ruthlessly and ensuring prosecution of cases of crimes against women on a day to day basis.

Though in a number of instances, certain judgements have come in for some criticism, it was pointed out that it was more of a reflection on the quality of investigation and prosecution about which judges themselves were most vocal. It is equally true however, that since judges also come from the same society, from which come the other members of the criminal justice system, they also cannot be entirely free from the value system, the prejudices, the biases and stereotypical views. These cannot but get reflected in the evaluation of evidence and formulation of judgements. It is therefore equally necessary that the judiciary is also exposed to gender training to enhance their sensitivity so that, while justice continues to be blind in the traditional sense, the judges also acquire a third eye to take in the special vulnerabilities and weaknesses of the women victims of various crimes.

Thus, the discussion in almost all the workshops focussed around institutional and attitudinal issues arising out of gender and law enforcement. The institutional issues involved analysis of the police, prosecution, judicial and administrative systems and their role in prevention, prosecution and protection. The themes covered included: priority given to Crimes Against Women (CAW) in the institutional set up; priority of property offences vs offences against body; the concept of private vs public i.e. the general feeling of CAW as being a domestic issue and not a public issue; priority in investigation; priority of laws (social legislation vs other

legislation); priority in trial; priority in prosecution; priority in media; priority in public perception (as to whether priority is required only for serious offences, like rape, but not for other CAW); links of law enforcement agencies with the community in matters of non-institutional assistance, [for example, is there any institutional mechanism to involve NGOs during law enforcement, as envisaged in Prevention of Immoral Traffic Act (PITA)]; male domination as a social norm; institutional mechanisms of accountability of the law enforcement agencies; customs and norms standing in the way of law enforcement; 'burn out' issues (i.e. the common explanation that the law enforcement officials are busy elsewhere all the time on other duties and have no time for CAW); the existing system of "complaint based action", with no *suo moto* cognizance, (for example no action is normally initiated on matters relating to CAW as against the case of murder where the SHO himself will *suo moto* take up the FIR); the gender sensitivity or gender bias within the existing laws and rules; legal awareness and legal literacy - how often updated; legal status of the CAW cell in the States - how legally and professionally equipped are they; and the role of training in inculcating "gender awareness" and "gender discipline".

The regional workshops were finally capped by a National Workshop organized in New Delhi in June 2001. The main recommendations emanating from this workshop also pertained to the working of the police stations, the role of NGOs and the methodology for assessment of police working in relation to gender issues.

It was emphasized that since female victims could confide better in female staff, it was necessary to ensure that such women were able to meet women police officials on their first visit. This necessitates the appointment of adequate number of police officials on the police force and their availability at all police stations. It follows *ipso facto* that the police stations would have to provide suitable facilities for female staff. Of course, police also need facilities like computers, copying machines, and, if possible, video cameras so that authentic record of proceedings becomes available and can be provided to the victims also.

The role of the NGOs cannot be over-emphasized in establishing proper police-public cooperation. It should be mandatory for the police to associate social workers with their investigation. It would help if monthly meetings are held with complainants/victims along with the NGOs wherein the victims are kept apprised of the progress of investigation and outcome of the case at regular intervals.

The entire functioning of the police needs to be subjected to a feminist audit and an annual report on the status of women should be brought out by the police specially with reference to the cases pending and crimes against women. Suggestion were also made for instituting annual Mahila Awards for police officers to reward those who have dealt effectively with crime against women in all aspects, namely, prevention, detection and sensitive handling etc. This is likely to promote gender sensitivity and motivate officers for prompt and effective response.

Similar recommendations emerged about other wings of the criminal justice systems like the prosecution and the judiciary. The main underlying theme in all these recommendations relates to changing the mindset of the people dealing with various aspects of the system. Laws may be perfect, institutions may be solid but if the value systems of the men and women who are entrusted with the implementation of the laws and the running of the institutions lack sensitivity, desired results can never be achieved. The same applies to the entire administrative set up which is concerned with the implementation of numerous development schemes which have been designed for the socio-economic upliftment of women. Women have to be made aware of the laws meant for their protection and their rights and privileges. They must have the self confidence to access the justice system and to fight for their due. This requires that the administrative system also must

be sensitized at all levels so that their schemes are designed on a gender fair basis and they are implemented with a gender sensitive hand.

It was against this background that the NCW came to the conclusion that the basic requirement was the sensitization of the organizational hierarchies in all spheres, administrative, police, judicial, media, even the NGOs. This led to the consequent enterprise of preparing training modules for gender sensitization across all segments of the development administration as well as the law enforcement machinery. To this end, a two day National Workshop was held at Vigyan Bhavan and five course curricula were presented by the five premier institutions.

- The National Police Academy, Hyderabad presented the curriculum for gender sensitization of the police;
- The Lal Bahadur Shastri National Academy of Administration presented the syllabus for Administrative personnel;
- The Andhra Pradesh Judicial Academy did the same job for the judiciary;
- The Gender Training Institute, New Delhi prepared the curriculum for the NGOs; and
- The Indian Institute of Mass Communication, New Delhi finalized the same for the media.

After the initial brain storming at the National Workshop, these draft curricula went back to the respective institutes for further elaboration and refinement. The present volume is the outcome of this exercise. The National Commission for Women hopes that these modules will be used far and wide for sensitising the organisational hierarchies in the public arena. It is also expected that they will be adapted to the local linguistic and cultural milieu so that functionaries at all levels are sensitised to the emerging agenda of women's empowerment.

CHAPTER - 4

Gender Sensitization Training at the Time of Induction into Police Service (Basic Course)

It is proposed that gender training and sensitisation must start at the basic course level itself so that required attitudinal change could be brought about at the induction stage itself. This may be tackled in two stages. The first stage would be an intensive sensitisation as soon as the trainees start their basic course. The second stage would be integrating relevant inputs of gender along with other topics as and when the topic is dealt with throughout the course of training in the form of mainstreaming rather than isolating the topic leading to alienation.

There are three levels of induction into the police and each level will be tackled differently customised to requirement.

Levels of Induction

1. Constables
2. A.S./SI
3. Dy.S.P./A.S.P

Each level will be dealt with separately although there may be some inputs common to all those getting inducted in the police force.

Aims and Objectives

1. To sensitize the newly inducted members of the police force regarding prevalent gender inequalities in the society.
2. To enable them to reflect upon their own socialisation process and attempt to break that influence.
3. To educate them on the status of women and the impact on development of the nation.
4. To appreciate the need for sensitivity in their roles as police officers dealing with cases of brutality against women.
5. To teach them proper codes of conduct while dealing with women as victims, criminals or informers/witnesses.
6. To ensure professionally competent and sensitive investigation so as to minimise the travails of the victim of atrocity to the actual incident and not through the investigation and the trial.
7. To learn modes of prevention of atrocities against women and where/how to intervene.
8. To ensure an engendered police force, within the organization as well as *vis-à-vis* the public.

Constables:

The 1st week of training must include a sensitivity training module conducted by psychologists and police officers which would focus on priority values such as honesty, gender, human rights, equality of caste, class, creed, sex, etiquette and self discipline.

Gender has been clubbed with other important values so as to emphasize its importance in attitudinal change of uniformed personnel rather than to create a mental block by over emphasizing on an issue that has undergone the maximum socialization and has to be decrystallised.

It could be spread over 3 days where one day - the second day, preferably could be devoted to gender sensitivity training.

- Day one - Honesty, etiquette, self discipline
- Day two - Gender
- Day three - Human rights, equality of caste, creed and class

Day two - Session-I - Status of Women (1-1/2 hours)

- Methodology - Awareness exercises
- Statistical data presentation
- Self analysis of knowledge on the issue
- Content - What are the indicators of status of women
- How does it affect development
- How accurate are the statistics
- Are the census personnel and their questionnaires engendered
- How little/much do we know actually

Session-II - What is Gender? - Social Construct: (1-1/2 hours)

- Methodology - Exercises - Good woman/bad woman
- Qualities of a man/woman
- If I were a woman/man, I could/would. (details attached)
- Case Studies - Participation of the group

ROLE PLAY

- Content - What is sex and what is gender? Gender is the socialization since birth of an individual.

Session-III - Violence against Women (1-1/2 hours)

- Methodology - Film Show - Nasreen-O-Nasreen
- Case Studies
- Statistical data presentation
- Role play
- Problem solving/Experience sharing
- Content - Foeticide to dowry death
- What is violence against women?
- Extent of violence in India and the World
- Effects of violence on psyche of victims and other women

- Social acceptability of many forms of violence thereby undermining the same.
- Police as perpetrators
- Police as saviours

Session-IV - Gender and Development: (1-1/2 hours)

- | | |
|-------------|---|
| Methodology | <ul style="list-style-type: none"> - Lecture - Interaction with NGO - Film on empowerment-Panchayat Raj (Sanshodhan) (2 hours) |
| Content | <ul style="list-style-type: none"> - Correlation of gender and development - Equity Vs. Equality - What are the various schemes that target women beneficiaries. - What has been the rate of the success of the scheme. - Experience of NGO's and some beneficiaries - Experience of the individual in the group - Women and literacy - Exploitation of the girl child - Where do police fit in. |

Session-V - Summing up

- Mission Statement for the batch drawn up by the batch themselves

Other Professional Inputs:

It is recommended that instead of isolating the topic from the others, certain inputs could form part of every other Police subject giving it the gender orientation required during the course of teaching of the relevant subject.

Constables

For instance, other than the:

Law input on crimes against women - IPC/Cr.P.C/Evidence Act/Special Acts/Laws

1. Prevention of crime against women could form a part of the Prevention of Crime module wherein specific instructions on prevention of crimes such as eve-teasing, pornography, rape, domestic violence and dowry death could be imparted.

Follow-up on preventive measures is another necessary input so as to ensure no recurrence or repercussion.

2. Handling women victims/witnesses
3. Handling female prisoners/criminals
4. Detection of false cases and exploitation of women thereby

5. Investigation of crimes against women
 - What is the scientific evidence to be collected. Presentation of scene of crime
 - Whose oral evidence is relevant
 - Gearing up the case to stand for trial and end in conviction.
6. Duties of a beat constable *vis-à-vis* violence against women
7. Intelligence collection
8. How to handle prostitutes
9. Taking the aid of support services
10. Self discipline and health education.

The input at the inaugural week of the Basic Courses will remain relatively the same for all 3 levels of recruitment. However, the style of instruction may differ from simplicity to concentrated exchange of information as per the receptive capacities of the trainees.

The professional inputs to be given during the course of training, dubbed with other subjects may differ in content as well as focus as per the professional requirement of the trainee.

Sub-Inspector/ASI

1. Focus on investigative skills
2. Scientific/forensic evidence
3. Latest techniques in collection and packing of forensic evidence
4. Latest court rulings and Supreme Court guidelines for Police Officers
5. Input on sexual harassment at the work place and Supreme Court guidelines on the same.
6. Action against offenders and bail cancellation/opposition
7. Counselling and whom to turn to for help. Information on support services.
8. Prompt and effective action
9. Handling women complainants, victims, witnesses and criminals
10. Disciplining subordinate staff
11. Welfare of staff
12. Institutional analysis

Dy.S.P / A.S.P

1. Institutional analysis - are we suitably engendered.
2. Supervision of investigation of crimes against women
3. Interface with support services
4. Interface with Government

5. Field visits to NGO's, protective/rescue homes/Nari Niketan
6. Inputs by leading criminal lawyers
7. Witnessing Court proceedings
8. Visit to counselling centres/burns hospitals/rape victims
9. Prevention of crimes against women
10. Follow up on counselling
11. Sexual harassment at work place
12. International treaties / action plans and implementation thereof.

The details of reading material and resource personnel will be indicated separately. It is proposed that a training of trainers program be held at various reputed institutes and made compulsory for all the trainers at the various police training institutions by turn so that each of the police training colleges can develop their own in-house expertise over a period of time.

CHAPTER - 5

Gender Sensitization Training for In-Service Police Personnel

1. Constraints in Gender Sensitization of in-service police personnel

The in-service training of police personnel poses a special problem because of the following reasons:-

1. The magnitude of the task.
2. Set attitudes of the police personnel already in the service.
3. Change in the attitudes of women police personnel after joining the service.

1. **Magnitude of the Task:-**

As on 31.12.1998, there were more than 13 lakh police personnel of all ranks in the various state police organizations alone. Statement showing the State-wise distribution of different ranks of police personnel of civil police and armed police are appended as Annexures - VI(a). The statement showing the strength of women police is at AnnexureVI(b). The task of sensitizing such a mammoth force is indeed very difficult, if not impossible.

2. **The set attitudes of the police personnel already in the service :-**

The second and perhaps the most difficult aspect of sensitizing the in-service personnel is the set attitudes of the officers and men, some of whom have already put in long years of service. It is easier to inculcate a new set of values in the new entrants to the service than to change the existing values and attitudes of the personnel already in service. Compared to many other services, police officers and men tend to acquire certain attitudes and values more quickly because of the very nature of their job. The longer an officer spends in the department, that too in specific types of assignments such as enforcement of order and investigation of criminal offences, the more formidable the set attitudes and prejudices tend to be. Gender sensitization of the serving personnel becomes more difficult and more complicated because of the reason that the officers and men have not been exposed to any kind of specialized gender sensitization training at their entry level.

3. **Change in the attitudes of women police personnel after joining the service**

Policing has traditionally been a male bastion and a cult of masculinity pervades the police organizations. Policemen perceive the job of policing as one which involves strength, danger and action and they find non-violent service and non-enforcement aspects of policing non-exciting. So powerful and entrenched is the 'masculine syndrome' that women who enter the police profession tend to undergo a process of either "de-feminization" (imitating male standards of behaviour with a strong law enforcement orientation to resolve the role dilemma between gender and occupational roles) or "de-professionalization" (retaining feminine perspective and concentrating on social service aspect of policing). As a result of de-feminization, some women police personnel tend to behave in a harsh or indifferent manner towards women victims and women complainants who approach them, even more than some of their male counterparts. There are nearly 25000 women police personnel of all ranks in the State police organizations. The number is increasing with the intake of more women into the State police organizations. A good number of the serving police women have already

undergone the process of "de-feminization" or "de-professionalization". Appropriate sensitization of these women police personnel is also an important factor to be considered while organizing and conducting in-service courses for police personnel.

In view of the above reasons, the task of sensitizing the serving police personnel on gender related issues needs to be approached in a systematic manner on a gigantic scale. The matter has to be attended to immediately because the consequences of non-sensitization of police personnel are proving to be disastrous. It has to be emphasized in this regard that the issue of sensitization of police personnel needs to be viewed in a holistic perspective which includes, apart from gender sensitization, sensitization towards human rights, sensitization towards victims (particularly women victims) and sensitization towards fellow women colleagues in the department. A general sensitization of the police officers and men would automatically result in gender sensitive behaviour of police personnel. Of course, some specialized inputs with regard to gender sensitization have to be given in such training courses. So it is suggested that gender sensitization training courses organized for in-service personnel should also attempt to increase the overall sensitivity level of the participants.

As already stated, imparting gender sensitivity training to nearly 14 lakh police personnel in the country is a gigantic task and it cannot be handled by a few police training institutions or specialized gender training institutions in the country. The total coverage of all the gender training courses organized in the country is at present less than 1% of the total force. So it is imperative that the training is imparted in a decentralized manner at district level and even at police station level.

2 Existing Training Structure for Imparting In-service Training

The National Police Academy which conducts the basic training for the entrants to the Indian Police Service also conducts several in-service training programmes. The following are the three regular training programmes conducted by the Academy-

1. Senior Course Level-I Leadership Development Programme for S.Ps (for 3 weeks).
2. Senior Course Level-II Management Development Programme for officers of the level of D.I.G (for 2 weeks).
3. Senior Course Level-III Strategic Management Programme for officers of the level of I.G.P (for 1 week).

Usually one or two sessions on gender sensitization/violence against women are included in these courses to sensitize the senior officers in a broad manner. However, neither the coverage of the topics nor the number of people trained is adequate.

The Academy has also been conducting a specialized seminar on gender sensitization for police officers of the rank of S.P and above as well as officers of other departments. This course is open for members of NGOs also. The designs of the last three courses conducted in the Academy are appended as Annexure-I. Even though the content coverage of the seminar is adequate, the number of people trained is very limited.

There are Police Academies and Police Training Colleges in most of the States of the country for imparting training to the officers of the rank of Dy.S.P and Sub-Inspector. These institutions, apart from conducting the basic/induction course for directly recruited Dy.S.Ps/S.Is of the States, also conduct a limited number of in-service courses. However, the inputs on gender/violence against women are very limited in the in-service courses. A few State Police Academies/Colleges have been conducting specialized thematic courses on violence against women and investigation of cases relating to violence against women, etc. Again the number of participants trained in such courses is very limited. Among the States, Maharashtra, Madhya

Pradesh, Delhi and Uttar Pradesh have taken considerable initiative in this regard and developed special modules on gender training for the police personnel of those States. Some of the States have also been sending their personnel to specialized gender training institutions for training. The designs of the courses being imparted by some States and training institutions across the country are appended as Annexure-I. With respect to the constabulary, which constitutes the major chunk of the police force in the country, practically no systematic gender sensitization training is imparted at present. The police recruitment schools and the police recruitment centres in the States mainly concentrate on the basic/induction training of the constables recruited into the organization. The main focus of the limited number of in-service courses conducted in these centres is on imparting physical training.

The training branch/directorate of every State police organization is generally headed by a D.G.P. (Trg.) or I.G.P. (Trg.) who is incharge of all training activities in the State. The Police Training Colleges are headed by officers of the rank of Superintendent of Police or D.I.G. In many States, the colleges have been elevated to the status of academies which are now headed by an officer of the rank of I.G./Addl. D.G. The responsibility of conducting various in-service courses is also vested with the D.G.P.(Trg.)/I.G.P.(Trg.). Whereas the in-service courses in the Academies are directly organized and conducted by the heads of those institutions, conducting refresher courses at the district level is the responsibility of the Range D.I.G or the district S.P. Because of pre-occupation with law and order and various pressing matters, training gets the least priority from the Range D.I.Gs and district S.Ps in many States. Very few S.Ps give the required attention to the training of officers and men working under them and make systematic efforts to organize courses for them. In some States, a post of Dy.S.P (In-service Training) exists at Range level. This officer is responsible for conducting refresher courses for the personnel in the Range under the supervision of the D.I.G (Range) and the I.G.P. (Trg.). However, the selection for this post is not made with due consideration of aptitude and capability of the person to train. As a result, in most instances, people who have neither the interest nor the capability to impart training are posted as Dy.S.P (In-service Training) and the whole purpose is defeated. In the light of the above, there is need to totally revamp the training machinery in the States for imparting effective training to in-service personnel, particularly in the emerging areas of policing such as gender sensitization, human rights and computerization. The suggestions made in the succeeding paragraphs are with particular reference to gender training. However, they are applicable for training of police personnel in other areas also.

3 Proposed Plan for Gender Sensitization Training of In-service Police Personnel

1 Training of officers of the rank of S.P and above

The National Police Academy can continue to give gender sensitization inputs in its three regular in-service programmes viz. Leadership Development Programme, Management Development Programme and Strategic Management Programme. The inputs may be given in a more focused manner in a modular form so as to make the gender sensitization training more effective. The specific inputs to be given in each of the courses are mentioned. However, the number of officers who can be trained in these three regular courses at the National Police Academy would not be more than 60-70 annually, whereas the total number of officers above the rank of S.P in the various State police organizations is approximately 3000. In order to ensure that more senior officers are sensitized, the police training academies in the various States need to conduct at least two gender sensitization courses every year for the next two or three years. These courses may be integrated type of courses in which the officers are sensitized not only with regard to gender issues but also human rights and handling of victims. The courses should preferably be by Vertical Interaction in which officers of various levels participate. When senior officers mingle with younger officers who are several years junior

to them as co-trainees in the training programme, their sensitivity level will automatically increase which will facilitate sensitizing them towards gender issues. Senior officers may also be sent by the respective State Govts. to various gender training institutions in the country (listed at Annexure-II) for training.

2 In-service training of Dy.S.Ps, Inspectors and Sub-Inspectors

The officers from ASI to the level of Dy.S.P/A.S.P number about 1,25,000. It is not possible to train such a large number of officers in police training colleges alone. So there is a need to impart training at the district level also. Gender Sensitization Training Officers (GSTOs) who are specially trained at the National Police Academy and the various training institutions running Training of Trainers Course in gender training can be specially utilized for this task. The GSTOs can organize a 4-day training programme in each of the districts with the help of the resource persons available locally such as the Public Prosecutors, Doctors, Judicial officers, teaching faculty of the local universities, if any, as well as police officers. The number of courses to be run in each district will naturally depend on the strength of the police force in the district. Even if 25 participants are covered in every course and 40 courses are run by each GSTOs in the district, the coverage would be approximately 1000 trainees per GSTO. The following will be the advantages of conducting the courses at the district level:-

- i) The burden on the PTCs will be less and those institutions will be free to conduct other courses.
- ii) The coverage of the trainees will be more.
- iii) The problem of accommodation and travel of the officers at the district level to the training institutions will not be there.
- iv) The local resource persons can identify gender related problems and sensitization needs specific to the district and can focus more on them.

The inputs to be given in these training courses are mentioned at pages 37 to 41.

3 Training of Head Constables and Constables

This category constitutes more than 90% of the total strength of the police force. As such, in-service training of these ranks in the police is a very difficult task. Proper sensitization of the Constables and Head Constables also assumes special significance because of the reason that they are the persons who come in contact with members of the public most of the time. Complaints of misbehaviour are generally levelled only against these ranks by the members of public. It is not possible to train the large number of Constables and Head constables even at district headquarter level. As such, the training for this level has to be further de-centralized and conducted at the sub-division level or even at the police station level. There is need for another category of trainers, who can be designated as District Level Trainers (DLTs) to undertake this task. The DLTs can receive special training in direct training skills as well as gender sensitization training at the police training colleges. Depending upon the size of the district, there may be two or three DLTs in each district and they may be of the rank of Inspector of Police or Sr. Sub-inspector. The DLTs can conduct a 2-3 day awareness programme at sub-divisional/circle level on important aspects such as gender sensitization, human rights and computerization. The suggested inputs on gender sensitization in such awareness programmes are mentioned.

In order that the in-service courses are successful and yield the desired results, the following guidelines may be observed by the officers incharge of training at the State level, the Range D.I.G as well as the Ss.P of the districts:-

- i) **Only people with aptitude for training should be selected as DLTs and GSTOs.** As already mentioned, one of the biggest problems in the police organizations today is that training is given the lowest priority. The in-service courses are not conducted regularly for all ranks. Even the few courses which are run in the PTCs and at the range/district level are not well subscribed. Further, a posting to training institutions is considered a 'punishment posting' and only those people who are found to be unfit to hold any sensitive posting are sent to training institutions. The whole attitude of the rank and file in the organizations towards training should change. Training should get number one priority and only people with right aptitude and calibre should be posted in training institutions.
- ii) **D.I.G to be made incharge of training in the respective ranges.** In today's corporate world, teaching and coaching the subordinates are considered to be the primary responsibilities of leaders. This new thinking about leadership responsibility should permeate the police organizations also and police leaders at various levels should spend a considerable amount of their time in imparting the necessary professional knowledge and skills as well as inculcating the desired attitudes in their subordinates. The Range D.I.G of police, by virtue of their not being directly responsible for day-to-day operations in the field, have sufficient time to devote to the training and development of the police personnel in the range. The second West Bengal Police Commission in its report submitted very recently has suggested that the D.I.G may be entrusted with the responsibility of supervising crime investigation in the districts. We, however, feel that such a role for the D.I.G may result in direct interference with some of the main responsibilities entrusted to the district S.P. The D.I.G, because of their experience and position in the range, may be in a better position to improve the training function at the range level, which will increase the overall effectiveness of police in the districts.
- iii) **Need for creating a post of Dy.S.P. (Trg.) or designating one of the Dy.S.Ps as Dy.S.P.(Trg.) at the district level.** As already mentioned, in some States a post of Dy.S.P.(Trg.) exists at the range level to conduct the various in-service programmes. However, to impart effective and continuous training to all subordinate ranks there is need for a Dy.S.P.(Trg.) in every district. If a separate post of Dy.S.P (Trg.) cannot be created, some other functional Dy.S.P can be re-designated as Dy.S.P.(Trg.). For example, the Dy.S.P., Crime Records Bureau (wherever such a post exists) can be re-designated as Dy.S.P. (Trg.) and (Crime Records Bureau), as the workload in the Crime Records Bureau is not heavy. The Dy.S.P.(Trg.) can be made responsible for organizing and conducting all in-service training courses in the districts. With reference to gender training, he may ensure that the gender training modules are conducted by the GSTOs and the DLTs at the District and Sub-divisional or police station level respectively.
- iv) **Need to prepare gender training modules and the reading material in local language.** In order to enable the DLTs to effectively impart gender training, gender training modules and reading material may be developed by the police academies of various States in the local language on the basis of the material provided in these modules.
- v) **Training of Gender Sensitization Training Officers and District Level Trainers.** The most important aspect of gender sensitization training is undoubtedly the training of trainers at the State and District levels viz. GSTOs and DLTs. These officers, particularly GSTOs have to be chosen with due diligence, taking into consideration their aptitude for training. Following suggestions are offered for their training:-
- (i) The National Police Academy has been conducting a 6-week Training of Trainers Course for police personnel of the rank of Dy.S.P working in the State and Central police organizations. The officers who have undergone this course during the last 5 years may be nominated by the respective State Govts. for a specialized 1-week course in gender sensitization at the National Police Academy.

- (ii) The Training of Trainers Courses to be conducted at the Academy in future may be converted into a Gender Sensitization Training of Trainers Course.
- (iii) The Trainers posted in the police academies may be nominated for Training of Trainers Course conducted by Gender Training Institute, New Delhi and other such training institutions.
- (iv) Training courses for DLTs may be organized in the police academies with the help of the Gender Sensitization Training Officers and Gender Training Resource personnel available in the State. The training for the DLTs should also necessarily include a direct training skills component as suggested at pages 43 and 44.

Need for continuous sensitization training at the police station level

Learning is an ongoing and continuous process. Excellent mechanisms for continuous learning and development of officers exist in the police but these practices have been neglected over the years due to various reasons, including the increasing workload of police. For example, at every police station, the SHO is supposed to conduct classes for the constabulary on various important matters, at least twice during a week for one hour, after the morning roll call. In such sessions, the SHO is supposed to not only keep the constables informed about crimes and criminals in the area but also counsel them on various matters such as the behaviour expected from them towards the public, observance of the various rules and regulations of the service, etc. The word 'catechism' used for such sessions clearly denotes the essential element of counselling involved in the process. Unfortunately these classes are rarely conducted in the police stations now a days. Pressure of work should not be a lame excuse for neglecting such an important task by the SHO. It is time this mechanism is revived and revitalized so as to impart the necessary knowledge, skills and attitudes in the lowest functionaries of the police organizations, in a decentralized manner. In all such classes, the SHO should make efforts to sensitize the police personnel at the police station level towards human rights and gender issues.

There is also a system of bringing the armed reserve personnel of every district, who are deployed on various duties such as guard duty, escort duty, etc. to the Police Lines/District Armed Reserve once in a year, for a period of about 30 days for giving them intensive refresher training. This traditional training mechanism for the police personnel is also not being followed in many districts. Gender sensitization training to police personnel can be given during such "annual mobilization exercises" also.

Similarly, the Sub-Divisional officers and the Superintendents of police, during their monthly crime meetings and other periodical meetings, should make efforts to sensitize their subordinates on this important issue. The crime meeting in many districts, unfortunately, has become a mere ritual now a days, and is used only for a mechanical review of the crime situation in the sub-division/district. The crime meeting has a larger purpose than such mere review and it is an important forum for educating the subordinates.

The prosecuting staff in the district, medical officers and the forensic staff can be invited to the crime meeting by the S.P for an in-depth discussion of the loopholes in the investigation of cases.

4 Gender Sensitization Training of Law Enforcement Officials - Board Objectives and Inputs to be given

The following objectives were identified for gender sensitization of police personnel during the 2-day workshop held at the N.P.A on 21st and 22nd July, 2000:-

1. To critically understand and analyze the status of women in India/particular State for which the module is intended.

2. To critically examine gender relations in the context of violence against women.
3. To develop the knowledge base to deal with crimes against women.
4. To develop professional skills in dealing with prevention and investigation of cases relating to violence against women.
5. To develop human relations skills to deal with women victims and to bring about the desired attitudinal and behavioural changes for dealing with women who approach the police for help.
6. To improve gender sensitivity at workplace in police organizations.

In this connection, the objectives identified for training of police personnel by various training institutions may also be seen at Annexure-I. Keeping in view the objectives, the inputs to be given to police personnel, both in basic course and in-service courses, in the form of KSAs (Knowledge, Skills, Attitudes), may be divided as under :-

I Knowledge of -

- (i) Status of women in the past and at present in the Indian society.
- (ii) Various parameters relating to the present status of women in the country *vis-à-vis* men.
- (iii) The concepts of 'Gender' and 'Sex'.
- (iv) Processes by which the concept of gender develops and the role of the various institutions of the society in the same.
- (v) The nature and extent of violence against women and also of the factors responsible for violence against women.
- (vi) The legal provisions in the country with regard to violence against women.
- (vii) The common lapses and loopholes in the investigation of cases, due to which the cases do not succeed in the court of law; important legal decisions in cases relating to violence against women.
- (viii) Forensic aspects (forensic medicine and forensic science) connected with investigation of cases relating to violence against women.
- (ix) Psychology of victims and aggressors.
- (x) Various measures for prevention of violence against women.
- (xi) Knowledge of human behaviour in general.
- (xii) Support services available for victims of violence against women.

II. Skills in -

- (i) Preservation and collection of evidence from a scene of crime.
- (ii) Examination of the body of the victims of violence as well as aggressors of violence for physical evidence relating to the violent acts committed (even though only medical officers are required to do the medical examination of the bodies, the police officers are also supposed to have sufficient skills in this regard).

- (iii) Communication.
- (iv) Interviewing women victims.
- (v) Interrogating offenders perpetrating violence against women.
- (vi) Investigation of cases such as recording statements, drawing sketches of scene of crime, writing case diaries, making entries in records, etc.
- (vii) Putting forth arguments in favour of cases in the courts of law.

III Attitudes -

- (i) Helping nature.
- (ii) Self examination of biases and prejudices.
- (iii) Understanding others.
- (iv) Empathy.
- (v) Concern about others' problems
- (vi) Dealing fairly with others.

Whereas appropriate attitudes for gender sensitive behaviour as listed above are required at all levels of police officers, the extent of knowledge and skills required would vary, depending upon the level of officers. At the level of constabulary, a minimum level of knowledge of laws and human behaviour are required, whereas the investigating officer would require a detailed knowledge of law and legal procedures. With reference to skills also, it is sufficient if a constable knows how to safeguard a scene of crime and how to deal with a woman victim when she interacts with him or her but an investigating officer would require all the professional skills listed above in an in-depth manner so as to handle all cases relating to violence against women effectively. At higher levels, there is more need for knowledge than the physical skills of investigation. The basic as well as in-service courses have accordingly been devised for the various levels of police officers. In the induction course at all levels, detailed inputs are given on the legal provisions as well as the investigation of cases. As such, in the in-service courses, only the key aspects relating to the investigation of cases of violence against women need to be covered.

5. Training Methodology

*"I hear and I forget;
I see and I remember;
I do and I understand"*
- Confucius

Research findings here established that

We remember -
10% of what we read
20% of what we hear
30% of what we see
50% of what we see and hear and
70% of what we do.

The most important component of gender sensitization training is undoubtedly the changing of firmly embedded perceptions of the participants with regard to gender, eliminating their deep-seated prejudices and biases on various gender issues and inculcating the desired attitudes in the participants so as to make them behave and act in a gender sensitive manner towards women victims and women colleagues at the workplace. Such a change in the perception and behaviour of the police personnel, particularly the personnel already in the service cannot be brought about by the age old traditional method of 'chalk and talk'. The change will be possible only when the participants are psychologically and emotionally involved in the whole process. The trainers therefore have to make efforts to build up such a learning climate by involving the participants, by questioning the participants about their gender perceptions and by building up arguments on various gender issues. They have to adopt interactive methods of training to involve the participants in the said manner. The following are examples of some such methods:-

1. Case study method
2. Role plays
3. Syndicate discussions and presentations
4. Screening of films followed by discussions
5. Psychological exercises

6. Designs of Gender Sensitization Training Courses for Different Levels of Police Personnel

Training Course for Superintendents of Police

2 days module at N.P.A

(6 sessions of 1 ½ hrs duration)

Level-I Sr. Course Leadership Development Course is conducted at the National Police Academy for a duration of 3 weeks. Out of the 3 weeks, two days may be earmarked for the gender sensitization module.

Session-I : *To understand and analyze the status of women in India/particular State for which the module is intended.*

The specific objectives of this session will be to apprise the participants about the social and economic status of women with reference to the three key indices of Health, Education and Employment; bring out the status inequalities between men and women and analyze the reasons for the status inequalities.

Content:- Statistical information with regard to -

- (i) Sex ratio
- (ii) Life expectancy
- (iii) Infant mortality
- (iv) Age at the time of marriage
- (v) Literacy rates,
- (vi) School enrolment ratio and drop out ratio,
- (vii) Progress in higher education

- (viii) Work participation rates ,
- (ix) Employment in different sectors and distribution of workforce ,
- (x) Earnings as wage labourers , and
- (xi) Membership of trade unions .

- Methodology:-**
- (i) Short exercise to find out the awareness of the participants with regard to the key indices of status of men and women.
 - (ii) Presentation/Discussion.

Session-II: *Concept of gender and analysis of gender roles.*

- Content:**
- (i) Difference between gender and sex
 - (ii) Fallacy of the biological argument that 'man' and 'woman' are 'naturally' capable of doing certain things and not capable of doing certain things .
 - (iii) Institutional analysis of gender roles; , status of women in terms of rules , practices , power and resources with specific reference to the institutions of household, community, market and State

- Methodology:-**
- (a) Gender perception exercises (as given at page 58 to 62)
 - (b) Discussion of the factors responsible for such perception
 - (c) Presentation/discussion of the issues involved.

Session-III : *Dimensions and extent of violence against women.*

- Content:**
- (i) Different types of violence against women.
 - (ii) Statistical information relating to different types of violence against women.
 - (iii) Analysis of the institutional factors that cause , support and perpetuate violence against women .

- Methodology:-**
- (i) Screening of a film on violence against women followed by discussion.
 - (ii) Presentation of statistical data followed by discussion.

Session-IV: *Investigation of cases of violence against women - need for coordination among agencies of Criminal Justice System.*

- Content:**
- (i) A brief review of the provisions relating to violence against women.
 - (ii) Common lapses in the investigation of the cases relating to violence against women.
 - (iii) Areas in which effective coordination is needed for ensuring successful investigation and prosecution of cases relating to violence and mechanisms by which such coordination can be achieved.

- Methodology:**
- (i) Case studies (may be used for discussion of the lapses in the investigation of cases).
 - (ii) Presentation-cum-discussion

Session-V: *Handling victims and strategies to make lower level police personnel more gender sensitive.*

- Content:**
- (i) Male dominated police force in the police station.
 - (ii) General environment in a police station.
 - (iii) Hostile factors at police station level.
 - (iv) Treatment of victims, particularly women victims, by police personnel at the police station level - Unfriendly questioning of the sentry at the gate of the police station: Hostile and unfriendly responses from the duty officers.
 - (v) Lack of empathy.
 - (vi) Understanding the psychology of the victims and steps to be taken to ensure gender sensitive behaviour from police personnel.

- Methodology:**
- (i) Role play to bring out the hostile and unhelpful response of the police personnel at the station level
 - (ii) Discussion in groups on strategies to make police personnel more gender sensitive.

Session-VI : *Gender Issues in Police Organization.*

- Content:**
- (i) Information relating to intake of women in police force.
 - (ii) Nature of duties being assigned to the women police personnel.
 - (iii) Capability of women to undertake any type of job (examples of tasks being undertaken by women in other departments) and how women are excluded from being given regular police assignments.
 - (iv) Mainstreaming of gender (employing women for maintaining law & order and investigation of all types of crimes).
 - (v) Behaviour of male police personnel towards female colleagues.
 - (vi) Lack of basic facilities at police stations for women such as toilets, change rooms, rest rooms.
 - (vii) Need for considering the special requirements of women while assigning them duties and sanctioning them leave.
 - (viii) Steps to ensure gender sensitive behaviour at workplace and mainstreaming gender in police organizations.

- Methodology:**
- (i) Short presentation followed by discussion.
 - (ii) Some case studies may also be utilized for generating discussion on the behaviour of male police personnel towards women colleagues and the indifferent attitude of senior male police officers towards the special requirements of police women working under them.

Training Course for Deputy Inspectors General of Police

1-day module at N.P.A

(3 sessions of 1 ½ hours each)

Level-II Senior Course - Management Development Programme is conducted in the National Police Academy for 10 working days, of which one day may be earmarked for gender training.

Session-I: *Gender Roles and gender inequalities.*

Content : (i) Content of Sessions I & II suggested for Superintendents of Police for Leadership Development Course will form the content for this session.

Methodology: (i) A short exercise to bring out the gender perceptions of the participants followed by discussion with regard to gender inequalities between men and women and the factors which generate and reinforce such inequalities.

Session-II: *Gender justice - need for effective coordination amongst different agencies of Criminal Justice System.*

Content & Methodology : The content of sessions III and IV in a condensed form. The focus of the session would be more on the general lapses in the investigation and prosecution of cases and how the loopholes in the investigation can be plugged and how effective coordination amongst various Criminal Justice Agencies can be achieved.

Session-III: *Gender issues in policing.*

Content & Methodology: This session will also be a combination of Session No.V & VI of the Senior Course Level-I Leadership Development Course. All the issues connected with the behaviour of police personnel, especially male police personnel with women victims and women colleagues will be covered.

Training Course for Inspectors General of Police

1-day module

(3 sessions of 1 ½ hours each)

Level-III Senior Course - Strategic Management Programme is conducted in the National Police academy for one week, of which one day may be earmarked for gender sensitization inputs.

Session-I: *Gender inequalities*

Content (i) Gender perception of the participants; extent of gender inequality in the country and factors which generate and foster the inequality .

(ii) Difference in the allocation of duties to men and women police officers in the police organization.

Session-II: *Violence against women*

Content: (i) Extent of violence against women, factors responsible for the same.

(ii) Police response to violence against women.

Methodology: Panel discussion.

Session-III: *Gender sensitive policy making.*

- Content:**
- (i) Policy measures to ensure gender sensitive behaviour of police officers, especially police personnel at the cutting edge level towards women victims.
 - (ii) Policy measures for ensuring gender sensitive behaviour of male police personnel towards women colleagues and subordinates.

Methodology: Syndicate discussion and presentations.

Training Course for Dy.Ss.P, Inspectors and Sub-Inspectors of Police

Duration - 4 days.

Each day - 4 sessions of 1 ½ hours

Day-I

Session-I: *Historical context of status of women.*

- Content:**
- (i) Status of women in India in the past.
 - (ii) Decline in the status of women over the years.
 - (iii) Status of women in the State for which the course is intended.

Methodology: Presentation/discussion.

Session-II: *Extent of inequalities in the status of women and men in India at present.*

Content: Statistical information with regard to -

- (i) Sex ratio
- (ii) Life expectancy
- (iii) Infant mortality
- (iv) Age at the time of marriage
- (v) Literacy rates,
- (vi) School enrolment ratio and drop out ratio,
- (vii) Progress in higher education
- (viii) Work participation rates,
- (ix) Employment in different sectors and distribution of workforce,
- (x) Earnings as wage labourers, and
- (xi) Membership of trade unions.

Session-III: *Concept of gender.*

- Content:**
- (i) Difference between gender and sex Fallacy of biological determinism.
 - (ii) Gender Equality - Relationship between gender equality and development of nations - concept of Gender Development Related Index (GDI) and Human Development Index (HDI) and their relationship.

Methodology: *Gender perception exercises to make the participants aware of their gender prejudices and gender biases.*

Session-IV: Institutional analysis of gender relations (roles, power relations, access to resources) with specific reference to institutions of family, community, market place and State.

Content:

- (I) Various practices in the family, community, market place, such as -
 - (i) birth ceremonies
 - (ii) feeding practices
 - (iii) female infanticide
 - (iv) marital arrangements
 - (v) sexual division of labour within the household
 - (vi) restriction on entry of women in the labour market
 - (vii) nature of employment and work for women, access to resources for women, etc.
- (II) Factors responsible for such institutional discrimination against women.

Methodology: *Presentation cum discussion.*

Day-II

Session-I: *Violence against women - Nature and extent of violence against women.*

Content:

- (i) Different types of violence against women -
 - (a) rape
 - (b) molestation
 - (c) dowry deaths,
 - (d) dowry harassment,
 - (e) other forms of cruelty against women.

Methodology:

- (i) Screening of films on violence against women, followed by discussion.
- (ii) Presentation of statistical information followed by discussion.

Session-II: *Understanding the factors responsible for violence against women.*

Content:

- (i) Male dominance in household and society
- (ii) Suppression/subjugation of women, making them psychologically and socially incapable of opposing perpetrators of violence.

Methodology: Brain storming and discussion.

Sessions-III & IV: Police response to violence against women.

Content:

- (i) How victims are treated by the police personnel at the police station level.
- (ii) Lack of police response as a result of the faulty perceptions about violence against women.

- Methodology:**
- (i) Role play to illustrate the hostile response to victims.
 - (ii) Case studies to illustrate lack of response from police.
 - (iii) Discussion on the perception of police and consequent police inaction in cases relating to violence against women.

Day-III

Session-I&II: *Legal provisions relating to violence against women.*

- Content:**
- (i) Provisions in the IPC relating to rape, molestation, dowry death, dowry harassment, other forms of cruelty against women.
 - (ii) Provisions in special laws relating to dowry, prevention of Sati, indecent representation of women, forced and bonded labour of women, immoral traffic in women, medical termination of pregnancy, equal remuneration for women and men.

Session-III: *Common lapses in the investigation of cases of violence against Women.*

- Content:** Lapses committed by investigating officer while handling cases of violence against women such as -
- (i) Failure to collect material evidence from the scene of crime.
 - (ii) Failure to examine and record the statements of witnesses properly.
 - (iii) Delay in sending documents and materials to court
 - (iv) Failure to produce witnesses at the time of trial, etc.

Methodology: Discussion of reasons for the acquittal of cases relating to violence against women by courts, particularly the High Courts and the Supreme Court of India.

Session IV: *Procedure for proper investigation and prosecution.*

- Content:**
- (i) Check-list for investigation of cases covering forensic aspects (both forensic science and forensic medicine) as well as general aspects of investigation (provided at pages 99 to 125).

Methodology: Presentation followed by discussion.

Day-IV

Session-I&II: *Handling victims.*

- Contents:**
- (i) Understanding psychology of the victims in general.
 - (ii) Understanding the psychology of victims of rape and molestation in particular.
 - (iii) Attitude and skills, including communication skills, needed to redress grievances of the victims and interviewing women victims.

- Methodology:**
- (i) Interaction with women victims.
 - (ii) Role plays for demonstrating skills in interacting with women victims.
 - (iii) Presentation on psychology of victims and communication skills.

Sessions-III & IV: *Gender issues in police organizations.*

- Content:**
- (i) Misconceptions regarding capability of women police personnel to undertake mainstream police tasks like handling serious law & order problems and investigation of serious offences, etc.
 - (ii) Problems of women constables.
 - (iii) Treatment of women police personnel by their male colleagues and senior officers.
 - (iv) Need for gender sensitive behaviour of male police officials towards women police personnel.
 - (v) Impact of non-assignment of duties to men and women personnel equally on the morale of the women police personnel and overall effectiveness of the organization.
 - (vi) Gender equality at the workplace.

- Methodology:**
- (i) Role plays/Case studies to highlight the lack of gender sensitive behaviour on part of male police personnel towards women police colleagues and subordinates.
 - (ii) Presentation followed by discussion.

Training for Head Constables and Constables

As already indicated a two-day module may be conducted for the Head Constables and Constables at the Sub-Divisional/Circle level. The aim of the module would be to bring about perceptual and attitudinal changes in the police personnel with regard to gender roles and relations and make the male police personnel behave in a gender sensitive manner towards the women victims and women colleagues.

Day-I

Sessions-I&II: *Concept of gender and prevailing gender inequalities between men and women.*

Content and Methodology: In these sessions, the District Level Trainers should make efforts to make the participants aware of their faulty perceptions about gender and gender roles by conducting a suitable gender perception exercise and discussing the various institutional factors which give rise to and reinforce such perceptions. They should also discuss the gender inequalities prevailing in the Indian society. The concepts should be explained in regional language in simple terms.

Sessions-III&IV: *Violence against women and investigation of cases related to the same.*

Content: Different types of violence against women and the different legal provisions particularly the legal provisions contained in the IPC may be covered in general terms. The essential aspects of investigation of cases may also be covered in very general terms with specific reference to safeguarding a scene of crime.

Methodology: Wherever the facilities exist a video film on violence against women may be screened. If such facilities are not there, case studies relating to violence against women may be utilized. While making presentations, low cost training aids which can be easily prepared with the resources locally available may be utilized.

Day-2

Sessions-I&II: *Response of police personnel at police station level to victims of crime particularly women victims.*

- Content:**
- (i) How victims are prevented by the sentry from entering the police station.
 - (ii) How the victims are made to wait for a very long time.
 - (iii) Indifferent response from SHO and other officers to the victims.
 - (iv) Non-registration of cases, etc.
 - (v) Understanding the psychology of victims
 - (vi) How women victims should be received and treated in the police station.
 - (vii) Nature of assistance needed by the victims and how it can be provided.

Methodology: Role play followed by discussion.

Sessions-III&IV: *Gender sensitive behaviour at workplace.*

- Contents:**
- (i) General behaviour of men towards women.
 - (ii) Behaviour of male police personnel towards female police personnel
 - (iii) Special problems of women and lack of understanding of the same by the male police personnel.
 - (iv) How to behave with women in general and women colleagues in particular in a gender sensitive manner.

Methodology: Role play/Case studies followed by discussion.

Training Course for Gender Sensitization Training Officers (GSTOs)

As suggested, a one-week training programme can be conducted for police officers, who have already undergone the Training of Trainers Course at the National Police Academy. All those who have undergone this programme may be designated as Gender Sensitization Training Officers and may be utilized for conducting training courses at the district level and also for training the District Level Trainers (DLTs).

Duration of the Course: 6 working days.

Day-I

Session-I: *Inauguration and broad objectives of the course.*

Session-II: *Status of women in India.*

Session-III: *Social construct of gender.*

Day-II

Session-I: *Institutional analysis of gender roles and status of women.*

Sessions-II&III: *Nature and extent of violence against women in India and factors responsible for the same.*

Day-III

Session-I: *Legal provisions with regard to violence against women.*

Session-II: *Common lapses in the investigation of cases relating to violence against women.*

Session-III: *Proper procedure of investigation of cases with reference to violence against women.*

Day-IV

Session-I: Gender issues in the internal functioning of police organizations

[The content and methodology of the above sessions will be more or less the same as suggested for Dy.Ss.P and Inspectors/Sub-Inspectors. However, the inputs will be imparted from a trainers perspective]

Training Skills

Session-II: *Characteristics of adult learning.*

- Content:**
- (i) General principles of learning and remembering.
 - (ii) Learning curve.
 - (iii) Difference between education, training and development.
 - (iv) How adult learning differs from learning by children.
 - (v) Principles of reinforcement.
 - (vi) How can effective learning be imparted to adults.

Session-III: *Communication principles and skills.*

- Content:**
- (i) Different types of communication - verbal, non-verbal, written.
 - (ii) Barriers in communication
 - (iii) How communication is distorted because of prejudices and biases of the sender and the receiver as well as distortions in the medium of communication.
 - (iv) Listening skills
 - (v) Principles of good communication.

Day-V

Session-I & II: *Selection and use of appropriate training methodology.*

- Content:**
- (i) Different types of training methodology - lecture, presentations using audio-visual aids.
 - (ii) Group/Syndicate discussions.
 - (iii) Case study method.
 - (iv) Role plays.
 - (v) Simulation exercises.
 - (vi) Suitability of different types of methodologies for different types of inputs.

Session-III: *Course Designing.*

- Content:**
- (i) Various factors that have to be taken into consideration while designing a course such as - (1) duration available for conducting the course (2) the inputs to be given (3) the methodology to be used (4) the resource persons for giving the inputs.

Day-VI

Session-I: *Follow up and action planning.*

- Content:**
- (i) Follow up action that needs to be taken by the trainer for ensuring that the knowledge, skills and attitude acquired in the training are transferred to the workplace.
 - (ii) Obtaining feedback from the trainees.
 - (iii) Obtaining feedback from the customers of the training course (in this case, the police officials at the district level and senior levels).
 - (iv) Making suitable modifications in the content and methodology on the basis of the feedback so obtained.

Session-II : *Summing up and valediction.*

Gender sensitization training course to be organized at the State Police Academies/Colleges

As already mentioned, apart from N.P.A., the State Police Academies may also organize gender sensitization courses. These courses may be of 4-days duration and preferably of vertical interaction type with all ranks of police personnel from A.S.P/Dy.S.P to D.I.Gs and I.Gs attending the same. In the 4-day module the contents suggested for the Level-I development course may be covered in a more elaborate manner. The following are the suggested inputs for the 4-day module:-

Duration - 4 days
(3 sessions per day)

Day-I

Session-1: Inauguration and broad objectives of the course.

Session-II: Status of women in India.

Session-III: Existing gender inequalities between men and women with reference to various indices.

Day-II

Session-I: Concept of gender and how gender is constructed socially.

Session-II: Institutional analysis of gender roles and status of women.

Session-III: Nature and extent of violence against women and factors responsible for the same.

Day-III

Session-I: Inadequate police response to violence against women and reasons for the same.

Session-II: Legal provisions with regard to violence against women.

Sessions-III: Loopholes in investigation and prosecution of cases of violence against women.

Day-IV

Session-I: Gender issues in the internal functioning of police organizations, including gender mainstreaming.

Session-II: Steps to be taken to ensure gender sensitive behaviour on part of police personnel.

Session-III: Summing up.

CHAPTER - 6

Gender Sensitization Initiatives other than Training in Police Organizations

1. Feedback mechanisms from women police personnel

Periodical and structured feedback from the women police personnel working in police organizations may bring to light the problems faced by the women police personnel, particularly those working at the police station level. Women police personnel may also give innovative suggestions with regard to prevention of violence against women as well as dealing with cases relating to violence against women. The police leadership in the State police organizations can take appropriate policy measures, based on the feedback so received.

2. Surveys with the general public with regard to violence against women

The State police organizations may also conduct surveys with the help of specialized institutions or universities to elicit information on the following:-

- (i) The nature and extent of violence against women.
- (ii) The response of police to violence against women.

Such surveys will bring to light the extent of burking/non-registration/under-registration of cases relating to violence against women by police stations. They will also indicate the nature of response from police officials to violence against women and the change, if any, in the response pattern, as a result of the various gender sensitization initiatives introduced in the organization.

3. Performance appraisal of police personnel

Gender sensitization initiatives introduced/ followed by the officers should be one of the criteria for assessing the performance of officers., at least upto the rank of SHOs. This will not only motivate officers to take measures for gender sensitization of the personnel working under them but also enable senior officers to identify the police personnel who have a special aptitude for gender sensitization training.

4. Using the mechanisms of rewards and punishments for gender sensitization

Rewards and punishments are two powerful non-training interventions for ensuring appropriate behaviour and bringing about the desired attitudinal changes in the workforce in any organization. Rewards have a much higher motivating role in a uniformed organization like police. This fact should be taken into consideration and police personnel who have done good work with regard to gender sensitization in the organization should be suitably rewarded. Similarly, those police personnel who have come to adverse notice for their harsh/indifferent behaviour towards victims of crime and who failed to take appropriate action in cases relating to violence against women should be suitably punished.

5. Gender Mainstreaming

At present, women police personnel are assigned only certain jobs in the police organization like data entry work, transmission and receiving of wireless messages, scripitory work, escorting women prisoners and investigation of minor offences relating to violence against women. Such under-utilization of women police

personnel has not only reduced the productivity of police but also resulted in poor morale and job dissatisfaction among women police personnel.

Treating women police personnel on par with men police and assigning duties to women and men police personnel equally would automatically result in improved gender sensitive behaviour of police personnel within the organization. It will also improve the overall effectiveness of police response to violence against women.

CHAPTER - 7

Gender Sensitization in The Internal Functioning of Police Organisations

Women police have now become an integral part of almost all State police organizations and the intake of women in police is on the increase. The National Police Commission in its 5th report submitted to the Govt. (November, 1980) observed as follows -

"We visualize that in the years to come, women police would form an integral part of the police force, specially in the cities, towns and other thickly populated areas".

Not only are women police now attached to police stations in cities and district headquarters but All Women Police Stations have also been established in many States in the country. A few States have even raised special women police battalions.

Intake of women in police organizations

If we look at the historical background of women's entry into police force, we find that there was a lot of resistance to them right from the beginning. In England, women police were described as 'extravagant eccentricities' "upon whom the public money should not be wasted" by a Member of Parliament in 1920. However, they were used in law enforcement in some countries even in 19th century. They were appointed as "Police Matrons" in New York in 1945. In Canada, Matrons were employed during Gold Rush in 1896. In the United Kingdom, the first woman police employee was appointed in 1907 to interview women victims and record their statements in sexual assault cases. For the first time, women were appointed as police constables in the United Kingdom in 1923.

In India, although a few women police personnel were recruited and used in 1930s and 40s for removing striking labourers and for guarding refugee women in the wake of partition of the country in 1947, the intake of women into the State and Central Police Organizations had been very low till 1980s. Only during the last two decades the police organizations started making systematic efforts to recruit women. The total number of women police personnel in the country is now around 25000. State-wise and rank-wise breakup of the women police personnel is given in statements at Annexure VI(b)

Proposed Reservation for Women in Employment and its likely impact on the employee profile of the police organizations

At present, women police personnel constitute only about 2% of the total strength of the police organizations. However, as already mentioned, the intake of women into the police is on the increase and, as and when the proposed Women Reservation Bill is enacted by the Parliament, women police would form 33% of the total police strength in the State and Central Police Organizations. It would imply that the number of women in police organizations would be at least 15 times more than what it is now. Such large increase in the strength of women would throw up many important issues with regard to the mechanisms for recruitment and training of women police personnel, the nature of duties to be allotted to women police personnel, consideration of police women of all ranks along with men for postings and promotions, special amenities to be provided for women police personnel at police stations etc. No police organization seems to have given a serious thought to such important issues which have a bearing on the overall functioning of police organizations, and initiated measures in that direction.

Problems being faced by women police personnel at present

Even the relatively few women constables in the State and Central Police Organizations are facing a number of problems in the performance of their duties.

1. Prejudices and biases held by men police personnel with regard to the capability of women colleagues.

Research studies have revealed that male police personnel do not have proper understanding of the concept of gender and fail to appreciate that gender roles are social constructs. As a result, they hold several misconceptions about the capability of women to perform certain jobs. The following are some of the opinions expressed by male police personnel on the basis of their prejudices and biases:-

Women police personnel -

- (i) should only be given special tasks only relating to women and children.
- (ii) are not enthusiastic or career oriented about their jobs.
- (iii) should work only as cooks in the police mess.
- (iv) should escort only female prisoners and not male prisoners.
- (v) should not be engaged in operations against extremists, insurgents and militants.
- (vi) are very gentle and are not capable of handling hardened criminals and
- (vii) there is no need to integrate women into mainstream policing.

Gender Discrimination

The prejudices and biases held by male police officers make them discriminate against women police personnel, while assigning them various duties. Women are not put on mainstream police tasks such as enforcement of law and order and investigation of important cases. In most State police organizations, women police personnel upto the rank of Inspector are only employed in the following jobs/tasks:-

- (i) Telephone operators
- (ii) Wireless operators
- (iii) Escorting women prisoners
- (iv) Investigating minor offences related to women
- (v) Typing work
- (vi) Scriptory work
- (vii) Cooks in police mess

Women police personnel are also discriminated against while sanctioning incentives. Further, male police personnel, especially the senior officers, are not considerate towards the special requirements of women police.

Consequences of gender discrimination in police organizations

Gender discrimination in the aforesaid manner is having a very serious negative impact on the overall functioning of the police organizations. The following are some of the negative consequences of gender discrimination:-

- (i) Women are under-employed and their productive capabilities are not fully utilized for improving the overall productivity of the police organizations.

- (ii) Under-employment and discrimination are demoralizing the women police personnel in the department, which in turn is having an adverse impact on the discipline and work productivity of women employees.
- (iii) Lack of sensitivity on part of male colleagues and outright misbehaviour by a few male colleagues is making some women police personnel psychologically disturbed. This has also resulted in change in the general attitudes of women police personnel, some of whom have undergone the process of "defeminization" (imitating male standards of behaviour with a strong law enforcement orientation). With the increasing intake of women into the police organizations, these problems are likely to increase in the coming years.

Measures suggested for improving gender sensitivity in the internal functioning of police organizations

Mainstreaming gender in police

There is clear research evidence to show that women police personnel can undertake all types of jobs as well as male police personnel, and some times even better than their male counterparts. A survey made by H.M. Smith, Director of the Washington Police Foundation revealed that women worked in common with men either on patrol or general police work and did their work every bit as well as the men. The study also found that women made as many arrests as men and did not receive more injuries on duty than men. A study of leadership strength of female police executives undertaken by B.P. Price of North-Eastern School of Law showed that women police executives as a group exhibit more strength and leadership associated personality traits than the male police executives as a group. An examination of general personality traits revealed that women are less submissive, less sadistic, less hostile towards public of different social and racial background and more creative than their male counterparts. It is time, the top leaders in police organizations became aware of the prejudices and misconceptions regarding the capability of women and took initiatives for employing women on all types of jobs. Gender mainstreaming in police organization would not only result in more productive utilization of capabilities of women police personnel but also in improving the overall functioning of the police organizations, because of improved morale of women officers, better police-public relationship and better response to violence against women. It will also automatically result in a change in the attitudes of the male police personnel. They will start behaving in a gender neutral manner towards women colleagues, if not in a gender sensitive manner and the discrimination against women will reduce to a great extent.

Gender mainstreaming would not only involve treating women equally and equitably with regard to various assignments after their entry into the service but also common recruitment and training for men and women police personnel at all levels. At present there is common induction only for officers entering the Indian Police Service. For other levels, namely the Dy.S.P., S.I and Constable in the State Police organizations the women are recruited separately. They are also trained separately in almost all States. Such a separate recruitment will itself germinate the seeds of discrimination in the organization. Hence, there should be a common recruitment for men and women in police at all levels. Of course, the physical standards for men and women may be differently prescribed in such recruitment. The training for both women police personnel and men police personnel should be the same in all respects.

Gender sensitization training courses for in-service police personnel.

To properly sensitize all serving police personnel, gender sensitization training programmes may be organized for different levels of police personnel as suggested in chapter - 5.

Other gender sensitization initiatives needed in the police organizations.

Apart from conducting gender sensitization training courses, police organizations also need to undertake other gender sensitization initiatives as suggested at page no 47 and 48 for ensuring gender sensitive behaviour of police personnel.

Facilities to be provided for women police personnel

Senior police officers also need to be considerate towards the special requirements of women police personnel and provide the necessary facilities. The following are some of the special requirements of women police personnel:-

- (i) Separate toilets, change/rest rooms in the police stations and other units.
- (ii) Maternity leave
- (iii) Lighter duties during advanced stages of pregnancy.

S.H.Os of the police stations where a majority of women police personnel are employed and S.Ps of the districts should in particular be sensitive to the special requirements of women police personnel and act and behave in a gender sensitive manner while redressing the genuine grievances of women subordinates.

CHAPTER - 8

**PRIMARY TRAINING MATERIAL
FOR
GENDER SENSITIZATION TRAINING**

Psychological and Other Exercises to Identify Gender Biases of Participants*

Please fill up the blanks. Only one word answers are required. Write the first word that comes to your mind. There are no right or wrong answers. There is no time limit, but please work fast.

1. The nurse looked very _____. The patient liked _____.
2. A gold chain was found missing. The servant did not turn up the next day. Could _____ be the thief?
3. The pilot landed the damaged aircraft safely. All the passengers congratulated _____.
4. A disciplined soldier will do what _____ is told.
5. The thief in police custody tried to run away, but the Inspector caught _____.
6. The Inspector was quick in _____ reaction.
7. 'It is a tough job' feels the constable. I agree with _____.
8. A good teacher will not lose _____ patience, with children fast.
9. A cook may become old, but not _____ cooking.
10. A good doctor will advise _____ patients correctly.

GENDER ROLE - PERCEPTION SCALE

This scale has twenty statements. They represent opinions expressed by people about the role of men and women. Please indicate how you feel about each of these statements - whether you strongly agree, agree mildly, disagree mildly or strongly disagree with them. Your choice may be indicated by placing a tick mark against each item under the four categories listed above. Do not leave out any statement. Please remember there are no right or wrong answers. Go by the first impression you get, and do not deliberate over the statements for long. As this is a measure of your feeling, do not discuss with others. Please cooperate.

Your name

Address

.....

.....

Date

Age

Sex Male / Female

* Developed by Dr. M.S. Umapathy, Karnataka Police Academy, Mysore.

S. No.	Statements	Strongly Agree	Agree Mildly	Disagree Mildly	Strongly Disagree	X
1.	Girls should not be deprived of admission to vocational and professional courses.					
2.	Sons should be encouraged to pursue higher studies more than daughters.					
3.	Special courtesies to women are unnecessary.					
4.	Mothers who are economically well-off need not go to work					
5.	In bringing up children both the parents should have equal authority and responsibility.					
6.	It is wife's responsibility to minimize irritation and inconvenience to the family.					
7.	Wife's submission is an out moded virtue.					
8.	It is only male's prerogative to cut dirty-jokes.					
9.	Women should accept greater responsibilities for social change and growth.					
10.	Women should devote themselves to their home.					
11.	Women should seek equal place with men in business and professions.					
12.	Women are less capable than men in contributing to economic production.					
13.	Girls are entitled to the same freedom from regulations and controls as boys.					
14.	Men should have more freedom in matters of sex and marriage than women.					
15.	Women are entitled for same pay as men for identical work					
16.	The husband should be regarded as the legal representative of the family in all matters of law.					
17.	When women go out for work men should share the household work					

18.	The husband should have responsibilities for financial plan of the family rather than the wife.					
19.	Divorced women are entitled to alimony not only to bring up children but also to start life afresh.					
20.	In matters of intellectual leadership women cannot equal men.					

Please indicate based on your own general perceptions, where the percentage of cases are HIGH. Whether for Male (M) or Females (F) by placing a tick mark under M or F against each of the following areas.

		Male	Female
1	Population in India		
2	Death of Infants/babies		
3	Early marriages (teenage mothers)		
4	Discontinuing school		
5	Access to education		
6	Employment in rural areas		
7	Employment in urban areas		
8	Earnings for same work in unorganized work sectors		
9	Work overburden (both inside and outside the house in case of working men and women)		
10	Death in middle age		
11	Ownership of house		
12	Variety of jobs		
13	Access to nutrition		
14	Health problems		
15	Violence against person		
16	Toilet facilities at work		
17	Transport facilities for work		
18	Ownership of agricultural land		

19	Loan facilities for working people		
20	Loan facilities for non-working people		
21	Access to political power		
22	Access to jobs in general		
23	Freedom in Marriage		
24	Freedom in marriage & sexual relations		

SOME INCORRECT IMPRESSIONS

Given below are some incorrect ideas about sexual violence, a large section of our society still believe in these. But as a matter of fact, these ideas make a woman's life miserable. Why don't we get to know the correct answers and help women?

True/False

1. Men sexually harass women because they cannot control their sexual urges.
2. Rapes are committed by strangers in dark places, lonely areas.
3. Girls with a good character don't get raped.
4. Women enjoy being raped.
5. It is the woman's fault, through some action or words she incited the man to rape her.
6. Women who say 'no' to sexual assault usually wait it.

The statements that were given are myths or false hoods that blame the woman, stating that whatever happens is her fault. The truth is that:

1. Sexual assaults are violent crimes committed by men who want to dominate and violate women.
2. No. The majority of rapes are not committed by strangers but by men who are trusted to some degree by the women. A number of women are sexually assaulted within their homes.
3. No. All women irrespective of their age, class, caste are sexually assaulted.
4. Women do not enjoy being sexually assaulted, sexual assault is always a traumatic, painful and frightening experience.
5. No. Like men women too have a right to move around, to dress as they please without the threat of attack.
6. False. **This is a myth**, any man including the husband has to respect a woman's right to say no.

Institutional Analysis in Terms of Rules, Practice, Power & Resources – Placement of the Two Genders*

The status of men and women have been constructed around a whole series of dichotomous categories. The following chart helps in understanding the social biases attached to a particular gender.

One	Other
Public	Private (Domain)
Work	Home
Rationality	Emotionalism
Culture	Nature
Domination	Subordination
Aggressiveness	Submissiveness
Mind	Body
Autonomy	Dependence

The first of these categories is associated with Men and valued as positive, while the second is associated with women and valued as negative.

How important institutions of the society reinforce stereotypes?

FAMILY

1. Assumptions	Resulting in various practices Obvious/Subtle
2. Man is the bread-earner	<ul style="list-style-type: none"> a. All the family members depend on him for survival b. Economic power - what each of them can or cannot do by giving the money or withholding. c. Women liability, dispensable commodities
3. Head of the household	It indicates his total authority over the family members - thereby he physically controls or chastises his subjects.
4. Decision-maker	<p>Could spend all his earnings on drinking and gambling and not pay for child's treatment or education.</p> <p>Males are given preference and females are neglected.</p>

* Mrs. Kalpana Amar, Secretary, Government of India, Department of Training (See, Training Material prepared by GII, N. Delhi for Training of Trainers on Gender Sensitization of Police Personnel).

5. Owner	Owns all the property and also decides whom it will go after him
6. Total Control of resources	a. Treats family members as his property b. He has the right to be violent and be called it as a private affair. c. This violence results in verbal abuse, taunting, cheating and murder.
7. Excuses - women are not obedient, infidel, sufficient dowry, docile enough to question excess drinking etc.	Till 1960 wife beating did not have any social recognition. 'Spend Rs.500/- now and save Rs.50,000/- in the future' - hoarding for amniocentesis.

COMMUNITY

1. Patriarchy - male dominant role	Property of the husband To treat them as his will Social sanction for all the injustices Perpetuation of the same values, violence Censured for trying to transgress the accepted norms
2. Men's property	In communal riots or in vendetta cases women of the opposite group is sexually assaulted.
3. Acceptance of customs	Continuance of the sati-pratha upholds the existing division of resources.

Community/Society sees to it that the stereotypes which have been created over the centuries are not broken or changed howsoever disadvantageous they are for one gender.

MARKET / WORKPLACE

Assumption	Results
a. Women's major role is in the household	Affects entry in the market place
b. Male is the bread earner.	Seen as a supplementary earner (studies show that 100% of the women's earning goes to the household whereas it is 50% of the men's earning.
c. Women are supplementary earners.	Mainly in the unorganized sector Assigned monotonous and routine jobs or any household keeping jobs.
d. Women as sexual objects	Sexual harassment at the work place - psychological rape to keep them in their place. Trade unions do not come to their help. Dared to enter the market place should handle such problems themselves. Films, TV, theatre etc. all reinforce the stereotyping - equating her again to

	a commodity, an object of violence-mental or physical.
e. Biological Reasons	Inefficient worker

STATE

Assumption	Results
1. House hold is an internal affair	Does not intervene to prevent violence against women by making/reviewing proper laws State functionaries may themselves commit such acts. State tries to keep itself out of the personal affairs of the household.
2. Dowry etc. are social customs	Does not address the social structure which is considered to be sacrosanct. Unequal distribution of resources .
3. Man is the head of the household and therefore the bread winner .	All welfare and other policies target primarily men. Rules are framed with men in view .
4. Support system exists for the victims .	Victimization continues - The first assailant is her near and dear ones. The second assailant being the state - the criminal justice system.

Crime Against Women

The global campaign for elimination of violence against women, in the recent years indicates the economy as well as the seriousness of the atrocities committed against women that are being witnessed the world over. Development along with its progressive changes in personal life style, living standards varied economic growth caused by urbanisation and changes in social ethos contributes to a violent attitude and tendencies towards women which has resulted in an increase in crimes against women. Such incidents are a matter of serious concern and its containment is a necessity so that the Women of India attain their rightful share and live in dignity, freedom, peace and free from crimes and aspersions. The battle against crime against women, has to be waged by the various sections of society through campaigns and various programmes with social support along with legal protection, safeguards and reforms in the Criminal Justice System.

Despite all these safeguards, the women in our country continue to suffer, due to lack of awareness of their rights, illiteracy and oppressive practices & customs. The resultant consequences are many viz. a constant fall in the sex ratio, high infant mortality rate, low literacy rate, high drop out rate of girls from education, low wage rates etc.

Legal Rights

To uphold the Constitutional mandate, the State has enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support services especially to working women.

Although Women may be victims of any of the crimes such as 'Murder', 'Robbery', 'Cheating' etc. the crimes which are directed specifically against Women are characterised as 'Crime Against Women'. These are broadly classified under two categories.

(1) *The Crimes Identified Under the Indian Penal Code (IPC)*

- (i) Rape (Sec. 376 IPC)
 - (ii) Kidnapping & Abduction for different purposes (Sec. 363 - 373 IPC)
 - (iii) Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
 - (iv) Torture, both mental and physical (Sec. 498-A IPC)
 - (v) Molestation (Sec. 354 IPC)
 - (vi) Sexual Harassment * (Sec. 509 IPC)
 - (vii) Importation of girls (upto 21 years of age) (Sec. 366-B IPC)
- (* referred in the past as 'Eve-Teasing')

(2) *The Crimes Identified Under the Special Laws (SLL)*

Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the merging requirements. Some of which have special provisions to safeguard women and their interests are :

Extracts taken from Crime in India - 1998.

- (i) The Employees State Insurance Act, 1948
- (ii) The Plantation Labour Act, 1951
- (iii) The Family Courts Act, 1954
- (iv) The Special Marriage Act, 1954
- (v) The Hindu Marriage Act, 1955
- (vi) The Hindu Succession Act, 1956
- (vii) Immoral Traffic (Prevention) Act, 1956
- (viii) The Maternity Benefit Act, 1961 (Amendment in 1995)
- (ix) Dowry Prohibition Act, 1961
- (x) The Medical Termination of Pregnancy Act, 1971
- (xi) The Contract Labour (Regulation and Abolition) act, 1976
- (xii) The Equal Remuneration Act, 1976
- (xiii) The Child Marriage REstraint (Amendment) Act, 1979
- (xiv) The Criminal Law (Amendment) Act, 1983
- (xv) The Factories (Amendment) Act, 1986
- (xvi) Indecent Representation of W omen (Prohibition) Act, 1986
- (xvii) Commission of Sati (Prevention) Act, 1987

The detailed State/UT-wise statistics of these crimes are presented in the relevant chapters of while related analysis is discussed in the following paragraphs. Complete details pertaining to Child Restraint Act are discussed in Chapter on Crime Against Children which is an exclusive Chapter subject.

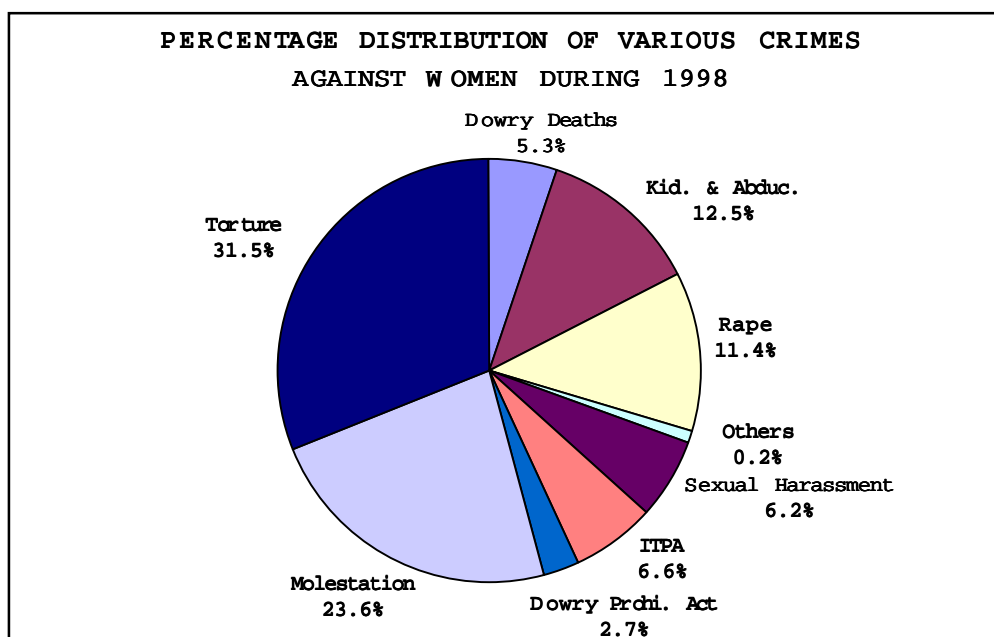
Incidence of Crimes Against W omen - All India (1996-1998)

The Crime head-wise incidence of reported crimes during 1996 to 1998 alongwith percent variation is presented below. It is observed that Crimes Against W omen in 1998 reported an increase per cent and 4.8 per cent over previous yeras 1997 and 1996 respectively. In absolute numbers, an increase 10,073 cases was reported at All-India level in 1998 over 1997.

Table - 5.1

Sl. No.	Crime Head	Year			Percentage variation in 1998 over 1997
		1996	1997	1998	
(1)	(2)	(3)	(4)	(5)	(6)
1.	Rape	14846	15330	15031	-2.0
2.	Kidnapping & Abduction	14877	15617	16381	4.9
3.	Dowry Death	5513	6006	6917	15.2
4.	Torture	35246	36592	41318	12.9
5.	Molestation	28939	30764	31046	0.9
6.	Sexual Harassment	5671	5796	8123	40.1
7.	Importation of Girls	182	78	146	87.2
8.	Sati Prevention Act	0	1	0	-100.0
9.	Immoral Traffic (P) Act	7706	8323	8695	4.5
10.	Indecent Rep. of W omen (P) Act	96	73	192	163.0
11.	Dowry Prohibition Act	2647	2685	3489	29.9
	Total	115723	121265	131338	8.3

Chart-5.1



The proportion of IPC crimes committed against women towards total IPC crimes remained around 6.0 per cent during the last 3 years.

Table-5.3

Proportion of crime against women (IPC) toward total IPC crimes

Sl. No.	Year	Total IPC Crimes	Crime Against women (IPC cases)	Percentage to total IPC crimes
(1)	(2)	(3)	(4)	(5)
1	1996	1709576	115723	6.8
2	1997	1719820	110183	6.4
3	1998	1779111	118962	6.7

The variable data indicates an increasing trend during the last three years in all the IPC crimes against women except 'Rape', 'Sati (Prevention) Act' and 'Importation of Girls' which reported a declining trend during this period. All crime against women reported under Special & Local Laws also resulted increasing trends during last 3 years except 'Indecent Representation of Women (P) Act' which reported a declining trend.

All India Crime rate i.e. no. of crimes per lakh population for crimes against women reported to the police worked out to be 13.5 during 1998. However, when estimated with reference to female population this rate almost doubles to 28.1 per lakh female population. This rate of crime which does not appear alarming at first sight may be viewed with caution, as a sizeable number of crimes against women go unreported due to social stigma attached to them.

Uttar Pradesh State reported highest incidence (13.3%) of these crimes followed by Madhya Pradesh (12.1%) and Maharashtra (10.9%). In contrast, Delhi, which accounted for only 1.9 per cent of total crimes and shared only 1.3% of the population in the country third highest rate of such crime at 19.6 after Madhya Pradesh (20.5).

Chart-5.2

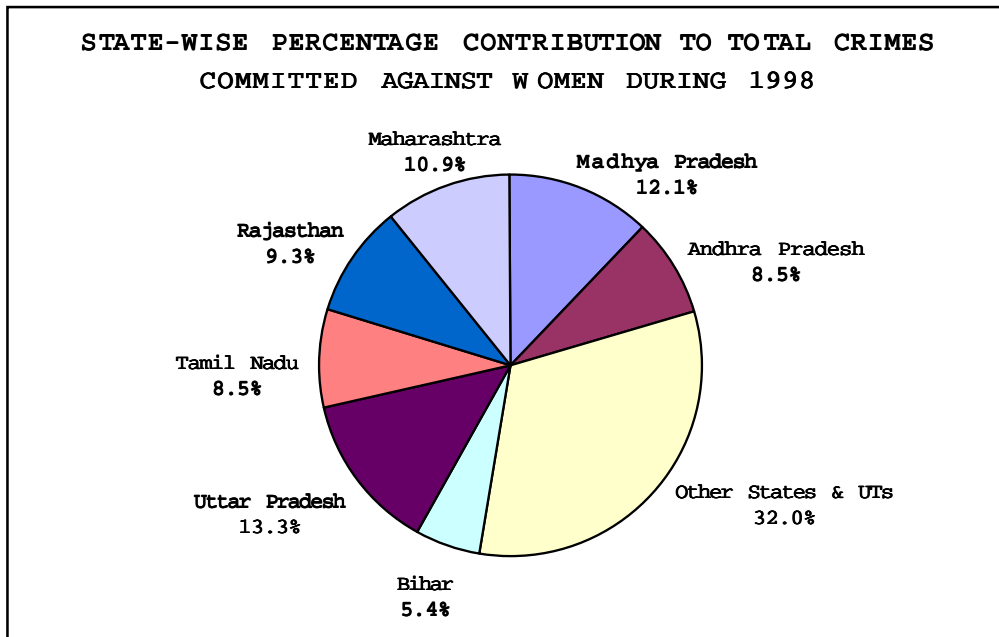
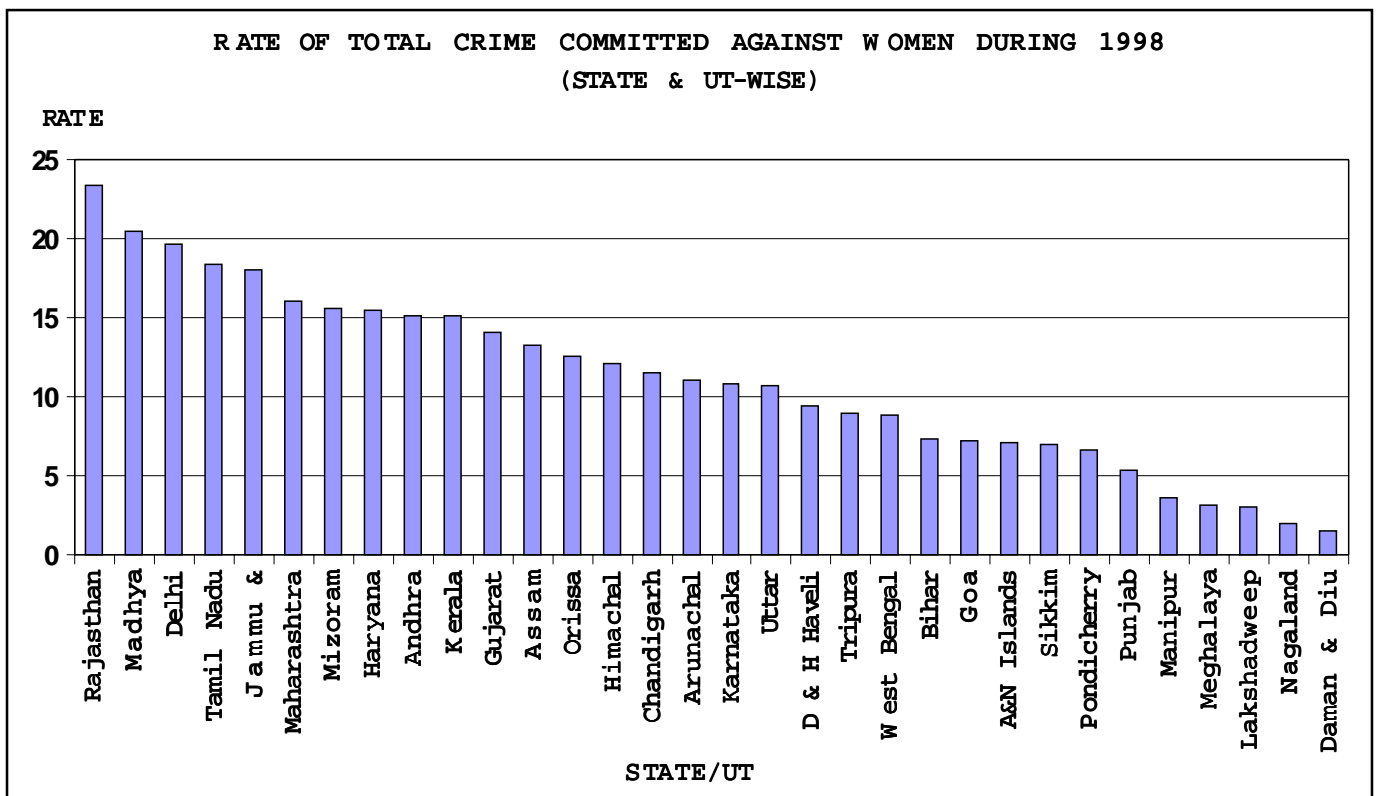


Chart-5.3



The detailed analysis of crimes against women as reported in the country during the year presented below.

Rape

Incidence of rape cases (15,031), reported a decline of 2% during 1998 over 1997. Madhya Pradesh alone reported 22.3 per cent of total rape cases in the country. UT of Delhi, which represented only 2.9 per cent cases reported fourth highest rate at 3.4 after Mizoram (9.3), Madhya Pradesh (4.3) and D & N Haveli (3.9).

Rape Victims

At national level there were 15,033 rape victims compared to 15,336 in the previous year representing a decrease of nearly 2 per cent. Of these 8,414 (56%) were in the age group of 16-30 years, 3,433 (22.8%) in the age-group of 10-16 years and 626 (4.2%) of age 10 years & below. Similar to decrease (2%) in the number of Rape victims over previous year, the child victims (below 10 years) of age also reported decrease of 18.7% and the victims above 30 years of age reported an increase of 10.8 per cent, signifying decrease of incidents relating to rape of Children.

Table-5.4

Victims of Rape by Age-Groups during 1996-1998 and percentage changes during 1998 over 1997

Sl. No.	Year	Below 10 years	10-16 years	16-30 years	30 years & above	Total of all age-groups
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	1996	608	3475	8281	2485	14849
2	1997	770	3644	8612	2310	15336
3	1998	626	3433	8414	2560	15033
4	Percentage change in 1998 over 1997	-18.7	-5.8	-2.3	10.8	-2.0

Custodian Rapes

During the year 1998 only 4 cases of custodial rape (one each from Andhra Pradesh, Gujrat, Maharashtra and Uttar Pradesh) were reported in the country.

Kidnapping & Abduction

Incidence of these cases reported an increase of 4.9 per cent in 1998 and 1997. The States of Uttar Pradesh and Rajasthan each reported more than 15 per cent of these cases at national level while U.T. of Delhi with share of 6.0% cases reported highest rate at 7.5.

Dowry Deaths

Incidence of Dowry Death cases reported an increase of 15.2 per cent over the previous year. 32.2 per cent of these cases at national level were reported by Uttar Pradesh alone followed by Bihar 15.0 per cent.

Torture (Cruelty by Husband & Relatives)

Incidence of Torture cases in the country increased by 12.9 per cent in 1998 over the previous year 18.7 per cent of these were reported by Maharashtra while the highest rate in the country at 9.5 reported from Rajasthan compared to 4.3 national average rate.

Molestation

Incidence of Molestation cases in the country reported an increase of 0.9 per cent over the previous year. Nearly 23.5 per cent of total such cases were reported from Madhya Pradesh state which also report significantly higher rate (9.4) than National Average rate (3.2).

Sexual Harassment (Eve-Teasing)

The number of *Sexual Harassment* cases reported in the country significantly rose of 40.1 per cent over the previous year. More than half (59.7%) of these cases were reported from the State of Andhra Pradesh, Uttar Pradesh & Tamil Nadu. Jammu & Kashmir reported the highest rate at 3.8 compared in which is the national average rate.

Importation of Girls

A total of 146 such cases were registered in 1998 compared to 78 cases in the previous year report a sharp increase of 87.2 per cent over 1997. Gujarat, Madhya Pradesh & Haryana reported 57, 26 and cases respectively.

Crime Trends - (Special Laws)

Sati Prevention Act

The practice of Sati is on the wane in modern times. Still sporadically, cases under Act get report No such cases from any of State/UT was reported in the country during 1998.

Immortal Traffic (Prevention) Act

Cases under this Act registered an increase of 4.5 per cent during 1998 as compared to 1997. More than half (68.3%) cases were reported from the State of Tamil Nadu only. This should be construed as an indicator of improved policing efforts by Tamil Nadu police in this area.

Indecent Representation of Women (Prohibition) Act (Torture)

A remarkable increase of 163.0 per cent was noticed for cases under this Act as compared to cases reported in the previous year (1997). Nearly 45 per cent cases were collectively reported from Andhra Pradesh & Bihar states put together.

Dowry Prohibition Act cases

These cases reported an increase of 29.9 per cent in 1998 as compared to 1997. Of these, a sizeable proportion (42.6%) were reported from Bihar state.

Disposal of Crimes Against Women cases

The collection of detailed information on disposal of all the identified crimes committed against women has commenced from the year 1995. The comparative national level status of disposal of these cases by police & courts is presented in the succeeding paragraphs. However State/UT-wise details are presented in the main chapter on Disposal of crime cases.

Disposal by Police

During 1998, at national level, the disposal of IPC cases by police accounted for 76.5 per cent (including 0.4% cases where investigation was refused). The crime-head-wise analysis of crimes against women cases

revealed a fairly high disposal* * percentage for 'Sexual Harassment' cases (92.2%), 'Molestation' (85.1%), and 'Cruelty by Husband & Relatives' cases (79.3%). On the other hand, while at level 87.5 per cent cases reported under SLL were disposed of by police (including 0.6% where investigation was refused), the quantum of cases disposed under 'Dowry Prohibition Act' was comparatively at 75.4 per cent.

Table-5.5

Disposal of Crimes Against Women cases by police during 1997 & 1998.

Sl. No.	Crime Head	Total No. of cases for investigation including pending cases		Percentage of cases investigated		Percentage of cases chargesheeted		No. of cases pending investigation		Percentage of cases pending investigation	
		1997	1998	1997	1998	1997	1998	1997	1998	1997	1998
1	2	3	4	5	6	7	8	9	10	11	12
1.	Rape	20736	20864	71.7	72.1	62.4	62.1	5828	5793	28.1	27.8
2.	Kidnapping & Abduction	23448	24966	62.8	61.3	36.1	35.9	8586	9565	36.6	38.3
3.	Dowry Deaths	7543	8938	72.3	72.7	63.5	63.8	2048	2393	21.2	26.8
4.	Molestation	34937	35594	86.8	85.0	79.1	77.0	4528	5306	13.0	14.9
5.	Sexual Harassment	6131	8578	92.4	92.1	89.3	88.3	461	668	7.5	7.8
6.	Cruelty by Husband & relatives	43130	49532	80.5	79.1	67.9	65.9	8268	10248	19.2	20.7
7.	Immoral Traffic (Prevention) Act	9076	9895	86.8	89.3	86.5	89.1	1198	1062	13.2	10.7
8.	Dowry Prohibition Act	3853	4649	70.8	75.3	59.3	62.4	1100	1142	28.6	24.6
9.	Indecent Rep. of women (P) Act	96	206	85.4	80.1	81.3	62.1	14	41	14.6	19.9
10.	Sad Prevention Act	1	0	100.0	—	100.0	—	0	0	0.0	—

Note 1 Similar details for importation of girls (upto 21 years of age) are not available.

The position of cases charge-sheeted to total cases for investigation was quite satisfactory for all the crimes committed against Women when compared to national average of (55.2%) for total IPC crimes. Only in case of 'Kidnapping & Abduction of Women & Girls' the percentage was lower (35.9%) than the national average.

The percentage of charge-sheeted cases under SLL at national level stood at 84.4. Comparatively, the charge-sheet percentage in cases of Dowry Prohibition Act and Indecent Representation of Women (Prohibition) Act was lower than the national average being 62.4% and 62.1% respectively.

Disposal by Courts

The crime head-wise comparative details of cases of disposal of crime against women (IPC & SLL) by courts during the last two year (1997 & 1998) are presented in the following table.

Table-5.6

Disposal of Crime against women cases by courts during 1997 & 1998

	Crime Head	Total No. of cases for trial including pending cases		Percentage of cases tried		Percentage of cases convicted		No. of cases pending trial		Percentage of cases pending trial	
		1997	1998	1997	1998	1997	1998	1997	1998	1997	1998
1	2	3	4	5	6	7	8	9	10	11	12
1	Rape	55863	58655	17.4	16.6	4.9	4.4	45955	48685	82.3	83.0
2	Kidnapping & Abduction	44262	46165	14.7	14.5	3.9	4.0	37254	39103	84.2	84.7
3	Dowry Deaths	19435	22055	14.8	15.2	5.2	4.9	16455	18523	84.7	84.0
4	Molestation	100654	105204	17.1	14.1	6.3	4.3	78200	84869	77.7	80.7
5	Sexual Harassment	14130	16945	29.5	23.9	18.0	14.4	9437	12407	66.8	73.2
6	Crack by Husband & relatives	13181	127691	13.0	13.2	3.1	2.6	95409	107192	84.3	84.0
7	Immoral Traffic (Reversion) Act	12660	14302	54.1	56.8	49.4	53.1	5505	6134	43.5	42.9
8	Dowry Prohibition Act	8295	8974	22.7	17.8	8.3	5.7	6186	7223	74.6	80.5
9	Indecent Rep. of women (P) Act	578	625	13.3	13.4	6.2	7.4	499	538	86.3	86.1
10.	Sati Prevention Act	4	1	0.0	100.0	0.0	0.0	1	0	25.0	0.0

As compared to 76.5 per cent disposal * * by police in case of IPC crimes at national level and per cent in case of SLL crimes, the disposal* of these cases by courts was reported to be very low at 19 per cent and 52.1 per cent respectively.

The disposal by Courts of heinous crime cases such as 'Rape' and 'Kidnapping & Abduction Women & Girls' was reported to be nearly 17 per cent and 15.3 per cent respectively during 1998. At the end of the year, 48,685 'Rape' cases, 39,103 'Kidnapping & Abduction' cases, 18,523 'Dowry Death' cases 1,07,192 'Torture' cases were pending for trial in different Courts of the country. Amongst SLL cases per cent cases under 'Immoral Traffic (P) Act' remained pending for trial while pendency percentage was as high as 80.5 per cent and 86.1 per cent for cases registered under 'Dowry Prohibition Act' & 'Index Representation of Women (P) Act' respectively. The only case for trial under 'Sati Prevention Act' due 1998, has resulted in acquittal. No case remained pending for trial at the end of the year.

Other details

The sex-wise details of persons arrested for crime against women and their disposal by police courts is presented in chapter on Persons Arrested. Similarly, magnitude of Juvenile Delinquency Juveniles apprehended for these crimes is presented in detail in a separate chapter on **Juvenile Delinquence** this report

Note : * Disposal by Courts is taken as cases tried + cases compounded & withdrawn

** Disposal of Police is taken as cases Investigated by Police + cases where investigation was refused.

TABLE-26

INCIDENCE & RATE OF CRIME COMMITTED AGAINST WOMEN IN STATES AND UTs DURING 1998

Sl. No.	State/UT	Incidence of Total Cog. Crimes	Percentage Contribution To All-India total	Estimated Mid-Year Population (In Lakhs)	Rate of Total Cog. Crimes	Rank*	Rank**
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	STATES						
1.	Andhra Pradesh	11201	8.5	741.7	15.1	9	6
2.	Arunachal Pradesh	125	0.1	11.3	11.1	16	21
3.	Assam	3388	2.6	256.5	13.2	12	13
4.	Bihar	7105	5.4	969.6	7.3	22	7
5.	Goa	109	0.1	15.1	7.2	23	22
6.	Gujarat	6658	5.1	471.0	14.1	11	9
7.	Haryana	3002	2.3	193.4	15.5	8	14
8.	Himachal Pradesh	778	0.6	64.2	12.1	14	18
9.	Jammu & Kashmir	1715	1.3	95.4	18.0	17	10
10.	Karnataka	5516	4.2	509.8	10.8	17	10
11.	Kerala	4799	3.7	317.8	15.1	10	11
12.	Madhya Pradesh	15865	12.1	774.0	20.5	2	2
13.	Maharashtra	14266	10.9	894.1	16.0	6	3
14.	Manipur	86	0.1	23.9	3.6	28	24
15.	Meghalaya	71	0.1	23.1	3.1	29	25
16.	Mizoram	141	0.1	9.0	15.6	7	20
17.	Nagaland	32	0.0	15.9	2.0	31	28
18.	Orissa	4450	3.4	353.0	12.6	13	12
19.	Punjab	1238	0.9	2310	5.4	27	17
20.	Rajasthan	12159	9.3	520.1	23.4	1	4
21.	Sikkim	37	0.0	5.3	7.0	25	27
22.	Tamil Nadu	11201	8.5	608.8	18.4	4	6
23.	Tripura	319	0.2	35.8	8.9	20	19
24.	Uttar Pradesh	17497	13.3	1640.4	10.7	18	1
25.	West Bengal	6811	5.2	772.5	8.8	21	8
	Total (States)	128569	97.9	9552.6	13.5		
	UNION TERRITORIES						
26.	A & N Islands	26	0.0	3.7	7.1	24	29
27.	Chandigarh	97	0.1	8.4	11.5	15	23
28.	D & N Haveli	17	0.0	1.8	9.4	19	30
29.	Damman & Diu	2	0.0	1.3	1.5	32	32
30.	Delhi	2556	1.9	130.4	19.6	3	15
31.	Lakshdweep	2	0.0	0.7	3.0	30	32
32.	Pondicherry	69	0.1	10.5	6.6	26	26
	Total (UTs)	2769	2.1	156.8	17.7		
	Total (All-India)	131338	100.0	9709.3	13.5		

Note: 1 * Rank on the basis of Rate of total cognizable crimes (Col. 6).

2 **Rank on the basis of Percentage share (Col. 4).

TABLE-27

INCIDENCE OF CRIMES COMMITTED AGAINST WOMEN DURING 1998

SL. NO.	STATE/UT	EST. MID YEAR POPULATION	RAPE			KIDNAPPING & ABDUCTION			DOWRY DEATHS			CRUELTY BY HUSBAND AND RELATIVES		
			I	R	P	I	R	P	I	R	P	I	R	P
(1)	(2)		(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
	STATES													
1.	Andhra Pradesh	741.7	869	1.2	5.8	738	1.0	4.5	500	0.7	7.2	4310	5.8	10.4
2.	Arunachal Pradesh	11.3	32	2.8	0.2	38	3.4	0.2	0	0.0	0.0	8	0.7	0.0
3.	Assam	256.5	744	2.9	4.9	1117	4.4	6.8	32	0.1	0.5	739	2.9	1.0
4.	Bihar	969.6	142.1	1.5	9.5	1043	1.1	6.4	1039	1.1	15.0	1507	1.6	3.1
5.	Goa	15.1	16	1.1	0.1	14	0.9	0.1	3	0.2	0.0	16	1.1	0.0
6.	Gujarat	471.0	368	0.8	2.4	1182	2.5	7.2	90	0.2	1.3	3601	7.6	8.7
7.	Haryana	193.4	364	1.9	2.4	318	1.6	1.9	309	1.6	4.5	977	5.1	2.4
8.	Himachal Pradesh	64.2	128	2.0	0.9	115	1.8	0.7	7	0.1	0.1	228	3.5	0.5
9.	Jammu & Kashmir	95.4	178	1.9	1.2	629	6.6	3.8	9	0.1	0.1	18	0.2	0.0
10.	Karnataka	509.8	233	0.5	1.6	312	0.6	1.9	200	0.4	2.9	1501	2.9	3.5
11.	Kerala	317.8	589	1.9	3.9	130	0.4	0.8	21	0.1	0.3	2125	6.7	5.1
12.	Madhya Pradesh	774.0	3354	4.3	22.3	925	1.2	5.6	598	0.8	8.6	2765	3.6	6.7
13.	Maharashtra	894.1	1154	1.3	7.7	772	0.9	4.7	420	0.5	6.1	7728	8.6	18.7
14.	Manipur	23.9	13	0.5	0.1	60	2.5	0.4	0	0.0	0.0	0	0.0	0.0
15.	Meghalaya	23.1	42	1.8	0.3	16	0.7	0.1	1	0.0	0.0	0	0.0	0.0
16.	Mizoram	9.0	84	9.3	0.6	4	0.4	0.0	0	0.0	0.0	0	0.0	0.0
17.	Nagaland	15.9	13	0.8	0.1	14	0.9	0.1	0	0.0	0.0	0	0.0	0.0
18.	Orissa	353.0	679	1.9	4.5	514	1.5	3.1	240	0.7	3.5	935	2.6	2.3
19.	Punjab	231.0	219	0.9	1.5	222	1.0	1.4	219	0.9	3.2	397	1.7	1.0
20.	Rajasthan	520.1	1266	2.4	8.4	2499	4.8	15.3	433	0.8	6.3	4947	9.5	12.0
21.	Sikkim	5.3	7	1.3	0.0	4	0.8	0.0	0	0.0	0.0	2	0.4	0.0
22.	Tamil Nadu	608.8	362	0.6	2.4	993	1.6	6.1	176	0.3	2.5	440	0.7	1.1
23.	Tripura	35.8	73	2.0	0.5	39	1.1	0.2	10	0.3	0.1	115	3.2	0.3
24.	Uttar Pradesh	1640.4	1605	1.0	10.7	2882	1.8	17.6	2229	1.4	32.2	5113	3.1	12.4
25.	West Bengal	772.5	757	1.0	5.0	783	1.0	4.8	249	0.3	3.6	3704	4.8	9.0
	Total (States)	9552.6	14570	1.5	96.9	15363	1.6	93.8	6785	0.7	98.1	41177	4.3	99.7
	UNION TERRITORIES													
26.	A & N Islands	3.7	4	1.1	0.0	2	0.5	0.0	0	0.0	0.0	3	0.8	0.0
27.	Chandigarh	8.4	11	1.3	0.1	31	3.7	0.2	5	0.6	0.1	25	3.0	0.1
28.	D & N Haveli	1.8	7	3.9	0.0	2	1.1	0.0	0	0.0	0.0	7	3.9	0.0
29.	Daman & Diu	1.3	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	1	0.8	0.0
30.	Delhi	130.4	438	3.4	2.9	978	7.5	6.0	126	1.0	1.8	103	0.8	0.2
31.	Lakshdweep	0.7	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	1	1.5	0.0
32.	Pondicherry	10.5	1	0.1	0.0	5	0.5	0.0	1	0.1	0.0	1	0.1	0.0
	Total (UTs)	156.8	461	2.9	3.1	1018	6.5	6.2	132	0.8	1.9	141	0.9	0.3
	Total (All-India)	9709.3	15031	1.5	100.0	16381	1.7	100.0	6917	0.7	100.0	41318	4.3	100.0

* In absence of data for Newly Created Crime Heads in Crime in India Data.

Figures of Monthly Crime Statistics have been used against Daman & Diu UT.

Source : Crime in India Data Except Col. 21 which is based on Monthly Crime Statistics.

TABLE-27 (Contd...)

SL. NO.	STATE/UT	MOLESTATION			EVE-TEASING			IMPORTING OF GIRLS			SATI-PRE. ACT		
		I	R	P	I	R	P	I	R	P	I	R	P
(1)	(2)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)
	STATES												
1.	Andhra Pradesh	2967	4.0	9.6	1050	1.4	12.9	8	0.0	5.5	0	0.0	-
2.	Arunachal Pradesh	46	4.1	0.1	1	0.1	0.0	0	0.0	0.0	0	0.0	-
3.	Assam	648	2.5	2.1	12	0.0	0.1	0	0.0	0.0	0	0.0	-
4.	Bihar	432	0.4	1.4	89	0.1	1.1	1	0.0	0.7	0	0.0	-
5.	Goa	22	1.5	0.1	8	0.5	0.1	0	0.0	0.0	0	0.0	-
6.	Gujarat	1210	2.6	3.9	139	0.3	1.7	57	0.1	39.0	0	0.0	-
7.	Haryana	611	3.2	2.0	385	2.0	4.7	25	0.1	17.1	0	0.0	-
8.	Himachal Pradesh	283	4.4	0.9	15	0.2	0	0.0	0.0	0	0.0	-	-
9.	Jammu & Kashmir	516	5.4	1.7	361	3.8	4.4	0	0.0	0.0	0	0.0	-
10.	Karnataka	1340	2.6	4.3	139	0.3	1.7	0	0.0	0.0	0	0.0	-
11.	Kerala	1773	5.6	5.7	96	0.3	1.2	0	0.0	0.0	0	0.0	-
12.	Madhya Pradesh	7310	9.4	23.5	741	1.0	9.1	26	0.0	17.8	0	0.0	-
13.	Maharashtra	2923	3.3	9.4	765	0.9	9.4	0	0.0	0.0	0	0.0	-
14.	Manipur	13	0.5	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	-
15.	Meghalaya	12	0.5	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	-
16.	Mizoram	53	5.9	0.2	0	0.0	0.0	0	0.0	0.0	0	0.0	-
17.	Nagaland	4	0.3	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	-
18.	Orissa	1586	4.5	5.1	234	0.7	2.9	0	0.0	0.0	0	0.0	-
19.	Punjab	150	0.6	0.5	10	0.0	0.1	7	0.0	4.8	0	0.0	-
20.	Rajasthan	2908	5.6	9.4	54	0.1	0.7	3	0.0	2.1	0	0.0	-
21.	Sikkim	22	4.2	0.1	2	0.4	0.0	0	0.0	0.0	0	0.0	-
22.	Tamil Nadu	1779	2.9	5.7	1230	2.0	15.1	5	0.0	3.4	0	0.0	-
23.	Tripura	73	2.0	0.2	0	0.0	0.0	9	0.3	6.2	0	0.0	-
24.	Uttar Pradesh	2423	1.5	7.8	2571	1.6	31.7	3	0.0	2.1	0	0.0	-
25.	West Bengal	1243	1.6	4.0	27	0.0	0.3	2	0.0	1.4	0	0.0	-
	Total (States)	30347	3.2	97.7	7929	0.8	97.6	146	0.0	100.0	0	0.0	-
	UNION TERRITORIES												
26.	A & N Islands	15	4.1	0.0	2	0.5	0.0	0	0.0	0.0	0	0.0	-
27.	Chandigarh	10	1.2	0.0	10	1.2	0.1	0	0.0	0.0	0	0.0	-
28.	D & N Haveli	1	0.6	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	-
29.	Damman & Diu	0	0.0	0.0	1	0.8	0.0	0	0.0	0.0	0	0.0	-
30.	Delhi	653	5.0	2.1	172	1.3	2.1	0	0.0	0.0	0	0.0	-
31.	Lakshdweep	1	1.5	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	-
32.	Pondicherry	19	1.8	0.1	9	0.9	0.1	0	0.0	0.0	0	0.0	-
	Total (UTs)	699	4.5	2.3	194	1.2	2.4	0	0.0	0.0	0	0.0	-
	Total (All-India)	31046	3.2	100.0	8123	0.8	100.0	146	0.0	100.0	0	0.0	-

TABLE-27 (Concluded)

Sl. No.	STATE/UT	ITP ACT			IND. REP. OF WOMEN (P) ACT			DOWRY PROH. ACT			TOTAL		
		I	R	P	I	R	P	I	R	P	I	R	P
(1)	(2)	(27)	(28)	(29)	(30)	(31)	(32)	(33)	(34)	(35)	(36)	(37)	(38)
	STATES												
1.	Andhra Pradesh	507	0.7	5.8	40	0.1	20.8	212	0.3	6.1	11201	15.1	8.5
2.	Arunachal Pradesh	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	125	11.1	
3.	Assam	34	0.1	0.4	0	0.0	0.0	62	0.2	1.8	3388	13.2	2.6
4.	Bihar	37	0.0	0.4	48	0.0	25.0	1488	1.5	42.6	7105	7.3	5.4
5.	Goa	30	2.0	0.3	0	0.0	0.0	0	0.0	0.0	109	7.2	0.1
6.	Gujarat	8	0.0	0.1	2	0.0	1.0	0	0.0	0.0	6658	14.1	5.1
7.	Haryana	4	0.0	0.0	1	0.0	0.5	8	0.0	0.2	3002	15.5	2.3
8.	Himachal Pradesh	1	0.0	0.0	0	0.0	0.0	1	0.0	0.0	778	12.1	0.6
9.	Jammu & Kashmir	1	0.0	0.0	0	0.0	0.0	3	0.0	0.1	1715	18.0	1.3
10.	Karnataka	1403	2.8	16.1	4	0.0	2.1	384	0.8	11.0	5516	10.8	4.2
11.	Kerala	27	0.1	0.3	30	0.1	15.6	8	0.0	0.2	4799	15.1	3.7
12.	Madhya Pradesh	16	0.0	0.2	2	0.0	1.0	128	0.2	3.7	15865	20.5	12.1
13.	Maharashtra	444	0.5	5.1	36	0.0	18.8	24	0.0	0.7	14266	16.0	10.9
14.	Manipur	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	86	3.6	0.1
15.	Meghalaya	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	71	3.1	0.1
16.	Mizoram	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	141	15.6	0.1
17.	Nagaland	0	0.0	0.0	1	0.1	0.5	0	0.0	0.0	32	2.0	0.0
18.	Orissa	11	0.0	0.1	2	0.0	1.0	249	0.7	7.1	4450	12.6	3.4
19.	Punjab	5	0.0	0.1	7	0.0	3.6	2	0.0	0.1	1238	5.4	0.9
20.	Rajasthan	47	0.1	0.5	1	0.0	0.5	1	0.0	0.0	12159	23.4	9.3
21.	Sikkim	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	319	6.9	0.2
22.	Tamil Nadu	5937	9.8	68.3	10	0.0	5.2	269	0.4	7.7	11201	18.4	8.5
23.	Tripura	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	319	8.9	0.2
24.	Uttar Pradesh	31	0.0	0.4	7	0.0	3.6	633	0.4	18.1	17497	10.7	13.3
25.	West Bengal	43	0.1	0.5	0	0.0	0.0	3	0.0	0.1	6811	8.8	5.2
	Total (States)	8586	0.9	98.7	191	0.0	99.5	3475	0.4	99.6	128569	13.5	97.9
	UNION TERRITORIES												
26.	A & N Islands	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	26	7.1	0.0
27.	Chandigarh	5	0.6	0.1	0	0.0	0.0	0	0.0	0.0	97	11.5	0.1
28.	D & N Haveli	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	17	9.4	0.0
29.	Daman & Diu	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	2	1.5	0.0
30.	Delhi	75	0.6	0.9	1	0.0	0.5	10	0.1	0.3	2556	19.6	1.9
31.	Lakshdweep	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	2	3.0	0.0
32.	Pondicherry	29	2.8	0.3	0	0.0	0.0	4	0.4	0.1	69	6.6	0.1
	Total (UTs)	109	0.7	1.3	1	0.0	0.5	14	0.1	0.4	2769	17.7	2.1
	Total (All-India)	8695	0.9	100.0	192	0.0	100.0	3489	0.4	100.0	131338	13.5	100.0

TABLE-28

VICTIMS OF RAPE UNDER DIFFERENT AGE GROUPS DURING 1998

Sl.	STATE/UT	NO. OF CASES REPORTED	NUMBER OF VICTIMS			
			BELOW 10 YEARS	10-16 YEARS	16-30 YEARS	30 YEARS AND ABOVE
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	STATES					
1.	Andhra Pradesh	869	57	231	427	154
2.	Arunachal Pradesh	32	3	7	20	2
3.	Assam	744	25	184	460	75
4.	Bihar	1421	4	193	919	305
5.	Goa	16	1	5	9	305
6.	Gujarat	368	27	108	193	40
7.	Haryana	364	25	106	177	56
8.	Himachal Pradesh	128	5	28	81	14
9.	Jammu & Kashmir	178	0	15	135	28
10.	Karnataka	233	15	64	119	35
11.	Kerala	589	25	146	352	66
12.	Madhya Pradesh	3354	81	725	1882	666
13.	Maharashtra	1154	79	373	522	180
14.	Manipur	13	2	5	4	2
15.	Meghalaya	42	4	7	29	2
16.	Mizoram	84	20	29	28	7
17.	Nagaland	13	1	3	9	0
18.	Orissa	679	11	111	437	120
19.	Punjab	219	13	78	104	24
20.	Rajasthan	1266	25	132	755	354
21.	Sikkim	7	2	0	3	2
22.	Tamil Nadu	362	16	75	233	38
23.	Tripura	73	2	14	57	0
24.	Uttar Pradesh	1605	98	418	845	244
25.	West Bengal	757	15	199	455	88
	Total (States)	14570	556	3256	8255	2503
	UNION TERRITORIES					
26.	A & N Islands	4	0	2	2	0
27.	Chandigarh	11	2	2	4	3
28.	D & N Haveli	7	1	1	5	0
29.	Daman & Diu	0	0	0	0	0
30.	Delhi	438	67	172	147	54
31.	Lakshdweep	0	0	0	0	0
32.	Pondicherry	1	0	0	1	0
	Total (UTs)	461	70	177	153	57
	Total (All-India)	15031	626	3433	8414	2560

TABLE-28 Concluded

Sl.	STATE/UT	NO. OF CASES REPORTED	NUMBER OF VICTIMS			
			BELOW 10 YEARS	10-16 YEARS	16-30 YEARS	30 YEARS AND ABOVE
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	CITIES					
33.	Ahmedabad	20	3	9	7	1
34.	Bangalore	41	4	13	20	4
35.	Bhopal	39	0	8	17	14
36.	Calcutta	27	7	4	15	1
37.	Chennai	24	0	6	18	0
38.	Coimbatore	2	1	1	0	0
39.	Delhi	365	56	143	122	46
40.	Hyderabad	36	7	16	7	6
41.	Indore	30	1	2	25	2
42.	Jaipur	88	1	7	23	7
43.	Kanpur	41	4	5	25	7
44.	Kochi	10	0	5	3	2
45.	Lucknow	23	0	4	17	2
46.	Ludhiana17	3	12	2	0	
47.	Madurai	3	0	3	0	0
48.	Mumbai	118	9	56	48	5
49.	Nagpur	53	8	15	28	2
50.	Patna	16	0	0	13	3
51.	Pune	56	4	21	27	4
52.	Surat	31	2	10	15	4
53.	Vadodara	9	0	3	6	0
54.	Varanasi	8	0	3	5	0
55.	Vishakhapatnam	11	0	3	8	0

W omen were more than the cases reported.

Legal Provisions Relating to Rights of Women and Violence against Women*

G.U.G. Sastry & Renuka Misra*

1 PROVISIONS IN INDIAN PENAL CODE

S.376 Punishment for rape: (1) Whoever, except in the cases provided for by sub-section (2) commits rape shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine unless the woman raped is his own wife and is not under twelve years of age, which case, he shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both.

Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years.

Whoever,

- (a) being a police officer commits rape -
 - (i) within the limits of the police station to which he is appointed; or
 - (ii) in the premises of any station house whether or not situated in the police station to which he is appointed; or
 - (iii) on a woman in his custody or in the custody of a police officer subordinate to him; or
- (b) being a public servant, takes advantage of his official position and commits rape on a woman in his custody as such public servant or in the custody of a public servant subordinate to him; or
- (c) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a women's or children's institution takes advantage of his official position and commits rape on any inmate of such jail, remand home, place or institution; or
- (d) being on the management or on the staff of a hospital, takes advantage of his official position and commits rape on a woman in that hospital; or
- (e) commits rape on a woman knowing her to be pregnant; or
- (f) commits rape on a woman when she is under twelve years of age; or
- (g) commits gang rape,

shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may be for life and shall also be liable to fine:

Provided that the Court may, for adequate and special reasons to be mentioned in the judgment impose a sentence of imprisonment of either description for a term of less than ten year.

Explanation 1: Where a woman is raped by one or more in a group of persons acting in furtherance of their common intention, each of the persons shall be deemed to have committed gang rape within the meaning of this sub-section.

* National Police Academy, Hyderabad.

Explanation 2: "Woman's or children's institution" means an institution, where called an orphanage or a home for neglected women or children or a widow's home or by any other name, which is established and maintained for the reception and care of women or children.

Explanation 3: "Hospital" means the precincts of the hospital and includes the precincts of any institution for the reception and treatment of persons during convalescence or of persons requiring medical attention or rehabilitation.

S.366 Kidnapping, abducting or inducing woman to compel her marriage, etc. Whoever kidnaps or abducts any woman with intent that she may be compelled or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, and whoever, by means of criminal intimidation as defined in this Code or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid.

This offence is cognizable, non-bailable, non-compoundable and triable by the Court of Session.

S.366 A Procuration of minor girl: Whoever, by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine. This offence is cognizable, non-bailable, noncompoundable and triable by the Court of Session.

S.366 B Importation of girl from foreign country: Whoever imports into India from any country outside India or from the State of Jammu and Kashmir any girl under the age of twenty one years with intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person, shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine.

This offence is cognizable, non-bailable, noncompoundable and triable by the Court of Session.

S.372 Selling minor for purposes of prostitution, etc. Whoever sells, lets to hire, or otherwise disposes of any person under the age of eighteen years with intent that such person shall any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

This offence is cognizable, non-bailable, non-compoundable and triable by the Court of Session.

S.373 Buying minor for purposes of prostitution, etc. Whoever buys, hires or otherwise obtains possession of any person under the age of eighteen years with intent that such person shall any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

This offence is cognizable, non-bailable, non-compoundable and triable by the Court of Session.

S.304-B Dowry death: (1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death.

(2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.

The offence is cognizable, non-bailable, noncompoundable and triable by Court of Session.

S.354 Assault or criminal force to woman with intent to outrage her modesty: Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of their description for a term which may extend to two years, or with fine, or with both.

The offence is cognizable, bailable, compoundable with permission of the Court and is triable by any Magistrate.

S.509 Word, gesture or act intended to insult the modesty of a woman: Whoever intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine or with both.

The offence is cognizable, bailable, compoundable by the woman who it was intended to insult or whose privacy was intruded upon, with the permission of the Court and triable by any Magistrate.

S.498 A husband or relative of husband of a woman subjecting her to cruelty: Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

For the purposes of this section "Cruelty" means -

- 1 any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or
- 2 harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

The offence under this Section is cognizable, if information relating to the commission of the offence is given to an officer in charge of a police station by the person aggrieved by the offence or by any person related to her by blood, marriage or adoption or if there is no such relative, by any public servant belonging to such class or category as may be notified by the State Government in this behalf, non-bailable, non-compoundable and triable by Magistrate of the first class.

2 THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956

(Act No. 104 of 1956)

Sec.

- 3 Punishment for keeping a brothel or allowing premises to be used as a brothel
- 4 Punishment for living on the earnings of prostitution
- 5 Procuring, inducing or taking (person) for the sake of prostitution
- 6 Detaining woman or girl in premises where prostitution is carried on
- 7 Prostitution in or in the vicinity
- 8 Seducing or soliciting for purposes of prostitution
- 9 Seduction of a (person) in custody
- 10.A. Detention in a corrective institution
11. Notification of address of previously convicted offenders
13. Special police officer and advisory body
14. Offences to be cognizable
15. Search without warrant
16. Rescue of woman or girl
17. Intermediate custody, of (persons) removed under section 15 or rescued under section 16
- 17.A. Conditions to be observed placing person rescued under section 16 to parents or guardians
18. Closure of brothels and eviction of offenders from the premises
19. Application for being kept in a protective home or provided care and protection by court
20. Removal of prostitute from any place
21. Protective homes
- 21.A. Production of records
22. Trials
- 22.A. Power of Central Government to establish Special Courts
- 22.B. Power of court to try cases summarily
23. Power to make rules
24. Act not to be in derogation of certain other Acts
25. Repeal and savings

3 THE FAMILY COURTS ACT, 1984 (No.66 of 1984)

Sec.

- 1 Establishment of Family Courts
- 2 Appointment of Judges
- 3 Association of social welfare agencies etc.
- 4 Counselors, officers and other employees of Family Courts
- 5 Jurisdiction
- 6 Exclusion of jurisdiction and pending proceedings

7. Duty of Family Court to make efforts for settlement
8. Procedure generally
9. Proceedings to be held in camera
10. Assistance of medical and welfare experts
11. Right to legal representation
12. Application of Indian Evidence Act, 1872
13. Record of oral evidence
14. Evidence of formal character, on affidavit
15. Judgment
16. Execution of decrees and orders
17. Appeal
18. Act to have overriding effect
19. Power of High Court to make rules
20. Power of the Central Govt. to make rules
21. Power of the State Govt. to make rules

4 THE INDECENT REPRESENTATION OF WOMEN (PROHIBITION) ACT, 1986 (No.60 of 1986)

Sec.

3. Prohibition of advertisements containing indecent representation of women
4. Prohibition of publication or sending by post of books, pamphlets, etc., containing indecent representations of women
5. Powers to enter and search
6. Penalty
7. Offences by companies
8. Offences to be cognizable and bailable
9. Protection of action taken in good faith
10. Power to make rules

5 THE COMMISSION OF SATI PREVENTION ACT, 1987 (Act 3 of 1988)

Sec.

3. Attempt to commit sati
4. Abetment of sati
5. Punishment for glorification of sati
6. Power to prohibit certain acts
7. Power to remove certain temples or other structures
8. Power to seize certain properties
9. Trial of offences under the Act
10. Special Public Prosecutor
11. Procedure and powers of Special Courts
12. Power of Special Court with respect to other offences

13. Forfeiture of funds or property
14. Appeal
15. Protection of action taken under this Act
16. Burden of proof
17. Obligation of certain persons to report about the commission of offence under this Act
18. Person convicted of an offence under section 4 to be disqualified from inheriting certain properties
19. Amendment of Act 43 of 1951
20. Act to have overriding effect
21. Power to make rules
22. Repealing of existing laws

6 PROHIBITION OF DEVDASI SYSTEM

Andhra Pradesh Devadasis (Prohibition of Dedication) Act, 1988

Sec.

- 3 Dedication as Devadasis to be unlawful
- 4 Marriage of Devadasis
- 5 Penalties
- 6 Punishment for propagation
- 7 Power to be conferred on Collector
- 8 Duties of Collector and other officers
- 9 Offences to be tried by Executive Magistrate
- 10 Offences under the Act to be cognizable and non-bailable
11. Power to make rules
12. Repeal and Saving Act XXXI of 1947

7 THE MEDICAL TERMINATION OF PREGNANCY ACT, 1971

(Act No.34 of 1971)

Sec.

- 3 When pregnancies may be terminated by registered medical practitioners
- 4 Place where pregnancy may be terminated
- 5 Sections 3 and 4 when not to apply
- 6 Power to make rules
- 7 Power to make regulations
- 8 Protection of action taken in good faith

8 THE PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) ACT, 1994

Sec.

- 3 Regulation of Genetic Counseling centers, Genetic Laboratories and Genetic Clinics
- 4 Regulation of pre-natal diagnostic techniques

5. Written consent of pregnant woman and prohibition of communicating the sex of the foetus
6. Determination of sex prohibited
7. Constitution of Central Supervisory Board
8. Term of office of members
9. Meetings of the Board
10. Vacancies, etc., not to invalidate proceedings of the Board
11. Temporary association of persons with the Board for particular purposes
12. Appointment of officers and other employees of the Board
13. Authentication of orders and other instruments of the Board
14. Disqualifications for appointment as a member
15. Eligibility of member for re-appointment
16. Functions of the Board
17. Appropriate Authority and Advisory Committee
18. Registration of Genetic Counselling Centres, Genetic Laboratories or Genetic Clinics
19. Certificate of registration
20. Cancellation or suspension of registration
21. Appeal
22. Prohibition of advertisement relating to pre-natal determination of sex and punishment for contravention
23. Offences and penalties
24. Presumption in the case of conduct of pre-natal diagnostic techniques
25. Penalty for contravention of the provisions of the Act or rules for which no specific punishment is provided
26. Offences by companies
27. Offence to be cognizable, non-bailable and non-compoundable
28. Cognizance of offences
29. Maintenance of records
30. Power to search and seize records etc.
31. Protection of action taken in good faith
32. Power to make rules
33. Power to make regulations
34. Rules and regulations to be laid before Parliament

9. THE NATIONAL COMMISSION FOR WOMEN ACT, 1990 (Act No.20 of 1990)

Sec.

3. Constitution of the National Commission for Women
4. Term of office and conditions of service of Chairperson and Members
5. Officers and other employees of the Commission

6. Salaries and allowances to be paid out of grants
7. Vacancies, etc., not to invalidate proceedings of the Commission
8. Committees of the Commission
9. Procedure to be regulated by the Commission
10. Functions of the Commission
11. Grants by the Central Government
12. Accounts and Audit
13. Annual Report
14. Annual report and audit report to be laid before Parliament
15. Chairperson, Members and staff of the Commission to be public servants
16. Central Government to consult Commission
17. Power to make rules

10. THE CONSTITUTION OF INDIA (Relevant Extract)

Art

14. Equity before law
15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth
16. Equality of opportunity in matters of public employment
21. Protection of life and personal liberty
23. Prohibition of traffic in human beings and forced labour
24. Prohibition of employment of children in factories, etc.
25. Freedom of conscience and free profession, practice and propagation of religion
39. Certain principles of policy to be followed by the State
39. A. Equal justice and free legal aid
42. Provision for just and humane conditions of work and maternity relief
44. Uniform civil code for the citizens
51. A. Fundamental duties
- 243.D. Reservation of seats
- 243.T. Reservation of seats

11. THE DISSOLUTION OF MUSLIM MARRIAGE ACT, 1939 (Act VIII of 1939)

Sec.

2. Grounds for decree for dissolution of marriage
3. Notice to be served on heirs of the husband when the husband's whereabouts are not known
4. Effect of conversion to other faith
5. Rights of dower not to be affected
6. Repeal of Section 5 of Act XXVI of 1937

12. THE INDIAN EVIDENCE ACT, 1872 (Relevant Provisions)

Sec.

113.B. Presumption as to dowry death

13. THE HINDU ADOPTIONS AND MAINTENANCE ACT, 1956 (No.78 of 1956)

Sec.

18. Maintenance of wife

19. Maintenance of widowed daughter-in-law

20. Maintenance of children and aged parents

21. Dependents defined

22. Maintenance of dependents

23. Amount of maintenance

24. Claimant to maintenance should be a Hindu

25. Amount of maintenance may be altered on change of circumstances

26. Debts to have priority

27. Maintenance when to be a charge

28. Effect of transfer of property on right to maintenance

14. THE HINDI MARRIAGE ACT, 1955 (Relevant Extract)

Sec.

5. Conditions for a Hindu Marriage

6. Guardianship in marriage

9. Restitution of conjugal rights

10. Judicial separation

13. Divorce

13.B. Divorce by mutual consent

15. Divorced persons when may marry again

22. Proceedings to be in camera and may not be printed or published

24.A. Relief for respondent in divorce and other proceedings

22. Maintenance pendente lite and expenses of proceedings

23. Permanent alimony and maintenance

24. Custody of Children

15. THE HINDU SUCCESSION ACT, 1956 (Relevant Extract)

Sec.

6. Devolution of interest in co-parcenary property

8. General rules of succession in the case of male

14. Property of a female Hindu to be her absolute property

15. General rule of succession in the case of female Hindus

16. Order of succession and manner of distribution among heirs of female Hindu
23. Special provision respecting dwelling houses
24. Certain widows re-marrying may not inherit as widows
29. Failure of heirs

A.P. Amendment

- 29.A. Equal rights to daughter in co-parcenary property
- 29.B. Interest to devolve by survivorship on death
- 29.C. Preferential right to acquire property in certain cases

Tamil Nadu Amendment

- 29.A. Equal rights to daughter in coparcenary property
- 29.B. Interest to devolve by survivorship on death
- 29.C. Preferential right to acquire property in certain cases

Maharashtra Amendment

- 29.A. Equal rights of daughter in coparcenary property
- 29.B. Interest to devolve by survivorship on death
- 29.C. Preferential right to acquire property in certain cases

16. THE MUSLIM WOMEN (PROTECTION ON RIGHTS OF DIVORCE) ACT, 1986 (Act No.25 of 1986)

Sec.

3. Mahr or other properties of Muslim woman to be given to her at the time of divorce
4. Order for payment of maintenance
5. Option to be governed by the provisions of Sections 125 to 128 of Act 2 of 1974
6. Power to make rules
7. Transitional provisions

17. THE PROTECTION OF HUMAN RIGHTS ACT, 1993 (Act No.10 of 1994)

Sec.

3. Constitution of a National Human Rights Commission
4. Appointment of Chairperson and other Members
5. Removal of a Member of the Commission
6. Term of office of Members
7. Member to act as Chairperson or to discharge his functions in certain circumstances
8. Terms and conditions of service of Members
9. Vacancies etc. not to invalidate the proceedings of the Commission
10. Procedure to be regulated by the Commission
11. Officers and other staff of the Commission
12. Functions of the Commission
13. Powers relating to inquiries

14. Investigation
15. Statement made by persons to the Commission
16. Persons likely to be prejudicially affected to be heard
17. Inquiry into complaints
18. Steps after inquiry
19. Procedure with respect to armed forces
20. Annual and special reports of the Commission
21. Constitution of State Human Rights Commissions
22. Appointment of Chairperson and other members of State Commission
23. Removal of a Member of the State Commission
24. Term of office of Members of the State Commission
25. Member to act as Chairperson or to discharge his functions in certain circumstances
26. Terms and conditions of service of Members of the State Commission
27. Officers and other staff of the State Commission
28. Annual and special reports of State Commission
29. Application of certain provisions relating to National Human Rights Commission to State Commission
30. Human Rights Courts
31. Special Public Prosecutor
32. Grants by the Central Government
33. Grants by the State Government
34. Accounts and Audit
35. Accounts and audit of State Commission
36. Matters not subject to jurisdiction of the Commission
37. Constitution of special investigation teams
38. Protection of action taken in good faith
39. Members and officers to be public servants
40. Power of Central Government to make rules
41. Power of State Government to make rules
42. Power to remove difficulties
43. Repeal and savings

18. THE SPECIAL MARRIAGE ACT, 1954 (Relevant Extract)

Sec.

4. Conditions relating to solemnization of special marriage
18. Effect of registration of marriage under this Chapter.
19. Effect of marriage on member of undivided family
22. Restitution of conjugal rights

23. Judicial separation
25. Divorce
36. Alimony pendente lite
38. Custody of children
44. Punishment of bigamy

19. THE EMPLOYEES' STATE INSURANCE ACT, 1948 (Relevant Extract)

50. Maternity Benefit
87. Notice of pregnancy
88. Claim for maternity benefit commencing before confinement
89. Claim for maternity benefit only after confinement or for miscarriage
- 89.A. Claim for maternity benefit after the death of an insured woman leaving behind the child
- 89.B. Claim for maternity benefit in case of sickness arising out of pregnancy, confinement, premature birth of child or miscarriage
90. Other evidence in lieu of a certificate
91. Notice of work for remuneration
92. Date of payment of maternity benefit
93. Disqualification for maternity benefit
94. Authority which may issue certificate

20. THE FACTORIES ACT, 1948 (Relevant Extract)

19. Latrines and urinals
22. Work on or near machinery in motion
26. Prohibition of employment of women and children near cotton openers
48. Creches
49. Welfare Officers
66. Further restrictions on employment of women
87. Dangerous operations

21. THE MATERNITY BENEFIT ACT, 1961

Sec.

4. Employment of, or work by, women prohibited during certain period
5. Right to payment of maternity benefit
- 5.A. Continuance of payment of maternity benefit in certain cases
- 5.B. Payment of maternity benefit in certain cases
6. Notice of claim for maternity benefit and payment thereof
7. Payment of maternity benefit in case of death of a woman
8. Payment of medical bonus
9. Leave for miscarriage etc.

- 9.A. Leave with wages for tubectomy operation
10. Leave for illness arising out of pregnancy, delivery, premature birth of child or miscarriage, medical termination of pregnancy or tubectomy operation
11. Nursing breaks
12. Dismissal during absence or pregnancy
13. No deduction of wages in certain cases
14. Appointment of Inspector
15. Powers and duties of Inspectors
16. Inspectors to be public servants
17. power of Inspector to direct payments to be made
18. Forfeiture of maternity benefit
19. Abstract Act and rules thereunder to be exhibited
20. Registers, etc.
21. Penalty for contravention of Act by employer
22. Penalty for obstructing inspector
23. Cognizance of offences
24. Protection of action taken in good faith
25. Power of Central Government to give directions
26. Power to exempt establishments
27. Effect of laws and agreements inconsistent with this Act
28. Power to make rules
29. Amendment of Act 69 of 1981
30. Repeal

22. THE MINES ACT, 1952 (Relevant Extract)

46. Employment of women

23. THE DOMESTIC VIOLENCE TO WOMEN (PREVENTION) BILL, 1994

A BILL

To provide for the prevention of domestic violence to women and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Forty-fifth year of the Republic of India as follows:

1. Short title, extent and commencement

- (1) This Act may be called the Domestic Violence to Women (Prevention) Act, 1994.
- (2) It extends to the whole of India
- (3) It shall come into force on the 1st day of January, 1995.

2 Definitions

- (a) "Court" means, in any area for which there is a Family Court established under the provisions of the Family Court established under the provisions of the Family Courts Act, 1984, that Court, and in any other area, the principal civil court of original jurisdiction, and includes any civil court or a Mahila Panchayat consisting of three women members of a Gram Panchayat which the State Government may, by notification, specify as the court competent to deal with all or or any of the matters specified in this Act:
- (b) "domestic violence" means any of the following acts committed on a woman by her husband or any of his or her relatives, namely,
- (i) any wilful conduct which -
 - (A) is of such a nature as is likely to drive the woman out of the house or commit suicide or to injure herself; or
 - (B) causes injury or danger to the life, limb or health (whether mental or physical) of the woman; or
 - (ii) harassment which causes distress to a woman; or
 - (iii) any act which compels the woman to have sexual intercourse against her will either with the husband or any of his relatives or with any other person; or
 - (iv) any act which is unbecoming of the dignity of the woman; or
 - (v) any other act of omission or commission which is likely to cause mental torture or mental agony to the woman;
 - (vi) "notification" means a notification published in the Official Gazette;
 - (vii) "Prescribed" means prescribed by rules made under this Act;
 - (viii) "Protection Officer." Means an officer appointed by the State Government in relation to or for the purposes of this Act and includes any institution or organisation designated by the Government to perform the functions of a Protection Officer under this Act, in relation to an area;
- (f) "Protection Order" means an order made under this Act for the protection of a woman subject to domestic violence and for such other provisions like separate stay, maintenance and the prevention of further domestic violence;
- (g) "relative" includes any person related by blood, marriage or adoption.

3 Act not in derogation of any other law:

The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law, for the time being in force.

4 Presentation of petition to Court

- (1) Any woman subject to domestic violence or any other person on her behalf or a Protection Officer may, without prejudice to the provisions of this Act, or of any other law for the time being in force, present a petition to the Court for the passing of a Protection Order.

- (2) A petition presented under sub-section (1) shall, among other things, contain the following particulars, namely:
- (a) the name and particulars of the woman subject to domestic violence or if the petition is presented by any other person, the particulars also of such other person;
 - (b) the name and address of the husband or the relative who has committed domestic violence;
 - (c) the nature of domestic violence;
 - (d) all other particulars which would be necessary for the issue of a Protection Order.
- (3) On receipt of a petition under sub-section (1), and on consideration of the statements made therein, and the evidence produced, if the Court is satisfied that a Protection Order may properly be made forthwith, it may make such order ex-parte and shall fix a date for further consideration of the petition.
- (4) If, on consideration of the petition under sub-section (3), the Court is not so satisfied, it shall fix a date for further consideration of the petition without making any Protection Order.
- (5) The notice of the date fixed under sub-section (3) or sub-section(4), which shall be more than seven days from the date of issue of such notice, shall be given to the petitioner, or if the petitioner is not the woman subject to violence, to the woman and the Protection Officer, her husband or the relative who has been committing domestic violence and to any other person to whom in the opinion of the Court, such notice shall be given.
- (6) A notice given under sub-section(3) or sub-section(4) shall be served on all the persons for any reason to serve such notice on any of the parties, it shall be pasted on the main door of the premises in which the person to whom the notice is intended is known to have last resided or worked for gain. In accordance with the provisions specified in the Code of Civil Procedure, 1908 for such service, and any notice so served shall be deemed to have been validly served on the party to whom it is intended to be served and shall not be called in question in any court on the ground that the notice had not been validly served.
- (7) On the date fixed under sub-section(3) or sub-section (4) or on such date or dates to which the hearing may be adjourned and after hearing the parties, the Court is satisfied that the woman is subjected to domestic violence, it may pass a Protection Order, and if it is not so satisfied, it shall dismiss the petition setting forth the reasons for such dismissal.
- Provided that the Court may extend any Protection Order issued under sub-section(3) with or without any alteration or modifications or where no such order is issued, it may issue such order, pending, disposal of the petition.
- (8) Every endeavour shall be made by the Court hearing the petition under this Act to dispose it of expeditiously and in any case not later than three months from the date of presentation of the petition.
- (9) Where any of the parties to the petition so desire, the Court shall on an application made by such party, conduct the proceedings in camera
- (10) A copy of the Protection Order shall be forwarded to the Protection Officer and to all the parties concerned.

(11) A Protection Order made under the section shall be in force for such period not exceeding four years as the court may fix.

5. Contents of Protection Order:

The Protection Order shall contain, among other things, the following matters, namely:

- (a) directing the husband or the relatives to desist from committing any domestic violence;
- (b) directing in all cases that the wife live separately from her husband, along with the children, if any, and the matrimonial home be given to the wife for her separate living;

Explanation: For the purpose of this clause, "matrimonial home" means the accommodation in which the husband and the wife lived together immediately before the presentation of the petition, and if such accommodation happens to be rented or belonging to a joint family in which the husband is a member, that house or part of the house;

- (c) where the woman subject to domestic violence is unmarried, widow, divorcee or deserted, directing that separate accommodation be provided for her living along with the children, if any;
- (d) directing the husband or relative to pay such maintenance to the wife or any children staying with her;
- (e) such other matters as may be considered necessary.

Explanation For the removal of doubts, it is hereby declared that in the cases covered under clause (d) no maintenance will be provided under any other law for the time being in force.

6. Duties of the Protection Officer:

- (1) It shall be the duty of the Protection Officer to make himself aware of all the domestic violence being committed in the area for which he is appointed and try to settle it peacefully and amicably between the parties.
- (2) Without prejudice to sub-section (1), it shall be within the competence of the Protection Officer, on an application presented to him by the woman subject to domestic violence or any other person on her behalf to arrive at a mutual settlement or on the failure of the parties to arrive at any settlement, to file a petition to the Court under this Act.
- (3) It shall also be the duty of the Protection Officer to see that the provisions of the Protection Order are complied with.

7. Protection Officer to be a public servant

The Protection Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

8. Power to call for information or document

The Protection Officer may, for the purposes of efficient performance of his duties specified in section 6, require any person or authority to furnish any information or document and it shall be the duty of such person or authority to furnish such information or document.

9. Consequential amendment to the Indian Penal Code and the Code of Criminal Procedure, 1973

- (1) in Chapter XX-A of the Indian Penal Code, 1860, after section 498-A, the following section shall be inserted, namely,

498-B. Husband or relative of husband or of the woman subjecting her to domestic violence.

Whoever, being the husband or the relative of the husband or of the woman, subjects such woman to domestic violence shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

10. Power to make rules:

The State Government may by notification make rules to carry out the provisions of this Act.

24. THE PREVENTION OF BARBAROUS AND BEASTLY CRUELTY AGAINST WOMEN BILL, 1995

A bill to prevent the barbarous and beastly cruelty against women such as battering or falling by strangulating or by any other means after committing rape on her, chopping the body into pieces or burning the body in 'tandoor', or by 'sprinkling' petrol, kerosene or by other inflammable object after committing gang rape or raping a pregnant woman resulting in her death or miscarriage or burning alive any women by providing deterrent punishment of capital incidental thereto.

Be it enacted by Parliament in the Forty Sixth Year of the Republic of India as follows:

1. (1) This Act may be called the Prevention of Barbarous and Beastly Cruelty Against Women Act, 1995.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.
2. In this Act, unless the context otherwise requires:-
 - (a) appropriate Government means in the case of State Government of that State and in other cases the Central Government;
 - (b) barbarous and beastly cruelty included
 - (i) killing a woman by battering, strangulating or by any other means after committing rape on her;
 - (ii) after killing a woman, disposing off her body by chopping her body into pieces or by burning her body in a tandoor or other places or by burning her body by sprinkling petrol, kerosene or such other inflammable object or by any other means;
 - (iii) burning a woman alive leading to her death;
 - (iv) killing a woman by way of gang rape and
 - (v) committing rape on a pregnant woman resulting in her death or miscarriage.
 - (vi) Prescribed means prescribed by rule made under this Act;
 - (vii) "Special Court" means a Special Court constituted under section 4;
 - (viii) Women means a female human being of any age.
3. Any person who commits barbarous and beastly cruelty against woman shall be punished with death.

4. (1) The appropriate Government shall, in consultation with the Chief Justice of the High Court in the case of a State, and Chief Justice of India in other cases, by notification in the Official Gazette, constitute such number of Special Courts as it may deem necessary for the purpose of the Act.
- (2) The set up of a Special Court established under sub-section (1) shall be such as may be prescribed.
5. Notwithstanding anything contained in the Code of Criminal Procedure, 1970 of any other law for the time being in force, every offence punishable under this Act shall be triable only by the Special Court constituted for trying such offence under section 4.
6. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 an offence committed under this Act shall be cognizable and non-bailable.
7. Notwithstanding anything contained or any other law for the time being in force no court other than the Supreme Court or the High Court shall have the authority to grant anticipatory bail to any person accused of committing an offence under this Act.
8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty.
9. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but, save as aforesaid, the provisions of the Act shall be in addition to and not in derogation of any other law for the time being in force relating to cruelty against women.
10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Women are the most vulnerable part of our society. They have been subjected to various kinds of atrocities since time immemorial. In past when the civilization had not developed woman was treated as an object and exploited to the maximum. When a king used to invade another kingdom, the first target used to be women. However, with the progress of civilization this vulnerable part of the society has got some respect but still inhuman atrocities continue to be committed on her. She is still not safe in the society. Sex maniacs and persons with perverted mentality always remain in search of an opportunity to pounce on her for sexual abuse. Beastly crime of rape does not stop there. In many cases after raping the helpless woman she is finished ruthlessly. She is either battered to death or strangled. Some times, as if the killing is not enough, her body is chopped off into pieces and dumped into a gunny bag and thrown in near by nullah or jungle. The sex maniac beasts many a time, commit this horrible crime on innocent girls of the age of some weeks or years. Many a times, gang rape is committed on a woman and to wipe out the evidence she is killed and every effort is made to dispose off her body.

25. SEXUAL HARASSMENT OF WORKING WOMEN - GUIDELINES OF SUPREME COURT

Some social activists and NGOs filed a writ petition before the Supreme Court for enforcement of the fundamental rights of working women under Articles 14, 19 and 21 of the Constitution of India. The immediate cause for filing of this writ petition was an incident of Rajasthan, where a female social worker was exposed

to the sexual harassment culminating in brutal gang rape. In the absence of any legislation to provide for effective enforcement of the basic human rights of gender equality and guarantee against sexual harassment and abuse of women at work places, the Supreme Court has considered the various international legal documents and the provisions of Indian Constitution and laid down the following guidelines and norms for due observance at all work places in the country.

According to the Apex Court, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as (a) physical contact and advances, (b) a demand or request for sexual favours, (c) sexually coloured remarks, (d) showing pornography, (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

It shall be the duty of the employer or other responsible persons in work place to prevent or deter the commission of acts of sexual harassment and to provide the procedure for resolution, settlement or prosecution of acts of sexual harassment by taking all steps required. To prevent sexual harassment every employer or person in charge of work place, whether in public or private sector, must take the following steps:

- (a) Prohibition of sexual harassment as defined by the Supreme Court must be notified, published and circulated at the work places;
- (b) The rules/regulations relating to conduct and discipline of the employees of government and public sector bodies must be amended so that sexual harassment amounts mis-conduct and appropriate departmental action can be taken against the delinquent employee;
- (c) The private employers also would amend the standing orders under the Industrial Employment (Standing Orders) Act, 1946 so that employee may be punished for sexual harassment; and
- (d) The employer must create an environment where women employees will not be placed at disadvantageous position in connection with her employment.

The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer. Apart from departmental action, the employer or disciplinary authority must invoke criminal remedy if the conduct of the delinquent employee amounts to an offence under Indian Penal Code or any other penal law. Appropriate complaint mechanism must be created in the employers' complaint mechanism should ensure time bound treatment of complaints. The complaints committee should be headed by a woman and not less than half of its members should be women and it should be set up in each organisation to provide support service and other treatment of the complaints and maintenance of confidentiality. This complaint committee must make an annual report to the Government on action taken by it (Vishaka Vs. State of Rajasthan 1997 (3) Crimes 188 (SC) JT 1997 (7) SC 384).

Instructional Manual and Checklist for Investigating Cases of Violence against Women

By Dr. A.K. Bapuly*,

General

1. Searching the Scene of Crime

It is one of the most important steps, without which successful investigation of crime is just not possible. There are standard methods of carrying out search of the scene of crime such as Grid, Zone, Spiral, Circular methods etc. The objective is not to leave any area without proper, thorough and systematic search. Depending upon the location whether out-door or indoor and the area to be searched, suitable search technique(s) may be followed individually or in combination. The investigator should not restrict his search to the eye level, which is a normal tendency with every individual, as much important evidence may be present above and below the eye level. The search should be carried out in pairs and from opposite sides to each other. All the physical evidences should be marked and numbered.

2. Crime Scene Photography

Use of Photography at the Scene of Crime

- Photographs serve as permanent record of the facts at the scene of crime.
- It records facts for future use.
- It helps to reconstruct the scene of crime.
- It supplements other records.
- It records the details of the scene.
- It provides pictorial representation of the appearance and position of objects.
- It serves as important evidence in the court of law and supports testimony of the investigator.

Type of camera to be used

Various types of cameras are available now-a days for different purposes. A sensitive camera having provisions of Close-up and Long Shot would be an ideal choice for crime scene photography. Before leaving for crime scene, the photographer should ensure that the camera he is carrying has proper attachments for close-up and long distance photography. The photographer should check up that the cell is not discharged and he is carrying sufficient rolls of color and B/W films, flash, sun-gun, tripod stand, etc.

What to Photograph?

- After cursory look of the Scene of Crime, the Investigator should plan and brief the photographer accordingly.
- The investigator should not economise on the number of photographs. He should brief the photographer to take as many photographs as possible so that minutest details are recorded.

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- Color photographs have many advantages when compared to conventional B/W photographs. The only drawback of the color prints is that the original color of the prints de-colorises with the passage of time.
- The photographer should take long distance, Intermediate distance and close-up photographs of the scene. Long distance photographs include the location of the scene of crime, intermediate distance photographs include the photographs of the place where the crime has been committed and close-up photographs include various physical evidences, position of the dead body, etc.
- Measuring tape should be placed by the side of each physical clue while taking close-up photographs.
- The photographer should also take a few photographs of the witnesses while recording the scene.
- The photographer should submit both the negatives and prints and also a note about each photograph, to the investigating officer so that they may be kept in the police station as permanent record.

3 Sketching of the Scene

Photographs and sketch of the scene of crime are complementary to each other. One gets clear impression about the scene from a sketch, which is not possible from thousands of photographs. Besides, it also provides important information such as dimensions of various objects and their relative distances from each other and the direction.

The investigator is not expected to draw a professional sketch. He should draw a rough sketch of the scene showing the following:

- Size of the area (Length, Breadth and Height)
- Position of Windows, Doors, Furniture and other objects, their dimension and distance from each other.
- Position of physical evidences, their measurement and distance from each other.
- Position of the dead body, if any.
- Sketch of a room or any closed area may be shown like an un-folded packing box
- Abbreviations or numbers may be used for various objects shown in the sketch. There should be a legend at an appropriate place of the sketch for abbreviations or numbers, used in the sketch.
- Always, distance of an object should be measured from two nearest, permanent, and perpendicular to each other objects such as walls, windows, doors, trees, electric poles, other land marks etc. or from three adjacent permanent points, if they are not perpendicular to each other.
- North Direction should always be indicated in the sketch.
- It should also bear the signatures of witnesses.
- Later rough sketch may be converted into a smooth sketch engaging a professional expert. However, the rough sketch should always be retained as permanent record.

4 Collection, Handling and Packing of Physical Evidence

Any article found at the scene which has relevance to the crime is called Physical Evidence and it should be handle, collected, packed and documented properly and carefully. Adequate care should be taken that their evidentiary value is not lost due to improper means of transportation, delay, mishandling, poor packing, lack of relevant papers etc.

Collection and handling of the physical evidence should be done carefully so that its evidentiary value is not lost due to mixing, wiping, decomposition, etc. Labile items should be collected on a priority basis, preserved and properly packed. Chain of custody should always be maintained. To maintain the individuality, each item should be packed separately, using clean and non-interfering packing materials and preservatives. Details about the contents such as, number, specifications, weight, length, breadth, manufacturer's name, state, etc. should be written on each packet. All the individual packets should be placed together along with a copy of the forwarding note, bearing specimen seal, in a suitable container. The container should be wrapped properly with an intact piece of paper, tied with twine and sealed. The forwarding note should be filled in duplicate and specimen seal should be applied at specified place. Both copies of the note should be kept in the envelope and properly sealed. One copy should be kept inside the sealed container while other should be delivered by hand. Both on the container and the envelope containing forwarding letter should bear the details of the addressee and addressed with the details of the contents, section of the IPC, etc. Various columns of the forwarding note should be filled-up carefully and desired information should be entered correctly in a precise and specific manner.

**** No article should be sent without description.**

Packing of Various types of Physical Evidences

Articles Bearing Fingerprints

1. The I.O. should use gloves for collecting, handling and packing of any article, which bears fingerprints to ensure that the I.O. is not leaving behind his fingerprints on the object.
2. While collecting and handling such object, the I.O. should remember that he is not touching the places of the object where fingerprints are mostly likely to be there.
3. The contents of article should be de-canted off.
4. He should pack in such a manner that no packing material comes in contact with the surface of the object.
5. Recorded fingerprints of the suspect, victim and other persons associated with the case, should also be sent for the purpose of elimination and matching. The recorded slips do not require any special packing, rather they may be kept simply in separate envelopes with the entries such as name, sex, age, condition of the fingers at the time of recording, trade, physical abnormality of the palm, etc.
6. Fingerprints on the bigger objects, which cannot be transported easily, should be developed and lifted using suitable technique, packed and forwarded.

Recording, Casting and lifting of Footprints and Tyre Impression

Footprints give wealth of information about the identity of a person and the analysis of a series of footprint help the I.O. to interpret the gait pattern of an individual.

1. Footprints are generally found in three forms:
 - I Surface Foot Impression such as Foot Impression on the floor of a room
 - II Sunken Footprint on wet soil
 - III Sunken Footprint on dry soil

2. All varieties of foot impressions/prints should be photographed before they are traced, cast prepared or lifted, as all these methods are destructive.
3. Details such as Name, Age, Sex, Police station, Section of Law, Crime Number, left or right impression, nature of soil, bare foot or shoe impression, etc. should be entered either on the dried cast or the lifted paper.
4. Control foot impression/prints should also be sent as and when obtained for the purpose of comparison with the one collected from the scene of crime.
5. Control soil and the sample of the material used for making the cast should also be sent.
6. Plaster of Paris cast is prepared to lift the sunken type tyre impressions from the scene of crime. Preparation of cast is a destructive method; therefore it is necessary to take photograph of the tyre impressions.
7. Simple tyre impression on the hard surface may be lifted either by tracing or by using a photo bromide paper.

Blood and other body Fluids

Blood is often found in all violent crimes and is one of the most important physical evidences to prove the personal identity. Study of blood distribution pattern, its shape and size at the scene of crime, give important information to reconstruct the crime such as - Nature of Crime, Origin of Blood, Direction, Distance, Nature of Weapon used, Number of Persons Involved, etc. Study of Blood Group substances in the laboratory helps us to establish the personal identity. Blood is normally found in four different forms at the scene of crime

Pool of Blood

Blood Stains

Smear of Blood

Blood on the Soil

It should be handled and packed in the following manner:

1. Always use gloves while collecting, handling and packing any body fluid.
2. All the stains/smears should be dried thoroughly under shade.
3. If it is a pool of blood, in that case a piece of cloth or cotton wool should be soaked in the blood and should be dried under the shade.
4. Dried stains should be placed in a clean envelope, closed and sent.
5. Control blood samples should be collected from the scene, victim and suspect, if any should be collected and packed in the same manner and sent.
6. On the articles where there is more than one stain, care should be taken that the stains do not come in contact with each other.
7. In case of soil soaked in blood, the exhibit should be dried and sent in envelope. Soil sample from the adjacent area should also be sent as control along with the samples of blood from the victim and suspect, if any.

**** Under no circumstance Blood or any other body fluid should be dried under high temperature and packed in air-tight packing materials or containers**

Articles containing seminal stains and other body fluids should be collected preserved and packed in the same way. Additional precautions should be taken while packing the seminal stains the stained area should be protected from developing folds, as spermatozoa become highly brittle once the stain is dried and in such situation microscopic examination of sperms will become impossible.

Collection, Handling and Packing of Skeletal Remains

There are many cases when persons are killed and buried in the soil and police recovered the skeletal remains months and even years after the occurrence of the crime. In such cases the job of the investigating agency becomes all the more difficult for variety of reasons such as establishing the identity of the deceased, time since death, cause and manner of death, etc. from the skeletons.

Collection

Often, police has to dig the floor or wall of a dwelling or abandoned house, sometime open field etc. to recover bones in suspected case of murder. The job of the police is not only to recover the bones but also to conduct inquest, send the human remains for post-mortem examination and other forensic examination, required for the investigation of crime. While digging any place to recover bones following precautions should be observed-

1. Soil or any surface should be dug slowly, layer by layer, carefully so that no bone is lost or broken in the process.
2. All the bones, recovered should be collected at one place, preferably in an open container.
3. The soil of the area should be searched for other evidences such as the weapon of offence, hair, bloodstains, clothes and any other material used in the commission of the crime.
4. Doctor should preferably be called to the scene to examine the bone and help the police in estimating the time since death, species, age, sex, cause of death and other aspects relating to the establishment of the identity of the deceased.
5. In the absence of a doctor, the I.O. may have to arrange all the bones in anatomical position and try to find-out the cause of death and other details such as species origin, age, sex and try to establish the identity and conduct the inquest.
6. Bone should be packed in a box taking adequate care that they are not damaged or stolen during the transportation and sent to the Forensic Science Laboratory. Standard procedure for packing should be followed. Sample soil from the adjacent area should also be collected, packed and sent for matching with the soil adhering with the bone.
7. Bones and other articles recovered should not be cleaned or washed under any circumstance.

Hairs and Fibers

Like any other physical evidence hairs and fibers should be collected, packed and sent to the forensic science laboratory for examination. Hairs can give us important information such as species origin, age, sex, etc. of the deceased. Besides, presence of Arsenic and other heavy metal poisons may be detected successfully from hairs. Similarly fibers can give us information related to the personal identity of a person. Hairs and Fibers should be packed like any other material. These may simply be kept in sprat envelopes, closed and sent.

Method of collection, handling, packing, forwarding and evidentiary values of various physical evidence

Specimen	Handling	Marking	Sample Size/ Quantity	Packing and Forwarding	Evidentiary Value
1. Liquid	Keep the liquid in the original container and check for fingerprints	Label on the outer surface of the container, indicating place, description of specimen, date, time, FIR No, P.S, U/s and Name of I.O.	Upto 4 Oz. In case the available sample is in small quantity or in traces even then the sample should be sent for analysis.	May be packed in a wooden box taking care that the bottle containing exhibit does not move or it touch the box during transit.	To find out whether the liquid is 1.inflammable/explosive in nature or not. 2. Chemical composition 3 Whether the same material was used as explosive.
2. Non-Liquid such as solid, paste, debris, etc., collected from the scene	The exhibit should be collected by means of forceps. Clean piece of paper may be used to collect ash or debris.	- d o -	All specimen including traces	The exhibit should be transferred to a clean dry and clean vial.	

Documents

Letters, notes, cheque, etc.	Forceps should be used to collect the exhibits.	No marking should be done on the document. Each exhibit should be kept in separate envelope and properly labelled.	In case of document forgery, standard and admitted writings of the suspect should be sent.	As far as possible, documents should not be folded or rolled. If at all rolling or folding is unavoidable, it should be done along the existing lines on the document. The envelope-containing exhibit should	To determine authorship identity, to check fingerprints, alterations, erasures or any other type of forgery.
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				be closed using cellotape. Relevant details about the document should be inscribed on the envelope.	
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Fire Arms

1. Hand Gun	Should be handled carefully. The weapon should be unloaded. Area suspected of having fingerprints that should not be touched.	Put a signature or an identification mark at an inconspicuous place of the firearm.	All	Attach a string tag and place the weapon in a heavy envelope. In order to protect the fingerprints, the weapon should be carefully packed in a box in such a manner that the exhibit neither move or touch the box during the transit	To determine whether the weapon was fired or for fire arm identification
2. Rifle/Shot Gun	Handle by the trigger guard or the serrated parts.	Do	Do	Do	Do

A m munitio n

1. Fired Bullet	Taped tip forceps should be used. In order to protect the rifle marks on the surface of the bullet avoid touching it directly.	Put your initials or identification mark on an inconspicuous place	All	Wrap in soft paper tissue or cotton and place in a pillbox	To determine make, caliber, type of firearm and for comparison with test fired bullet to identify the weapon of offence.
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2	Bullets and Cartridges (Unfired)	Do	Do	Do	Do	Used for comparison purposes.
3	Fired Cartridge Case	Pick up at the open end by means of forceps. Care should be taken that no scratch is developed during handling.	Do	Do	Do	To determine make, caliber, type of fire arm. Future comparison if weapon is not received immediately.
4	Shot Shell (Fired)	Do	Mark/Signature on the side of brass cap. Do not scrap or handle roughly the base of the shell	Do	Roll individually in paper and place in a paper envelope	To determine gauge of gun, and comparison of weapon marks.
5	Shot Pellets	Use forceps to pick up the pellets. Avoid damage to the pellets.	Pack in a small pill box, seal and mark properly	Do	Do	The size of the shot may be consistent with other ammunition found with the suspect.
6	Wads	Pick up the wads using forceps and avoid damage to the wads.	Mark with signature of I.O. or initial for identification.	Do	Place in paper envelope	To determine size of shot, gauge or fire arm and manufacture of the ammunition.

Glass

1	Fragments	Use fingers on the edges of the longer pieces; do not touch flat surfaces. Process for latent fingerprints.	Mark the container with signature of I.O. Separate questioned and known pieces.	Do	Wrap each piece in cotton or soft paper, pack to prevent shifting and further damage.	To identify fragments collected from the scene of crime. To determine direction of force.
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2	Small Particles	Use forceps or paper sheet for collection	Do	Do	Place in pillbox seal and protect from further damage.	Do
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Liquid

1	Poison, Acid, etc.	Leave in original container. Examine the container for latent fingerprints	Label the container	Entire quantity found at the scene.	Wooden box taking care that fingerprints on the surface of the container are not spoiled.	To detect the poison both qualitatively and quantitatively.
2	Liquor	Do	Label on the container	Do	As far as possible entire quantity in original container	To identify the liquor.

Paints Flakes, Soil Samples and other Trace Materials

1	Paint Flakes	Collect by forceps or by a piece of clean paper	Place it in a container and seal. Properly mark	Do	Place in a pill box or rigid container	Chips collected from the SOC may be linked with the suspect by comparison and chemical analysis.
2	Soil Samples and other Trace Materials	The soil samples from garments, floors etc. may be collected on a clean sheet of paper without further contaminating the material.	May be kept in an envelope labelled properly	Entire material	Soil samples collected from different locations should be packed in separate envelopes.	To link a suspect or victim with the SOC or to find out the occupation of an individual.

B. Forensic Medicine

The crime investigator should have fair knowledge of forensic medicine for the investigation of murder, rape, accidents, poisoning, etc. On the basis of his knowledge in Forensic Medicine, he will be able to find out answer for countless number of queries without which successful investigation of crime is impossible. In cases of suspicious and un-natural deaths, sexual offences and assaults, the I.O. should find out -

1. Identity of the Deceased.
2. Time since death.
3. Cause and manner of death.
4. Age of the victim.
5. Victim has been actually raped in cases of sexual offence.
6. Identification of the victim from skeletal remains.
7. Cause and nature of injuries in case of assault.
8. Nature of poison in case of suspected poisoning.
9. Interpretation of the distance and type of firearm used, from the examination of gunshot wounds.

Time Since Death

To estimate time since death can be estimated by-

1. Cooling of the body- it is important to check-up the body temperature to estimate when the individual has died. Temperature falls at the rate of 1.5-Degree Celsius per hour during first 6 hours after death. Much depends upon the temperature of the ambience. If outside temperature is low, body temperature falls rapidly. After 12 hours the temperature falls at the rate of 1-Degree Celsius per hour. Rectal Temperature should be recorded.
2. Post-Mortem Lividity- Deep red staining of dependent parts of the body takes place 5-6 hours after death unless the body is turned to a new position. This is an important sign to indicate whether the position of the dead body has been changed.
3. Rigor mortis- this change results from stiffening of the body muscles both voluntary and involuntary. Rigor mortis can be seen on the parts of the face 5-7 hours after death and last for 2-3 hours. It becomes fully established on all over the body in about 12 hours after death. It lasts for 12 hours. After 24 hours the stage of rigor mortis passes off. It first appears on the eye lids and last on the toes. During winter season rigor mortis may continue upto 36 hours.
4. Decomposition- After rigor mortis the next change after death is the decomposition. Advanced stage of decomposition is associated with the growth of Maggots. Study of the life - cycle of Maggots also help in estimating the time since death. Slowly skin peels off, the body bloats due to formation of gases, eyes, tongue and other organs protrude out due to decomposition changes. If the dead body is buried, all the soft tissues are totally decomposed and become part of the soil, leaving behind the skeleton.
5. Mummification- Dead bodies exposed to dry climate and high temperature do not decompose rather they get mummified.

Identification from Skeletal Remains

Police have often to carryout the job of exhumation or excavation to recover the human body in suspected cases of murder. He has to examine the mutilated dead body or skeletal remains to find out the following:

1. Whether Bones are of Human or Animal origin?
2. If human, whether Male or Female?

3. Age?
4. Stature?
5. Exact identification?
6. Cause and manner of death?
7. Time since death?

To get the answer of the above-mentioned queries, the I.O. should seek the help of the specialist otherwise he has to examine the bones himself. Sometime, dismembered bones are recovered from open areas or forests, in such situation the job of the police becomes more difficult as they have to collect bones from vast areas and may recover only a few bones. Re-construction of crime and even retrieving basic information from the bones becomes difficult. In case of excavation, the first step in this direction should be to collect all the bones carefully in a container and then layout them in anatomical position. This will help the I.O. to find out the details about the missing bones, probable stature of the individual, approximate time since death, etc. He should also look for injuries such as fracture of the bones and bullet hole on the skull etc. and also the occupational marks, to find out the apparent cause of death and the identity of the person. Overall condition of the bones and adhering tissues will give an indication about the time since death. Examination of the pelvis, scapula and long bones will give an idea about the sex. Similarly, examination of condition, color, number and type of teeth will help the I.O. to estimate the approximate age, identity and habit of the victim.

While excavating or exhuming dead body, care should be taken to collect other articles such as hairs, fibers, clothes, suspected weapon of offence, ornaments, shoes, etc. These articles may be of immense help not only to establish the identity of the deceased but also to find out time since death, cause and manner of death etc.

Special Points to be remembered for Super-Imposition Technique

Sometime broken or intact skull may be recovered from the scene of crime. Skull may be sent to forensic science laboratory for the purpose of identification by super-imposition method. When skull is sent for super-imposition technique, it should be ensured that the skull is not damaged further during the transportation. Along with the skull, a recent photograph of the victim having any permanent object in the background and the measurement of that permanent object in the background should also be sent to FSL as these items are must for super-imposition technique.

Examination of a dead body in a case of burn

While examining a body of an individual died due to burn, following observation is must for the I.O.

1. Whether it is a case of burn? Or the injuries looking like burn are due to the exposure to high temperature, electricity, explosion, lightening etc.
2. If it is a case of burning whether it is Ante-mortem or Post-mortem in nature.
3. What is the % of burn?
4. Parts of the body burnt and what %?
5. Cause of burn?
6. How the individual was burnt?
7. Time of Burning?

8. Fire accelerant used?
9. Overall signs and symptoms of the dead body?
10. Medical treatment given, in case the individual was admitted in the hospital?
11. Recording of Dying Declaration?
12. Who will conduct inquest, in case the victim is a married lady and died within 7 years of marriage?
13. Is there any other injury on the body?
14. Position of dead body at the scene of crime.
15. What other observations of the scene of crime indicate?
16. What additional queries to be asked to the doctor conducting Post-mortem to get information such as anti-mortem or post-mortem burn and whether homicidal, accidental or suicidal?
17. Physical evidences to be collected from the scene of crime?

Death due to hanging, strangulation and smothering

Following observations are necessary-

1. Cyanosis of the face and neck
2. Post mortem staining is more pronounced.
3. Petechial hemorrhages are seen in the eyes, legs, hands, etc.
4. Ligature mark and its angle in case of hanging.
5. Nail marks around face and neck in case of strangulation.
6. Tongue protruding out.
7. Dribbling of saliva in case of hanging.
8. Fracture of hyoid cartilage in case of strangulation/hanging.

C. Crime Investigation

Check List

- Organizing the police station registers and forms etc.
- Behavior with the complainant
- Listening the complainant and carefully reading his complaint
- Clarification of the information/complaint
- Writing of FIR
- GD Entry
- Sending information to the senior functionaries
- Sending advance party to protect the scene of crime
- Checking crime scene kits and forms
- Departure to the scene of crime along with the complainant, kits and forms
- Cordoning of the area (Protection of the scene)
- Summoning two independent and respectable witnesses from the locality

- Explaining the witnesses about their role
- Explaining the witnesses about the role of the investigation team
- Personal search of the investigation team by the witnesses
- Cursory look of the scene
- Planning about the processing of the scene of crime
- Distribution of work among the team members
- Search of the scene for clues
- Marking and numbering the physical evidences
- Taking photograph of the scene
- Drawing sketch of the scene
- Search of the dead body
- Examination of the position and overall condition of the dead body
- Estimation of time since death by examining the dead body
- Establishing the identity of the dead body
- Inquest
- Filling-up of inquest form
- Examination and measurement of the injuries
- Sending dead body for post-mortem examination and marking the area where the body was lying.
- Filling-up the post-mortem challan
- Collection, handling and packing of physical clues
- Filling-up the forwarding note
- Filling-up the Seizure Memo
- Note taking
- Interviewing the inmates
- Re-construction of the scene
- Statement of the neighbours
- Checking up from the history sheeters of the area
- Checking up from the old records of the Police Station
- Decide the follow-up action
- Arrest of suspects
- T-I parade
- Interrogation of suspects
- Corroboration of facts

Following forms/registers are required to be filled-up -

FIR (Regulation 243), Station Diary Book (Rule 116), Case Diary under section 172 Cr.P.C., Hue and Cry Notice, Seizure Memo, Inquest Report (Rule 199(b)), Post-Mortem Challan, Special Report, Supervision Note, Forwarding Note, Recording of Statement under section 161 of Cr.P.C., History Sheet (Part IV), Village History, Search Proceeding Form, Charge Sheet, Final Report etc.

1. Check list on Homicide Investigation

1. Whether died or still alive
2. If alive, send to hospital
3. Dying declaration
4. If died, Whether sudden or unnatural death
5. Who was the first to see the dead body
6. Who and when saw living last
7. Position of the dead body
8. Locality and location
9. Sign of struggle
10. Blood distribution pattern
11. Details of the dress including color, cotton/terry-cotton, make/tailor/dhobi mark
12. Ornaments
13. Cash
14. Visiting card
15. Letter
16. Receipt
17. Occupational dust
18. Dust adhering to the clothes and shoes
19. Type of shoes
20. Handkerchief
21. Height
22. Built
23. Age
24. Male/Female
25. If female, whether married
26. Whether pregnant
27. Complexion
28. Color of hair
29. Color of eye
30. Identification mark
31. Brand of cigarette/bidi
32. Tattoo mark on the body
33. Nail and nail bed
34. Any peculiar smell

35. Discoloration of the face and other body parts
36. Color and condition of the teeth
37. Any discharge from the nostrils/mouth
38. Condition of the eyes
39. Condition of the mouth whether open/closed
40. Post-mortem staining
41. Rectal Temperature
42. Rigor mortis present
43. Rigor mortis present on the dead body
44. State of decomposition
45. Whether homicide/accident
46. If homicide, whether death is caused by poisoning or otherwise
47. **If death is due to poisoning-**
 - Color of the skin
 - Any peculiar smell
 - Sign of corrosion
 - Color of the nails, teeth, tongue, face
 - Any sign of vomiting/purging
 - Any mark of injection on the body
 - Any vial, injection ampoule
 - Hypodermic syringe
 - Any tablet/liquid/powder
 - Brand name of the tablet/powder/liquid
 - When the deceased took the food and type of food
 - Who else took the same food and what is his condition
 - Whether deceased was suffering from any disease in the past
 - Onset of the disease
 - Treatment prescribed
 - Name of the Doctor/hospital
 - Medico-legal report
 - Sudden sickness (Time and type)
 - Treatment prescribed
 - Medico-legal report
 - Name of the doctor/hospital
 - When died

- Whether alcoholic
- Whether drug addict
- Who got the suspected poison
- Possible mode of administration of the suspected drug
- Whether the deceased was suffering from mental illness
- Treatment prescribed
- Name of the doctor/hospital
- Suicide note
- Statement of other family members/friends/official circles
- Details about the job/profession/trade
- Financial status
- Motive
- Business transactions
- Probable persons who could get the poison
- When did he get the poison
- Where from he got the poison
- Did he get sufficient time and opportunity to administer the poison

48. If death is due to hanging/suffocation/drowning/strangulation If death is due to hanging

- Hanging from tree/fan/any other object
- Height of the object from the floor
- How the deceased reached to the object for hanging
- Whether ante-mortem or post-mortem
- Size of the rope/string
- Type of noose around the neck
- Whether the noose on the neck is oblique
- Whether tongue is protruding out
- Whether eyes are open
- Whether saliva is dribbling
- Color of the nail
- Color of the face
- Whether there are Tardu's spots
- Whether there is ligature mark around neck
- Whether it is a case of partial hanging
- Whether there is any suicide note
- Whether the suicidal note written by the deceased?

- Whether the victim was suffering from mental or other illness
- History of illness
- Name of the doctor/hospital
- Treatment prescribed
- Financial status
- Profession of the deceased
- Relation with his family members/friends/colleagues
- Business transaction
- **If the deceased is a lady**
 - her age
 - whether married or bachelor
 - when did she marry
 - whether employed
 - whether arranged or love marriage
 - relation with husband/in-laws
 - dowry
 - past history of torture
 - any information of torture was sent to her parents
 - observation of the neighbours/friends
 - extramarital relationship
 - character of the deceased
 - family background of the parents of the deceased
 - whether she was suffering from some incurable disease
 - mental condition
 - Whether she was sexually assaulted

If death is due to suffocation

- How suffocation was caused
- Whether ante-mortem or post-mortem
- Whether there is any mark of injury on the face of the victim
- Whether there is any sign of discharge on the object used for causing suffocation
- Age of the victim
- Whether suffocation is accidental or homicidal
- Condition of the room where deceased was living at the time of death
- Ventilation

- Smell inside the room
- Temperature inside the room
- Whether the doors/windows were open
- Whether there is Air-conditioner/Air-cooler in the room
- Possible source of the leakage of gas or production of toxic gas
- Color of the body
- Discoloration of the skin
- Color of the nails, face, etc.
- Patechial hemorrhage spots
- In case of fire, extent of burn

If death is due to drowning

- Whether anti-mortem or post-mortem
- Place of drowning
- Whether sea, river, pond, canal, well or any other stagnant water
- Whether signs of ante-mortem drowning is present
- Both mental and physical condition of the victim before drowning
- Whether cadavaric spasm is present
- Whether there is froth seen on the nostrils
- Condition of the abdomen, whether bloated
- Condition of the skin particularly sole of the foot and palm
- Whether any heavy object is tied with the body
- Whether suicidal/accidental or homicidal
- If the victim is a lady, whether she was sexually assaulted

If death is due to strangulation

- Mark of strangulation on the throat
- Discharge from nostrils, mouth, etc.
- Injuries on the face and throat
- Condition of the eyes
- Condition of the tongue
- Whether mouth is open
- Any other injury on the body
- Is it manual strangulation or any other object was used to strangulate
- Indication of scuffle
- Sign of scuffle in the scene

- Position of the body
- Wearing apparel
- Whether the victim was under the influence of drug or alcohol
- Built of the victim
- If the victim is a lady, whether she was sexually assaulted before death

49. If death is due to burn

- Whether anti-mortem or post-mortem burn
- Whether suicidal/homicidal/accidental
- Extent/degree of burn
- Parts of the body burnt and percentage
- Position of the dead body
- Condition of the wearing apparel
- Whether any attempt has been made to extinguish fire
- Who attempted
- What is the condition of the person who tried to rescue the victim
- Whether victim died on the spot or taken to the hospital
- Name of the Doctor/hospital
- Treatment given
- Dying Declaration Recorded
- When died
- Whether the victim was suffering from chronic disease
- If yes, name of the Doctor/Hospital
- Treatment given
- Duration of the problem
- Financial status
- **In case of married lady**
 - When was she married
 - Whether love or arranged marriage
 - Relationship with the husband and in-laws
 - Dowry
 - Past history of torture
 - Observation of neighbours/friends
 - Intervention by police
 - Condition of the health of the deceased

- Suicide note
- Mental condition of the deceased prior to the incident
- Love affair
- Un-employment
- Social causes
- Whether sexually assaulted
- **In case of unmarried lady**
 - Weak in studies
 - Love affair
 - Poverty
 - Social problems
 - Health
 - Mental illness
 - Un-employment
 - Whether sexually assaulted
 - Fire accelerant used
 - Specific advice to post-mortem surgeon to preserve trachea to prove anti-mortem or post-mortem burn

50. If death is due to gunshot Injury

- How many persons sustained fire-arm injury in the incident
- How many died
- How many injured
- **Examination of wounds**
 - Which part(s) of the body injured (location)
 - Whether any part of the body blown off
 - Margin of the wound(s) inverted or everted
 - Margin is inverted and wound is small - wound(s) of entrance
 - Margin everted and size of the wound is larger - wound of exit
 - In case of multiple wounds of entrance whether all the wounds look alike or different
 - Whether all the wounds are caused by the shot(s) fired from one or different fire-arms
 - What is the size of the area on which injuries (wounds of entrance) are spread
 - Whether there is blackening of the skin
 - Whether there is tattooing of the skin
 - Whether hairs are singed
 - Whether there is a wad impression on the body/clothes
 - What type of firearm was used?

- From what distance it was fired?
- Approximately how many shots fired?
- Which injury(s) appears to be fatal?
- Extent of damage caused to the organ
- How many wounds of exit are there?
- Location of the wound(s) of exit
- Extent of bleeding
- Which other organ(s) of the body shows the presence of blood?
- **Examination of the scene**
 - Is it an indoor or outdoor crime?
 - Is it inside a vehicle such as bus, car, railway compartment, airplane, ship etc.?
 - Type, color, make and condition of the vehicle
 - Whether shots were fired from outside or from inside the vehicle
 - If fired from outside, approximate distance shots were fired
 - What other evidence was found outside the car?
 - If shots were fired from inside what was the position of the suspect and the victim?
 - What other evidence was found inside the car?
 - If on a vehicle, what is the position of the vehicle
 - Extent and location of damage caused to the vehicle
 - Fracture pattern on the glass panes of the vehicle
 - Position and location of dead body inside the vehicle
 - Is it an open area such as road, field, park, sea beach, etc.?
 - What was the position of the dead body?
 - How far is it from the main road
 - Any other article(s) seen lying near the dead body such as cycle, motor bike, firearm, fired bullet, empty, any other weapon,
 - Fired bullet found at the scene-location
 - Number, type and make of the bullet
 - Location of the empty found
 - Number, type, make, etc of the empty
 - On the basis of fired bullet and empty- Type of firearm used
 - Whether the nature of injury present on the victim match with the type of fired bullet or empty found
 - Number, make and type of fire arm found
 - Condition of the fire arm
 - Whether firearm belongs to the class of prohibited bore.
 - Whether the fire arm found is country made

- Whether the fire arm found at the scene can produce the type of injuries present on the dead body
- Whether the bullet and empty recovered from the scene match with the fire arm found
- Extent of bleeding from the dead body
- How blood is distributed at the scene
- Is there any sign of struggle before shots were fired?
- Position of the suspect
- Whether improvised fire arm was used

51. **If death is due to injuries caused by the weapons other than fire arm**

- **Examination of the injuries**
 - Nature of Injury(s) such as contusion, laceration, punctured, incised, etc.
 - Location of injuries their number, size and type in each location
 - Whether hesitation cut is present
 - If present, on which part of the body
 - How many such injuries are there
 - Possible weapon used
 - Is there self-inflicted injuries
 - Location of the injuries
 - Possible weapon used
 - Is there defence wound
 - Location
 - Size and Number
 - Possible weapon used
 - Extent of damage caused by each injury
 - Quantity of blood shed near the victim
 - Shape and size of the blood spatters
 - Distribution of blood at the SOC
 - Position of the body
 - Nature of injury and correlation with a particular type of weapon
 - Whether all injuries seen on the victim are caused by one type of weapon or by different type of weapons
 - Whether corresponding cuts are seen on the clothes
 - Whether the injuries match with weapon recovered
 - What about the age of the wound
 - Wounds are ante-mortem or post-mortem in nature

- Whether there was sign of struggle before killing
- The crime was committed by one or more than one person
- At the time of killing what was the position of the victim and the suspect
- How about suspect getting injured due to struggle
- Which organs of the suspect injured
- Did he sustain minor major injury
- Was he bleeding profusely
- Built and health of the victim
- Built and health of the suspect
- Whether victim was admitted in the hospital
- Medico-legal report of the victim
- Treatment given to the victim
- When died in the hospital
- Dying declaration of the victim
- Whether suspect was hospitalised treatment of his injuries
- When hospitalised
- Treatment given
- Medico-legal report
- Motive
- Whether crime has been committed somewhere else and body dumped at other place
- Which injury was fatal for the victim
- If the victim is female, whether she was sexually assaulted

52. Blood Distribution Pattern in Violent Crimes

- On the dead body
 - Organs injured
 - Extent of blood stain on the body
 - Distribution of blood stain
 - Sign of profuse bleeding
 - Organ from which profuse bleeding too place
 - Sign of bleeding is recent or old
- Distribution of blood near the victim
 - Location
 - Distance from the body
 - Quantity of blood

- Color
- Whether correspond to the wounds
- Whether in the form of liquid or smear
- At the Scene of Crime
 - Nature of the surface
 - Pool of blood - Approx quantity, shape and size
 - Drag mark - shape and size
 - Smear of blood - shape and size
 - Circular Spatters
 - Pear shaped spatters
 - Mist of blood - nature of mist and area covered
- Is it possible to interpret the origin of blood
- Is it possible to find out the direction of origin
- Is it possible to find out approximate distance
- Is it possible to find out the angle
- Is it possible to interpret about the nature of offence
- Is it possible to interpret about the type of weapon used
- Is it possible to reconstruct the scene
- Is it possible to interpret whether suicide or homicide
- Is it possible to interpret how many persons were involved in the commission of crime
- Whether crime committed elsewhere
- Is it possible to find out the time
- Is it possible find out whether the suspect was also injured and the organ

52. Investigation of Sexual Offences

- **Victim**
 - Age
 - Sex
 - Bilt
 - Caste
 - Religion
 - Complexion
 - Color of hair
 - Color of eyes
 - Clothes

- Tattoo marks
- Ornaments
- Identification marks
- Dental record
- Profession/job
- Education
- Mental conditions
- Medical history
- Married/unmarried
- Pregnant
- Family history
- Previous enmity
- Social background
- Economic background
- Friends
- Places normally visited
- Profile
- Profile of the parents, brothers and sisters
- Love affairs
- Habits
- History of the incident
- Medico-legal report
- Record of treatment given in the hospital
- Injuries sustained during struggle
- Typical Injuries
- Stains on the clothes
- Whether intoxicated
- Medical examination
- Vaginal swab preserved
- Sample blood collected
- Clothes preserved
- Hair sample collected
- **Suspect**
 - Alive/dead
 - Known/unknown
 - If alive whether undergoing treatment

- Age
- Bilt
- Caste
- Religion
- Profession/job
- Education
- Mental conditions
- Medical history
- Married/unmarried
- Family history
- Previous enmity
- Social background
- Economic background
- Friends
- Places normally visited
- Profile
- Profile of the parents , brothers and sisters
- Love affairs
- Habits
- Previous criminal record
- W eapon used
- Injuries sustained due to struggle
- Medico-legal report
- Hospital record (treatment record)
- Examination of clothes for stains
- Collection of clothes
- Collection of sample blood
- Collection of hairs
- Motive
- Vehicle used
- Other accomplices
- Profile of friends
- **Scene of Crime**
 - Outdoors - Farm land/jungle/park /
 - Indoor - Room/vehicle/train
 - Whether the place is secluded

- Distance from the main locality
- Area of the place
- Eye witnesses
- Shops/school/college/hotels/banks etc. in the locality
- Whether the place of occurrence appears to be disturbed or normal
- Sign of struggle
- Stains- blood/seminal
- Clothes
- Broken pieces of ornaments
- Other belongings of the victim
- Weapon
- Foot prints
- Any other articles such as bottle, glass, etc.

6. Inquest

- Preliminary photography of the place including the position of the dead body
- Distance of the dead body from fixed points
- Close-up photography
- Drawing out line showing the position of the dead body
- Sketching
- Position of the body
- Where found (Location)
- History of hospitalization
- Treatment given
- Medico-legal examination
- Dying declaration
- Name
- Sex
- Age
- Religion
- Caste
- Height
- Built
- Married/unmarried
- Complexion
- Occupational marks

- Any discoloration of the skin
- Peculiar smell
- Color of the eye
- Color of the hair
- Clothes
- Identification Marks
- Tattoo mark
- Appearance of the face
- Mouth
- Nostril
- Eyes
- Bleeding
- Vomit
- Dribbling of saliva
- Medicine applied (sign of external application)
- Detailed examination of clothes
- Color and type of clothes
- Condition of the clothes
- Stains on the clothes
- Tailor/dry cleaner's mark
- Pockets
- Folds of the trouser
- Valet
- Visiting card
- Letter
- Other paper
- Money
- Ornaments
- Credit Card
- Driving licence
- Any weapon
- Watch
- Shoes (make, size, type of sole, material of the shoe, etc.)
- Socks
- Handkerchief
- Condition of buttons

- Perfume used, if any
- Time since death
- Body temperature
- Rigor mortis
- Decomposition
- Mummification
- Injuries (type, size, location, cause, relative distances, age of the wounds)
 - Scalp
 - Head
 - Fore head
 - Face
 - Neck
 - Throat
 - Shoulders
 - Chest
 - Abdomen
 - Upper Arm
 - Lower arm
 - Thigh
 - Calf
 - Foot
 - Genital area
 - Back of the shoulder
 - Back
 - Hips
- Extent of bleeding
- Fatal injuries (type, size, location, relative distances, extent of damage to the organ, age of the wound, interpretation of weapon, etc.)
- Mark of strangulation/suffocation/hanging/throttling
- Mark of burn injuries - nature, extent and degree of burn injuries
- Sign of drowning
- Sign of poisoning
- Apparent time since death
- Apparent cause of death
- Wrapping the dead body in an intact piece of cloth and seal at knots
- Filling up the proforma for challaning the dead body for post-mortem examination
- Special instructions for the post-mortem surgeon to be filled in the PM challan form
- Deputing 2 constable to accompany the dead body to the mortuary
- Despatch of the dead body

Policies Advocating Women's Concerns

- ❖ The National Plan of Action for Women adopted in 1976
- ❖ The National Perspective Plan for Women (1988-2000)
- ❖ Shram Shakti - The report of the National Commission on Self Employed Women and Women in Informal Sector (1986)
- ❖ The National Expert Committee on Women Prisoners (1986)
- ❖ The National Policy for Children, 1974
- ❖ The National Nutritional Policy
- ❖ The National Plan of Action for the Girl Child (1991-2000)
- ❖ National Policy on Education, 1986
- ❖ National Health Policy, 1983
- ❖ National Population Policy, 2000 and
- ❖ The National Policy for the Empowerment of Women

Some Innovative Practices adopted by Police in Different Parts of the Country to Check Violence Against Women

(1) Steps taken to check and identify instances of female infanticide in Salem and some other districts of Tamil Nadu.

Female infanticide is a barbarous practice followed in many parts of the country. Parents and other family members resort to female infanticide as females are felt to be a burden. Because of the killing of the new born female children as well as termination of pregnancy by some people on determination of the sex of the foetus as that of a female, the sex ratio in the country is highly adverse against the females (937 females to 1000 males as per the 1991 census). Even though the practice is resorted to by people of all income groups in all communities, the problem is more in certain communities. Salem district and some southern districts of Tamil Nadu are some such places where this evil practice had increased to such an extent that it had even attracted the attention of international media in the early 1990s. It is very difficult even to get information about such instances of female infanticide, not to speak of gathering sufficient evidence to prosecute the guilty. In order to check instances of female infanticide, Tamil Nadu Police adopted a novel practice. All hospitals and maternity homes in the districts were asked to give the details of female children born in those places. The police also collected such information by visiting hospitals, primary health centers, etc. The information was entered in a register specially opened at the police stations and thereafter the police stations, through beat constables, made enquiries about the new born children by visiting the houses of the parents. Enquiries were conducted for a period of six months, as it was felt that if a child is not killed during the first six months, the probability of parents resorting to that evil practice thereafter would be very less. As a result of the efforts of the police, instances of female infanticide have come down significantly. The efforts of the police were supported by other governmental agencies by way of educational campaigns to change the incorrect perception of people about female children.

(2) In matters relating to domestic violence in rural areas it is very difficult to get information in advance and many times the police is able to reach the scene only on information after the death of the daughter in law. In order to be able to prevent the final act of dowry death, intelligence needs to be unobtrusively collected so as to be able to take action at the right moment. One possibility is to take the help of ANM's, lady health workers or Anganwadi workers who have access to the inners of every household and can form a relationship with every woman who would otherwise not be forthcoming with any person in the village of her in-laws. Periodical meetings could be held with such workers at the level of the SDPO at some other pretext and information could be culled out accordingly. The police can positively intervene to prevent the final crime from being committed.

(3) Mahila police stations manned (womanned) by women could have a counseling center operating on a weekly once basis, where help of psychologists could be taken and matters could be sorted out. Moreover every case of wife beating that is received in the police station must be entered in a register and subsequent action taken on the complaint be recorded thereon i.e. case registered/compromise reached/preventive action taken etc. After the complaint has been handled and both parties have signed to an understanding, this document serves as a psychological deterrent for further misbehaviour. Beats could then be divided as per locality and constables can be periodically sent for follow up action to see

that all is well and to ensure that the aggressor knows that the girl is now under the protection of the police and he cannot take liberties with her.

4. Decoys at busy market places, cinema theatres and girl schools and colleges could be planted to stem eve teasing. The decoys could be women constables and catching eve teasers works both ways - as a deterrent as well as a confidence booster for the constables themselves who till date have been underemployed.

Support Mechanism for the Victims of Violence Against Women

A. SHELTER AND SERVICES FOR WOMEN AFFECTED BY VIOLENCE

- i) **Short Stay Home for Women and Girls** (1969) provides temporary shelter and rehabilitation to women and girls who are in social and moral danger. There are 361 Short Stay Homes (till 1997) providing services to 10,830 women.
- ii) **Juvenile Homes:** Establishment of Observation Homes, Juvenile Homes and Special Homes under the Juvenile Justice Act is meant to ensure that no child i.e. a boy under 16 years of age and a girl under 18 years of age, is lodged in jail or police lockup and provide for the protection and care, rehabilitation of neglected and delinquent juveniles. The services of qualified doctors and psychiatrists are available on a part-time basis in the Homes. There are about 280 Observation Homes, 251 Juvenile Homes, 36 Special Homes and 46 Aftercare Homes maintaining about 32,000 inmates in the country.
- iii) **Protective and correctional institutions:** Protective Homes and Correctional Institutions are set up under the Immoral Traffic (Prevention) Act, 1956. Protective Homes provide custodial care and protection to victims of commercial sexual exploitation from being forced into prostitution by pimps, brothel keepers. In addition they provide education, vocational training and arrange marriages for the inmates to settle down. There are about 80 such protective homes in the country. Women detained for offences under the ITPA Act may be placed in Corrective Institutions for 1-3 years in lieu of imprisonment.
- iv) **Voluntary Action Bureaus and Family Counseling Centres:** The Voluntary Action Bureaus and Family Counseling Centres provide preventive and rehabilitative services to women and children who are victims of family maladjustments and atrocities. The FCCs programme work towards social consciousness about the problem of violence against women, and meaning family relations through a conciliatory approach. The FCCs in Police Stations help in removing the fear of the law from the minds of women in distress. More than 400 FCCs are operating in the country.

B. PREVENTION AND SENSITISATION

- i) **Education Work for Prevention of Atrocities Against Women** (1982) extends financial assistance to research and academic institutions for working towards its objective. Dissemination of information/publicity material in regional languages are also part of this programme.
- ii) **Awareness Generation Projects for Rural and Poor Women** (1977) work towards identifying the needs of rural and poor women, generating awareness among them and provide a platform for rural women to exchange of their ideas and exposure to mainstream of development.
- iii) **Legal Literacy:** Legal literacy is imparted through several strategies, awareness programmes, training-cum-orientation modules, literature dissemination, sensitization workshops and multi-media campaigns involving film, play, songs, posters and issue-based discussions. The Government, as well as NGOs, have prepared and disseminated material on legal literacy on a large scale in the last few years. A set of 10 booklets, entitled "our Laws" published by the Department of Women and Child Development, highlighting salient features of the rights available to women.

iv) **Sensitisation and awareness generation** The Central and State Government both have also attempted to improve the levels of sensitization of the law enforcing and custodial machinery as well as spreading awareness on issues relating to women's rights/gender violence among women.

a. **Sensitisation of the police machinery** An increasing number of states are now introducing gender sensitization orientation programmes (during both induction and refresher training) for police officials at various levels. A National Meeting on violence against women held in November, 1992 has been followed by a series of sensitization programmes in the National Police Academy, State Police Academies, Police Training Schools etc.

b. **Media Campaigns** To improve the level of awareness of society in general and women in particular, a mix of traditional media and the electronic media is being utilized to projects positive images of women and girl children. Media campaigns relating to the girl child have also been initiated in selected districts and special campaigns against child marriage have been held in specific parts of the country.

SPECIAL LAW ENFORCEMENT MECHANISMS

Special police cells and all-women police stations to deal with acts of aggression against women have been established in 12 States and Union Territories. The induction of women into the police force at different levels has also increased substantially. A number of women's organisations are also involved as volunteer counselor at police stations, helping in building bridges between the citizens and the police force. They are also been associated in facilitating the registration and investigation of cases of crimes against women.

INNOVATIVE JUSTICE DELIVER SYSTEMS

Family Courts The Government of India enacted the Family Courts Act 1984 for the establishment of family courts by the States in city/towns with a population exceeding one million. These courts are to make an endeavor to effect reconciliation or a settlement between the parties to family disputes which is not adversarial. Family courts have so far been established in 12 states and 2 union territories.

Parivarik Mahila Lok Adalats To provide alternate dispute resolution mechanism in civil cases concerning women to ensure speedy justice for women have been held by the National Commission for Women. Most cases coming up before these Adalats relate to family disputes-divorce, maintenance, custody of children etc.

Case Laws on Cases relating to Violence Against Women*

PENAL CODE, 1860

- S. 376 - Rape of minor girl aged 7/8 years - Testimony of prosecutrix alone, if reliable, whether sufficient to convict the accused without seeking further corroboration - Injury on male organ of accused if necessary - On facts, convincing and trustworthy testimony of the prosecutrix corroborated by medical evidence and testimony of other PWS existing - Doctor who examined the prosecutrix finding her hymen ruptured, slight bleeding coming out of the vaginal edges, presence of blood clot and external genitals tender and red and vagina admitting one finger with difficulty which got smeared with blood - Shawl on which, according to the prosecution, she was made to lie while committing the rape, found by the doctor to be having some mud and blood stains - Doctor opining that prosecutrix had been subjected to sexual intercourse - Doctor who examined accused-respondent finding him potent and capable of sexual intercourse - Father of the prosecutrix and other PWS deposing to have been the respondent running from the place of occurrence carrying with him his underwear - Held, trial court rightly convicted the respondent under S. 376 and High Court erred in acquitting him on the basis of conjectures and surmises - Circumstances such as absence of spermatozoa on the vaginal slide and absence of injuries on the male organ not always fatal to the prosecution case. These circumstances should be considered in the light of the peculiar factual set-up of the case

There is no legal compulsion to look for corroboration of the evidence of the prosecutrix before recording an order of conviction. Evidence has to be weighed and not counted. Conviction can be recorded confidence and there is absence of circumstances which militate her veracity. In the present case the evidence of the prosecutrix is found to be reliable and trustworthy. No corroboration was required to be looked for, though enough was available of the record. The medical evidence provided sufficient corroboration.

No inference can be drawn against the prosecution from the fact that only two blood stains had been found on the shawl by the chemical Examiner. The doctor had found the presence of blood stains and mud on the shawl and had opined that the bleeding from the edges of the vagina was slight and that some amount of clotted blood was also present. The prosecutrix was a girl of tender age and of account of the rape committed on her, there was bleeding from her vagina but in the circumstances it cannot be expected that the shawl should have got "drenched with blood" as if the large blood arteries had been cut.

The absence of spermatozoa cannot be a circumstance against the prosecution case. The prosecution case itself was that on being surprised while the respondent was in the act of committing ;;;;sexual intercourse on the prosecutrix, he ran away carrying his underwear. The absence of spermatozoa under the circumstances could not be said to be a circumstances in favour of the respondent at all. There is no inflexible axiom of law which lays down that there absence of injuries on the male organ of the accused would always be fatal to the prosecution case and would discredit the evidence of the prosecutrix, otherwise found to be reliable. The presence of injuries on the male organ may lend support to the prosecution, case, but their absence is not always fatal. Every case has to be approached with realistic diversity based on peculiar facts and circumstances of that case. The doctor who had examined the respondent had found him of be capable of sexual intercourse and according to his opinion the absence of injury on his male organ was not suggestive of the fact that he had not indulged in sexual intercourse with the prosecutrix, then of tender years of age. His evidence was not at all challenged on this aspect by the defence.

* Supreme Court Case Finder - 2000

The judgement of the High court was based more on surmises and conjectures than to proper appreciation of evidence. Court must be sensitive to the serious crime committed against human dignity. Courts must be wary, circumspect and slow to interfere with reasonable and proper findings based on appreciation of evidence as recorded by the lower courts, before upsetting the same and acquitting an accused involved in the commission of heinous offence of rape of a helpless girl child. ^{DO2} ➔ *State of H.P. v. Raghubir Singh*, (1993) 2 SCC 622 : 1993 SCC (Cri) 674 : 1993 (2) ALT (Cri) 286 : (1993) 2 Crimes 887.

⇒ Bench strength 2 Coram : Dr A.S. Anand and N.P. Singh, JJ. [Date of decision : 18-2-1993]

Rahim bag v. State of U.P., (1972)3 SCC 759:1972SCC (cri)827,distinguished and limited

PENAL CODE, 1860

– **S.376 – Rape – Testimony of prosecutrix supported by medical evidence and other convincing evidence** – *Merely because the prosecutrix was simple enough to repose confidence in accused persons and stayed with them in room in a hotel it cannot be held that she was a consenting party*

The offence of rape has been established against both the accused persons and the case of the prosecution so far as the offence of rape is concerned should not be disbelieved. If the prosecutrix was little careful in not placing reliance on unknown young men, the prosecution case should not be disbelieved. If the prosecutrix was simple enough to repose confidence in two young persons in staying in a room in a hotel, she would not have suffered the misfortune but simply because she was simple enough to repose confidence in two young men, the prosecution case should not be disbelieved particularly when convincing evidences about the commission of offence of rape were adduced. The medical evidence supports the testimony of the prosecutrix that she was raped in the previous night. The doctor has found that her hymen was ruptured recently and was bleeding. Some injuries of her private parts were also noted by the doctor. Admittedly, the accused and the prosecutrix shared one room and it is nobody's case that besides the prosecutrix and accused persons, any other person stayed in the room. ^{DO2} ➔ *Raju v. State of Karnataka*, (1994) 1 SCC 453 : 1994 SCC (Cri) Crimes 156 : (1994) 31 ACC 152

⇒ Bench Strength 2 Coram : K Jayachandra Reddy and G.N. Ray, JJ. [Date of decision 12-10-1993]

PENAL CODE, 1860

SECTION 302

SENTENCE

DEATH SENTENCE JUSTIFIED

– **Ss. 302, 376 and 380 – Death sentence – Rarest of rare of cases** – *Rape and murder of the helpless and defenseless school-going girl of 18 years by a security guard – Death sentence imposed by trial court and confirmed by High Court upheld – Criminal Procedure Code, 1973, S.354(3)*

The sordid episode of the security guard, whose sacred duty was to ensure the protection and welfare of the inhabitants of the flats in the apartment, should have subjected the deceased, a resident of one of the flats, to gratify his lust and murder her in retaliation for his transfer on her complaint, makes the crime even more heinous. Keeping in view the facts, it is obvious that a most heinous type of barbaric rape and murder was committed on a helpless and defenseless school-going girl of 18 years. The faith of the society by such a barbaric act of the guard, gets totally shaken and its cry for justice becomes loud and clear. The offence was not only inhuman and barbaric but it was a totally ruthless crime of rape followed by cold blooded murder and an affront to the human dignity of the society. The savage nature of the crime has shocked our judicial conscience. There are no extenuating or mitigating circumstances whatsoever in the case. A real and abiding concern for the dignity of the confirmation of the sentence of death but a cold blooded

preplanned brutal murder ,without any provocation, after committing rape on an innocent defenseless young girl of 1;8 years ,by the security guard certainly makes this case a "rarest of the rare" cases which calls for no punishment. ^{DO2} → *Chatterjee v. State of W.B.* (1994) 2 SCC 220 : 1994 SCC (Cri) 358

⇒ Bench Strength **2** Coram : **Dr. A.S. Anand** and *N.P. Singh*, JJ. [Date of decision : 11-1-1994]

PENAL CODE, 1860

- S.375 Expl. - Rape - Ingredients of - Complete penetration not essential - Even partial of slightest penetration with or without emission of semen and rupture of hymen of or even an attempt at penetration sufficient

Ingredients which are essential for proving charge of rape are the accomplishment of the act with force and resistance. To constitute the offence of rape neither S. 375 of IPC nor the Explanation attached thereto require that there should necessarily be complete penetration of the penis into the private part of the victim prosecutrix. In other words to constitute the offence of rape it is not a all necessary that there should be complete penetration of the male organ with emission of semen and rupture of hymen .Even partial of slightest penetration of the male organ within the labia majora or the vulva or pudenda with or without any emission of semen or even an attempt at penetration into the private part of the victim would be quite enough for the purpose of Ss.375 and 376 of IPC. That being so it is quite possible to commit legally the offence of rape it even without causing; injury to the genitals of leaving any seminal Stains. ^{DO2} → *State of U.P. v. Babul Nath*, (1994) 6 SCC 29 : 1994 SCC (Cri)1585.

⇒ Bench Strength **2** Coram : *Dr. A.S. Anand* and **Faizan Uddin**, JJ. [Date of decision:12-8;-1994]

PENAL CODE, 1860

- Ss. 376 and 354 - Sexual assault or indecent assault - Victim aged about 5 years -Doctor finding the hymen completely torn, laceration on all sides of vagina and fresh bleeding - Evidence of lady doctor showing that as finger could be easily inserted inside the private part - Held, the victim was subjected to sexual assault and not merely incident incident assault - Merely because the injuries found on the private part of the victim could also be caused by an instrument like a piece of glass cannot lead to the conclusion that she was not raped unless there is material to support such a conclusion

The victim girl was brought to the hospital in a semi-conscious state and her general condition was poor. On external examination of the girl the doctor found that the hymen was completely torn and there was lacerations on all sides of vagina. The doctor noticed that there was fresh bleeding in her private part. On internal examination the doctor found that a finger could easily be inserted to her private part and bloodstained discharge was coming out. Thus from the medical evidence it is clear that the girl was not only subjected to an indecent assault but there was sexual activity and the girl was subjected to sexual assault, otherwise the doctor would not have found the hymen completely torn, laceration on all ; sides of the vagina and fresh bleeding. According ;to the evidence of lady doctor a finger could be inserted inside the private part of victim which otherwise was not possible in the case of a child aged 5 years because according to the Medical jurisprudence by Modi, 21st Edn., p.376 ,in a girl under 14 years of age the vaginal orifice is usually so small that it will hardly allow the passage of the little finger through her sexual intercourse the finger could not have been easily inserted in her private part as observed by the lady doctor.

Simply because the injuries found on the private part of the girl could also be caused in several other ways than the sexual assault on the victim cannot lead to the conclusion that the injuries on her private part were not sustained by commission of the rape but some other instrument in the absence of any material to

support such a conclusion. In the present case though the doctor deposed that the injuries could also be caused by instrument like piece of glass but there were neither circumstances nor any material to conclude or even to suggest that the victim have sustained the injuries by any piece of glass was found at or near the place of occurrence. On the contrary there is positive and the finding that she was subjected to indecent assault absolutely incorrect. ^{D02}₆₉ ➔ *State of U.P. v. Babul Nath*, (1994) 6 SCC 29 : SCC (Cri) 1585.

⇒ Bench Strength 2 Coram : Dr. A.S. Anand and **Faizen Uddin**, JJ. [Date of decision : 12-8-1994]

PENAL CODE,1860

– **S.376 – Rape – Medical evidence – Absence of spermatozoa on vaginal smear – Does not falsify the version of the prosecutrix** – *Penetration does not necessarily lead to the discovery of spermatozoa-Its absence may be due to various other factors such as faulty taking of smear, its preservation, quality of smears, etc. – On facts, it was not elected from the prosecutrix of any of the two persons had reached orgasm with regard to emitting semen in her private parts*

With regard to the vaginal smear examination the doctor stated that no spermatozoa was seen on it, and the absence of sperms has been held against the version of the prosecutrix. It was never elected from has reached orgasm emitting semen in her private parts of a rape victim must necessarily lead to the discovery of spermatozoa. It is a question of detail and has to be put to test by cross-examination. Otherwise also there may be various other factors which may negate the presence of spermatozoa such as faulty taking of the smear, its preservation, quality of semen etc. The absence to tell against the version of the prosecutrix ^{D02}₆₉ ➔ *Narasyamma v. State of Karnataka*, (1994) 5 SCC 728 : 1994 SCC (Cri) 1573.

⇒ Bench Strength 2 Coram : **M.M. Punchhi** and K. Jayachandra Reddy, JJ. [Date of decision : 31-8-1994]

PENAL CODE,1860

– **S.376 – Rape – Medical evidence – Rape minor girl aged 14 years – Statement of the doctor that hymen of the prosecutrix was ruptured and admitted two fingers** – *Held, this cannot be viewed as if the prosecutrix was habitual to sexual intercourse*

According to the doctor hymen of the prosecutrix was ruptured, admitted two fingers, bled on touch, was reddish in colour, and was painful and tender. On this basis, the doctor opined that these were signs of rape. The ability of admission of two fingers and the hymen being ruptured was viewed by the High court as if the prosecutrix was habitual to sexual intercourse. When the doctor had opined that the hymen was ruptured, she did not qualify her statement that it stood ruptured, as of old or carried an old tear. With clear objective in view, the doctor must be presumed to have noticed the hymen as freshly ruptured, as otherwise, the doctor would not have described it in that fashion to be bleeding, tender and painful. The factum of admission of two fingers could not be held adverse of the prosecutrix for it would depend upon the size of the condition of a woman used to sexual intercourse, it is described as admission of two fingers easily, but here the doctor qualified her statement by saying that it was painful and bleeding on touch. These conditions obviously related to the hymen. The doctor was thus clear in her opinion that rape had been committed on the prosecutrix.

^{D02}₆₉ ➔ *Narasyamma v. State of Karnataka*, (1994) 5 SCC 728 : 1994 SCC (Cri) 1573.

⇒ Bench Strength 2 Coram : **M.M. Punchhi** and K. Jayachandra Reddy, JJ. [Date of decision : 31-8-1994]

PENAL CODE, 1860

- S. 376 - Rape - Broad parameters in assisting rape victims laid down - Problems arising from rape and defects in existing criminal justice system in this regard stated

It is rather unfortunate that in recent times, there has been an increase in violence against women causing serious concern. Rape does indeed pose a series of problems for the criminal justice system. There are cries for harshest penalties, but often times such cries eclipse the real plight of the victim. Rape is an experience which shakes the foundations of the lives of the victims. For many, its effect is a long-term one, impairing their capacity for personal relationships, altering their behaviour and values and generating endless fear. In addition to the trauma of the rape itself, victims have had to suffer further agony during legal proceedings. (Para 13)

The defects in the present system are : Firstly, complaints are handled roughly and are not given such attention as is warranted. The victims, more often than not, are humiliated by the police. The victims have invariably found rape trials a traumatic experience. The experience of giving evidence in court has been negative and destructive. The victims often say, they considered the ordeal to be even worse than the rape itself. Undoubtedly, the court proceedings added to and prolonged the psychological stress they had to suffer as a result of the rape itself. (Para 14)

In this background, it is necessary to indicate the broad parameters in assisting the victims of rape.

- (1) The complainants of sexual assault cases should be provided with legal representation. It is important to have someone who is well-acquainted with the criminal justice system. The role of the victim's advocate would not only be to explain to the victim the nature of the proceedings, to prepare her for the case and to assist her in the police station and in court but to provide her with guidance as to how she might obtain help of a different nature from other agencies, for example, mind counselling or medical assistance. It is important to secure continuity of assistance by ensuring that the same person who looked after the complainant's interests in the police station represent her till the end of the case.
- (2) Legal assistance will have to be provided at the police station since the victim of sexual assault might very well be in a distressed state upon arrival at the police station, the guidance and support of a lawyer at this stage and whilst she was being questioned would be of great assistance to her.
- (3) The police should be under a duty to inform the victim of her right to representation before any questions were asked of her and that the police report should state that the victim was so informed.
- (4) A list of advocates willing to act in these cases should be kept at the police station for victims who did not have a particular lawyer in mind or whose own lawyer was unavailable.
- (5) The advocate shall be appointed by the court, upon application by the police at the earliest convenient moment, but in order to ensure that victims were questioned without undue delay, advocates would be authorised to act at the police station before leave of the court was sought or obtained.
- (6) In all rape trials anonymity of the victim must be maintained, as far as necessary.
- (7) It is necessary, having regard to the Directive Principles contained under Article 38(1) of the Constitution of India to set up Criminal Injuries Compensation Board. Rape victims frequently incur substantial financial loss. Some, for example, are too traumatised to continue in employment.

(8) Compensation for victims shall be awarded by the court on conviction of the offender and by the Criminal Injuries Compensation Board whether or not a conviction has taken place. The Board will take into account pain, suffering and shock as well as loss of earnings due to pregnancy and the expenses of child birth if this occurred as a result of the rape. (Para 15)

In the present situation, the third respondent will have to evolve such scheme as to wipe out the tears of such unfortunate victims. Such a scheme shall be prepared within six months from the date of this judgement. Thereupon, the Union of India, will examine the same and shall take necessary steps for the implementation of the scheme at the earliest. (Para 18) ^{DO2} ➔ *Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 SCC 14 : 1995 SCC (Cri) 7 : (1995) 1 BLJR 1.

⇒ Bench Strength 3 Coram : *M.N. Venkatachaliah, C.J. and S. Mohan and S.B. Majumdar*, JJ. [Date of decision : 19-10-1994]

PENAL CODE, 1860

– **Ss. 107 and 376(2)(a) – Abetment – Aiding by omission** – *Inference can be drawn from the conduct of the abettor*

The prosecutrix and her husband were forcibly taken by the appellants, a Head Constable and constable to the police station where they were kept in separate rooms. The Head Constable first brutally hit the prosecutrix, then molested her and finally raped her. Her shrieks were heard in the room where her husband was confined but the constable who was guarding the husband did not react to it. It was contended that the constable should not be held guilty of abetment of crime of commission of rape as he could not anticipate the design of the Head Constable. Repelling the contention

Held :

Conduct of the constable right from the act of his forcibly taking the prosecutrix to the police station, her separate confinement in a room, Head Constable misusing his position and forcibly raping her and the constable not doing anything about it while keeping a watch over the husband, reflected a mind of consistency in aiding and abetting the commission of the crime of rape. Conduct of the constable and consistency were towards facilitating that crime as otherwise he would have reacted on the hearing the shrieks of the hapless prosecutrix who was a young girl aged about 19 at that time. His turning deaf ears to her cries was the finale on his conduct and he must be assumed to have had this end in mind when he dragged the prosecutrix forcibly to the police station. (Para 3) ^{DO2} ➔ *Ram Kumar v. State of H.P.*, 1995 Supp (4) SCC 67 : 1996 SCC (Cri) 100 : AIR 1995 SC 1965.

⇒ Bench Strength 2 Coram : *M.M. Punchhi and K. Jayachandra Reddy*, JJ. [Date of decision : 10-1-1995]

PENAL CODE, 1860

– **S. 376 – Rape – Evidence and proof – Rape of a married woman, a labourer, by another labourer** – *Failure of the prosecution to examine independent witnesses who could have corroborated the testimony of the prosecutrix – Recovery of semen-stained chaddi of the accused not proved – Presence of semen stains on the petticoat and in the vagina of the prosecutrix lending assurance to her accusation – Held, in the circumstances of the case, defective investigation by the police cannot be a ground for acquitting the accused – Mere delay in lodging FIR does not raise the inference that the complaint was false – Indian*

women are slow and hesitant to complain of such assault — Rape having been committed on a pile of sand, absence of injury on her person inconsequential

The prosecutrix, a labourer, was working in a factory along with another labourer C. The appellant and his companion came to the factory premises and asked C to fetch tea and on his departure the appellant lifted her bodily and took her inside the machine room and committed rape. After the appellant had satisfied his lust and before his companion could take his turn the prosecutrix ran away and met R, a female co-labourer, and narrated to her the incident. Thereafter she searched for her husband, a rickshaw-puller, and lodged the FIR. The witnesses C and the female co-labourer were not examined by the prosecution. Recovery or seizure of chaddi of the accused which contained semen stains was also not proved. Both the courts below convicted the appellant. Dismiss in the special leave appeal

Held :

In cases of defective investigation the court has to be circumspect in evaluating the evidence but it would not be right in acquitting an accused person solely on account of the defect; to do so would tantamount to playing into the hands of the investigating officer if the investigation is designedly defective. Any investigating officer, in fairness to the prosecutrix as well as the accused, would have recorded the statements of the two witnesses and would have drawn up a proper seizure-memo in regard to the 'chaddi'. But the accused cannot be acquitted solely on that ground. (Para 5)

Merely because the complaint was lodged less than promptly does not raise the inference that the complaint was false. The reluctance to go to the police is because of society's attitude towards such women; it casts doubt the shame upon her rather than comfort and sympathise with her. Therefore, delay in lodging complaints in such cases does not necessarily indicate that her version is false. The possibility of tutoring is ruled out because the evidence does not show that her husband knew the appellant and his companion before the incident. (Para 7)

In the instant case the prosecutrix, a victim of the crime, had absolutely no reason whatsoever to falsely involve the appellant nor did her husband have any reason to do so or tutor his wife to involve the appellant. The prosecutrix is a poor labourer who was toiling to earn her livelihood to augment the family income. She was working in the factory since the last few days only and the appellant and his companion, taking advantage of the situation, drove away C by asking him to fetch tea and after he left the appellant violated her person. The finding of semen stains on the petticoat and in the vagina lend assurance to the story narrated by the prosecutrix. The submission that there was delay in lodging the complaint has to be stated to be rejected for the simple reason that immediately after the incident she had to go in search of her husband who was a rickshaw-puller, narrate to him the incident, go down to the police station and then lodge the complaint. She has explained the absence of injuries by stating that she was laid on minute sand which was lying on the floor and, therefore, there were no marks of injury. Therefore, taking an overall view of the matter it must be held that the courts below rightly placed reliance on the testimony of the prosecutrix and convicted the appellant. (Para 8) ^{D02}₀₉ ➔ *Karnel Singh v. State of M.P.*, (1995) 5 SCC 518 : 1995 SCC (Cri) 977.

⇒ Bench Strength 2 Coram : **A.M. Ahmadi, C.J.** and *S.C. Sen, J.* [Date of decision : 11-8-1995]

PENAL CODE, 1860

— **S. 376 — Compensation — Award of interim compensation during pendency of the proceedings under — Court has jurisdiction to award interim compensation to victim — Complaint under Ss. 312/420/493/496/498-A IPC filed by respondent-victim against appellant for developing sexual relationship**

with her on false assurance of marriage and later secretly marrying her before God by putting vermilion on her forehead but after having impregnated her twice, compelling her to undergo abortion on both the occasions and ultimately deserting her – Appellant's petition under S. 482 CrPC for quashing the complaint dismissed by High Court – While dismissing the SLP preferred by appellant, held, Supreme Court has jurisdiction to pass order compelling the accused to pay maintenance to the victim during pendency of the criminal case – Accordingly, on being prima facie satisfied about the allegations, appellant's plea that his service having been terminated he may not be burdened with the liability to pay any maintenance, rejected and appellant directed to pay Rs 1000 per month as interim compensation to respondent during pendency of the criminal case – Constitution of India, Arts. 136, 32, 226, 142 and 21

The respondent lodged a complaint against the appellant which was registered under Sections 312/420/493/496/498-A IPC. The complaint revealed that there was initially a period of romance between the parties during which the appellant used to visit the house of respondent and on one occasion he told her that he was love with her and ultimately succeeded, on the basis of his assurance to marry her, in developing sexual relationship with her with the tragic result that the respondent became pregnant. While in that state, she persuaded the appellant to marry her, but he deferred the proposal on the plea that he had to take his parents' permission. He, however, agreed to marry her secretly. Consequently, the appellant took her before the God he worshipped and put vermilion on her forehead and accepted her as his lawful wife. In spite of the secret marriage, he, through his insistence, succeeded in motivating her for an abortion which took place in a clinic. The respondent became pregnant a second time and at the instance of the appellant she had to undergo abortion again in a nursing home where the appellant signed the consent paper by deliberately mentioning a false name. Ultimately the appellant deserted her. The appellant filed a petition under Section 482 CrPC for quashing the complaint which was dismissed by the High Court. The appellant thereupon approached the Supreme Court by way of SLP. The Supreme Court while dismissing the SLP further took suo motu notice of the facts of the case as narrated in the complaint and issued notice to the appellant as to why he should not be asked to pay reasonable maintenance per month to the respondent during pendency of the prosecution proceedings against him. The appellant put up appearance and filed an affidavit denying the allegations against him and stating that his service having since been terminated and he thus being unemployed no question of burdening him with the liability to pay maintenance could arise. In the circumstances question before the Court was whether any further order could be passed compelling the appellant to pay maintenance to the respondent during the pendency of the criminal case for which the show-cause notice had been issued to him? Disposing of the appeal of the accused

Held :

- (1) When the court trying an offence of rape has jurisdiction to award the compensation at the final stage, there is no reason to deny to the court the right to award interim compensation which should also be provided in the scheme for rape victims to be evolved by the Union of India pursuant to directions of the Supreme Court in *Delhi Domestic Working Women's Forum case*. On the basis of the principles set out in that decision the jurisdiction to pay interim compensation shall be treated to be part of the overall jurisdiction of the courts trying the offences of rape which, is an offence against basic human rights as also the fundamental right of personal liberty and life. Besides, the Supreme Court has the inherent jurisdiction to pass any order it considers fit and proper in the interest of justice or to do complete justice between the parties.

On being prima facie satisfied about the allegations made in the complaint, the matter is disposed of by providing that the appellant shall pay to the respondent a sum of Rs 1000 every month as interim

compensation during pendency of the criminal case against him. He shall also be liable to pay arrears of compensation at the same rate from the date on which the complaint was filed till the date of the present decision. However, whatever has been said in this judgment shall not, in any way, affect or prejudice the Magistrate from deciding the complaint on merits on the basis of the evidence as may be tendered before it and in accordance with law.

- (2) A woman, in our country, belongs to a class or group of society who are in a disadvantaged position on account of several social barriers and impediments and have, therefore, been the victim of tyranny at the hands of men with whom they, under the Constitution, enjoy equal status. Women also have the right to life and liberty; they also have the right to be respected and treated as equal citizens. Their honour and dignity cannot be touched or violated. They also have the right to lead an honourable and peaceful life. Women, in them, have many personalities combined. They are mother, daughter, sister and wife and not playthings for centre spreads in various magazines, periodicals or newspapers nor can they be exploited for obscene purposes. They must have the liberty, the freedom and, of course, independence to live the roles assigned to them by Nature so that the society may flourish as they alone have the talents and capacity to shape the destiny and character of men anywhere and in every part of the world.
- (3) In spite of the decision of the Supreme Court that (depending upon the circumstances of the case) corroboration of the prosecutrix was not necessary, the cases continued to end in acquittal on account of mishandling of the crime by the police and the invocation of the theory of 'consent' by the courts who tried the offence of rape. To overcome this difficulty, the legislature introduced Section 114-A in the Evidence Act. The situation, however, has hardly improved. The fear has to be allayed from the minds of women so that if and when this crime is committed, the victim may promptly report the matter to the police and on a charge-sheet being submitted, the trial may proceed speedily without causing any embarrassment to the prosecutrix who may come in the witness-box without fear psychosis.
- (4) The Supreme Court, as the highest Court of the country, has a variety of jurisdiction. Under Article 32 of the Constitution, it has the jurisdiction to enforce the fundamental rights by issuing writs. Fundamental rights can be enforced even against private bodies and individuals. Even the right to approach the Supreme Court for the enforcement of the fundamental rights under Article 32 itself is a fundamental right. The jurisdiction enjoyed by the Supreme Court under Article 32 is very wide as the Supreme Court while considering a petition for the enforcement of any of the fundamental rights, can declare an Act to be ultra vires or beyond the competence of the legislature and has also the power to award compensation for the violation of the fundamental rights. For the exercise of this jurisdiction, it is not necessary that the person who is the victim of violation of his fundamental right should personally approach the court as the court can itself take cognizance of the matter and proceed suo motu or on a petition of any public-spirited individual. The Supreme Court through its various decision, has already given new dimensions, meaning and purpose to many of the fundamental rights especially the Right to Freedom and Liberty and Right to Life. The Directive Principles of State Policy have also been raised by the Supreme Court from their static and unenforceable concept to a level as high as that of the fundamental rights. ^{D02} ➔ *Bodhisattwa Gautam v. Subhra Chakraborty*, (1996) 1 SCC 490 : 1996 SCC (Cri) 133 : (1996) 1 AndhLT (Cri) 252.

➔ Bench Strength **2** Coram : *Kuldip Singh* and **S. Saghir Ahmad**, JJ. [Date of decision : 15-12-1995]

Delhi Domestic Working Women's Forum v. Union of India, (1995) 1 SCC 14 : 1995 SCC (Cri) 7, followed

Sir Matthew Hale : "Historia Placitorum Coronae" or, in other words, "History of the Pleas of the Crown", referred to

State of H.P. v. Raghubir Singh, (1993) 2 SCC 622 : 1993 SCC (Cri) 674; State of Karnataka v. Mahabaleshwar Gourya Naik, 1992 Supp (3) SCC 179 : 1993 SCC (Cri) 180, relied on

Rudal Sah v. State of Bihar, (1983) 4 SCC 141 : 1983 SCC (Cri) 798; Peoples' Union for Democratic Rights v. Police Commr., Delhi Police Hqs., (1989) 4 SCC 730 : 1990 SCC (Cri) 75, relied on

[Ed.]: The present case came by way of an SLP under Article 136].

PENAL CODE, 1860

– **S. 376 – Rape – It is a crime against the entire society – Plight of the rape victims in the present legal system despite making the rule of corroboration of prosecutrix not always necessary and introduction of S. 114-A in Evidence Act highlighted and reform suggested**

Rape is thus not only a crime against the person of a woman (victim), it is a crime against the entire society. It destroys the entire psychology of a woman and pushes her into deep emotional crisis. It is only by her sheer will-power that she rehabilitates herself in the society which, on coming to know of the rape, looks down upon her in derision and contempt. Rape is, therefore, the most hated crime. It is a crime against basic human rights and is also violative of the victim's most cherished of the fundamental rights, namely, the Right to Life contained in Article 21. "Right to Life" does not merely mean animal existence but means something more, namely, the right to live with human dignity. Right to Life would, therefore, include all those aspects of life which go to make a life meaningful, complete and worth living. ^{D02} ₀₉ ➔ *Bodhisattwa Gautam v. Subhra Chakraborty*, (1996) 1 SCC 490 : 1996 SCC (Cri) 133 : (1996) 1 AndhLT (Cri) 252.

⇒ Bench Strength 2 Coram : *Kuldip Singh* and **S. Saghir Ahmad**, JJ. [Date of decision : 15-12-1995]

Francis Coralie Millin v. Administrator, Union Territory of Delhi, (1981) 1 SCC 608 : 1981 SCC (Cri) 212; *State of Maharashtra v. Chandrabhan Tale*, (1983) 3 SCC 387 : 1983 SCC (Cri) 667 : 1983 SCC (L&S) 391; *Olga Tellis v. Bombay Municipal Corpn.*, (1985) 3 SCC 545; *Delhi Transport Corpn. V. DTC Mazdoor Congress*, 1991 Supp (1) SCC 600 : 1991 SCC (L&S) 1213, relied on

PENAL CODE, 1860

– **Ss. 375 Secondly, 376 376-B, 376-C, 376-D – Past promiscuous behaviour of the prosecutrix held is no ground to condone rape – Even such a prosecutrix has a right to refuse to submit herself to sexual intercourse**

The trial court not only earnestly disbelieved the prosecutrix, but quite uncharitably and unjustifiably even characterised her as "a girl of loose morals" or "such type of a girl". We express our strong disapproval of the approach of the trial court and its casting a stigma on the character of the prosecutrix. The observations lack sobriety expected of a Judge. Suchlike stigmas have the potential of not only discouraging an even otherwise reluctant victim of sexual assault to bring forth complaint for trial of criminals, thereby making the society suffer by letting the criminal escape even a trial. The courts are expected to use self-restraint while recording such findings which have larger repercussions so far as the future of the victim of the sex crime is concerned and even wider implications on the society as a whole – where the victim of crime is discouraged – the criminal encouraged and in turn crime gets rewarded! Even in cases, unlike the present

case, where there is some acceptable material on the record to show that the victim was habituated to sexual intercourse, no such inference like the victim being a girl of "loose moral character" is permissible to be drawn from that circumstance alone. Even if the prosecutrix, in a given case, has been promiscuous in her sexual behaviour earlier, she has a right to refuse to submit herself to sexual intercourse to anyone and everyone because she is not a vulnerable object or prey for being sexually assaulted by anyone and everyone. No stigma, like the one as cast in the present case should be cast against such a witness by the courts, for after all it is the accused and not the victim of sex crime who is on trial in the court. ^{DO2} ➔ *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384 : 1996 SCC (Cri) 316.

⇒ Bench Strength 2 Coram : **Dr. A.S. Anand** and *S. Saghir Ahmad*, JJ. [Date of decision : 16-1-1996]

PENAL CODE, 1860

- **S. 376 - Cases involving sexual molestation - Duty of court to deal with such cases with utmost sensitivity** - *Minor contradictions or insignificant discrepancies in the statement of the prosecutrix should not be a ground for throwing out an otherwise reliable prosecution case*

Of late, crime against women in general and rape in particular is on the increase. It is an irony that while we are celebrating woman's rights in all spheres, we show little or no concern for her honour. It is a sad reflection on the attitude of indifference of the society towards the violation of human dignity of the victims of sex crimes. A rapist not only violates the victim's privacy and personal integrity, but inevitably causes serious psychological as well as physical harm in the process. Rape is not merely a physical assault - it is often destructive of the whole personality of the victim. A murderer destroys the physical body of his victim, a rapist degrades the very soul of the helpless female. The courts, therefore, shoulder a great responsibility while trying an accused on charges of rape. They must deal with such cases with utmost sensitivity. The courts should examine the broader probabilities of a case and not get swayed by minor contradictions or insignificant discrepancies in the statement of the prosecutrix, which are not of a fatal nature, to throw out an otherwise reliable prosecution case. If evidence of the prosecutrix inspires confidence, it must be relied upon without seeking corroboration of her statement in material particulars. If for some reason the court finds it difficult to place implicit reliance on her testimony, it may look for evidence which may lend assurance to her testimony, short of corroboration required in the case of an accomplice. The testimony of the prosecutrix must be appreciated in the background of the entire case and the trial court must be alive to its responsibility and be sensitive while dealing with cases involving sexual molestations. ^{DO2} ➔ *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384 : 1996 SCC (Cri) 316.

⇒ Bench Strength 2 Coram : **Dr. A.S. Anand** and *S. Saghir Ahmad*, JJ. [Date of decision : 16-1-1996]

State of Maharashtra v. Chandraprakash Kewalchand Jain, (1990) 1 SCC 550 : 1990 SCC (Cri) 210, followed

CRIMINAL PROCEDURE CODE, 1973

- **Ss. 227, 228, 239, 240 & 226 and 482 - Framing of charge - Whether there was sufficient ground for proceeding against the accused - Test to be applied** - *Court not debarred from looking into any material produced by the accused at that stage - Hearing of accused not confined to oral arguments - Accusation by wife against her husband that he molested their infant child - Wife's attitude towards her husband found to be vengeful - In the circumstances of the case, possibility of the wife manipulating child's*

genitals in order to concoct medical evidence against the accused cannot be ruled out – Proceedings and charge framed by the Sessions Judge quashed and accused discharged – Penal Code, 1860, Ss. 354 and 376/511 – Child abuse

The appellant and his wife Anita were living in New York ever since their marriage. Before and after the birth of the children relationship between husband and wife was far from cordial. Husband alleged that his wife, in conspiracy with her father, had siphoned off a whopping sum from his bank deposits in India by forging his signature. He also alleged that his wife is suffering from some peculiar psychiatric condition. He approached a court at New York for securing custody of his children. On 31-10-1992 his wife left his house with the children and then filed a complaint with Suffolk County Police Station (United States) alleging that her husband had sexually abused Nikita who was then aged four. United States police at the local level moved into action, but after conducting detailed investigation concluded that the allegations of incestuous abuse were untrue. The appellant's wife returned to India with her children. In the meanwhile Family Court at New York has ordered that custody of the children be given to the husband and a warrant of arrest was issued against Anita for implementation of the said order. The appellant's wife came back to India and lodged an FIR on 14-8-1993 against her husband who had returned to India on 12-7-1993 and had filed a petition for a writ of habeas corpus for securing the custody of the children. On the basis of the FIR filed by the wife a case was charge-sheeted by the police. The Sessions Judge framed charges on two counts. First count in the charge was that appellant had outraged the modesty of his minor daughter aged about 3 years sometime during March and July 1991 at New Delhi by fondling with her vagina and also by inserting a bottle into it and thereby committed the offence under Section 354 of the IPC. Second count in the charge was that he made an attempt to commit rape on the said infant child (time and place being the same) and thereby committed the offence under Section 376 read with Section 511 of the IPC. Allowing the appeal by the special leave.

Held :

Consideration which should weigh with the Sessions Court at the stage of framing of charge have been well designed by Parliament through Section 227 CrPC. Section 228 contemplates the stage after the case survives the stage envisaged in the former section. When the court is of opinion that there is ground to presume that the accused has committed an offence the procedure laid down therein has to be adopted. When those two sections are put in juxtaposition with each other the test to be adopted becomes discernible: Is there sufficient ground for proceeding against the accused? It is axiomatic that the standard of proof normally adhered to at the final stage is not to be applied at the stage where the scope of consideration is where there is "sufficient ground for proceeding".

An incidental question which emerges in this context is whether the Sessions Judge can look into any material other than those produced by the prosecution. Section 226 of the Code obliges the prosecution to describe the charge brought against the accused and to state by what evidence the guilt of the accused would be proved. The next provision enjoins on the Sessions Judge to decide whether there is sufficient ground to proceed against the accused. In so deciding the Judge has to consider (1) the record of the case, and (2) the documents produced therewith. He has then to hear the submissions of the accused as well as the prosecution on the limited question whether there is sufficient ground to proceed. What is the scope of hearing the submissions? Should it be confined to hearing oral arguments alone?

Similar situation arises under Section 239 of the Code (which deals with trial of warrant cases on police report). In that situation the Magistrate has to afford the prosecution and the accused an opportunity of being heard besides considering the police report and the documents sent therewith. At these two stages the Code

enjoins on the court to give audience to the accused for deciding whether it is necessary to proceed to the next stage. It is a matter of exercise of judicial mind. There is nothing in the Code which shrinks the scope of such audience to oral arguments. If the accused succeeds in producing any reliable material at that stage which might fatally affect even the very sustainability of the case, it is unjust to suggest that no such material shall be looked into by the court at that stage. Here the 'ground' may be any valid ground including insufficiency of evidence to prove the charge.

The object of providing such an opportunity as is envisaged in Section 227 of the Code is to enable the court to decide whether it is necessary to proceed to conduct the trial. If the case ends there it gains a lot of time of the court and saves much human efforts and cost. If the materials produced by the accused even at that early stage would clinch the issue, why should the court shut it out saying that such documents need be produced only after wasting a lot more time in the name of trial proceedings. Hence, the Sessions Judge would be within his powers to consider even materials which the accused may produce at the stage contemplated in Section 227 of the Code.

But when the Judge is fairly certain that there is no prospect of the case ending in conviction the valuable time of the court should not be wasted for holding a trial only for the purpose of formally completing the procedure to pronounce the conclusion on a future date. Most of the Sessions Courts in India are under heavy pressure of workload. If the Sessions Judge is almost certain that the trial would only be an exercise in futility or a sheer waste of time it is advisable to truncate or snip the proceedings at the stage of Section 227 of the Code itself.

In the instant case the complaint made by the wife with the New York police that her husband committed sexual offences against her 18 months' old female child was investigated by the New York police who found the complaint bereft of truth hook, line and sinker. The present charge is that the appellant committed such offences against the same child at New Delhi sometime during March to July 1991. There is now no case of what happened in United States. The Sessions Judge should have noted that appellant's wife has not even remotely alleged in the complaint filed by her on 19-3-1993 before CAW Cell, New Delhi that the appellant has done anything like that while he was in India. Even the other complaint petition (on which basis the FIR was prepared) is totally silent about a case that the appellant did anything against his daughter anywhere in India.

Her attitude to the appellant, even dehors the allegation involving the child, was vengeful. The court can take into account the assertion of the petitioner that the present story involving the child was concocted by his wife to wreak her vengeance by embroiling him in serious criminal cases in India so that he could be nailed down here and prevent him from going back to USA.

Even overlooking all the inherent infirmities shrouding the testimony of a tiny tot speaking about what her father did when she was aged 3 and even ignoring the appellant's persistent submission that the little child was briskly tutored by her mother to speak to the present version, there is no reasonable prospect of the Sessions Court relying on such a testimony to reach the conclusion that the prosecution succeeded in proving the offence charged beyond all reasonable doubt.

Therefore, the proceedings and the charge framed by the Sessions Judge are quashed and the appellant is discharged. ^{D02}₆₉ ➔ *Satish Mehra v. Delhi Administration*, (1996) 9 SCC 766.

⇒ Bench Strength **2** Coram : *M.M. Punchhi* and **K.T. Thomas**, JJ. [Date of decision : 31-7-1996]

PENAL CODE, 1860

- **S. 376 - Rape - Casting stigma on the character of prosecutrix deprecated** - *Absence of hymen - Even if it be concluded that the prosecutrix was used to sexual intercourse prior to the rape, she had every right to refuse to submit herself to sexual intercourse against her will*

In the instant case the High Court after considering the medical evidence, while dealing with the question of rape opined :

"There is no direct evidence to show that the accused alone had sexual intercourse with her. The deceased was aged 16 years."

Held :

By using the word "alone" the High Court almost cast a stigma on the prosecutrix as if, apart from the appellant, there were other persons also who had sexual intercourse with her. There is no basis at all for such an assumption. There was no warrant for recording such a finding and if we may say so, with respect, the finding is an irresponsible finding. We express our strong disapproval of the approach of the High Court and its casting a stigma on the character of the deceased prosecutrix. Even if the Court formed an opinion, from the absence of hymen, that the victim had sexual intercourse prior to the time when she was subjected to rape by the appellant, she had every right to refuse to submit herself to sexual intercourse by the appellant, as she certainly was not a vulnerable object or prey for being sexually assaulted by anyone and this position becomes all the more clear from the contents of the letter written by the deceased to the accused deprecating the idea of a married man enjoying another woman by terming it an act of grave sin. ^{D02}₆₉ ➔ *State of A.P. v. Gangula Satya Murthy*, (1997) 1 SCC 272 : 1997 SCC (Cri) 325 : AIR 1997 SC 1588 : 1997 Cri LJ 774.

⇒ Bench Strength **2** Coram : **Dr. A.S. Anand** and **K.T. Thomas**, JJ [Date of decision : 19-11-1996]

PENAL CODE, 1860

- **S. 376 - Rape cases - Proof in** - *Duty of court to deal with such cases with utmost sensitivity - Minor contradictions or insignificant discrepancies in the statement of the witnesses should not be a ground for throwing out allegations of rape*

The courts are expected to show great responsibility while trying an accused on charges of rape. They must deal with such cases with utmost sensitivity. The courts should examine the broader probabilities of a case and not get swayed by minor contradictions or insignificant discrepancies in the statement of the witnesses, which are not of a fatal nature to throw out allegations of rape. This is all the more important because of late crime against women in general and rape in particular is on the increase. It is an irony that while we are celebrating woman's rights in all spheres, we show little or no concern for her honour. It is a sad reflection and it must be emphasised that the courts must deal with rape cases in particular with utmost sensitivity and appreciate the evidence in the totality of the background of the entire case and not in isolation.

^{D02}₆₉ ➔ *State of A.P. v. Gangula Satya Murthy*, (1997) 1 SCC 272 : 1997 SCC (Cri) 325 : AIR 1997 SC 1588 : 1997 Cri LJ 774.

⇒ Bench Strength **2** Coram : **Dr. A.S. Anand** and **K.T. Thomas**, JJ. [Date of decision : 19-11-1996]

State of Punjab v. Gurmit Singh, (1996) 2 SCC 384 : 1996 SCC (Cri) 316, relied on

PENAL CODE, 1860

– S. 376 – Complaint against a spiritual teacher that he committed rape on 3 girls at different times – High Court erred in discharging the accused merely on ground that the accused was a saintly old man who had thousands/millions of disciples all over India or that there was delay on the part of the victims in disclosing those illegal acts to their parents and police – They were not required to give detailed explanations while making complaint to the police

In the instant case the High Court was much influenced by the submission made on behalf of the defence that the accused is a saintly old man, who has renounced the world, who is engrossed in spiritual activity and who has thousands/millions of disciples all over India and, therefore, he was not likely to indulge in the illegal acts alleged against him. It failed to appreciate that it is not unusual to come across cases where the so-called spiritual heads exploit young girls and women who become their disciples and come under their spell. Moreover, the reasoning of the High Court that it also does not stand to reason that a saintly man who has thousands/millions of disciples all over India would commit sexual intercourse with the pracharak of his cult in the presence of his disciples stands vitiated because of the vice of misreading the statements. The three rape victims have nowhere stated that the accused had sexual intercourse with them in the presence of other disciples. The High Court gave too much importance to the conduct of the three victims and the delay in disclosing those illegal acts to their parents and the police. What the High Court has failed to appreciate is how a victim of such an offence will behave would depend upon the circumstances in which she is placed. It often happens that such victims do not complain against such illegal acts immediately because of factors like fear or shame or uncertainties about the reactions of their parents or husbands in case of married girls or women and the adverse consequences which, they apprehend, would follow because of disclosure of such acts. What the three girls had stated in their statements was not inherently improbable or unnatural. They have disclosed the reasons why they could not immediately complain about those illegal acts for such a long time. What the High Court has failed to appreciate is that while making a complaint to the police or giving their statements they were not required to give detailed explanations. ^{DO2}₆₉ ➔ *State of Maharashtra v. Priya Sharan Maharaj*, (1997) 4 SCC 393 : 1997 SCC (Cri) 584 : AIR 1997 SC 2041 : 1997 Cri LJ 2248.

↪ Bench Strength 2 Coram : G.N. Ray and G.T. Nanavati, JJ. [Date of decision : 11-3-1997]

PENAL CODE, 1860

– Ss. 376 and 511 or S. 354 – Applicable provision – Attempt to commit rape, held, not negated by mere absence of penetration – Contention that such a case would attract not Ss. 376 and 511 but only S. 354, rejected

The appellant contended that in absence of any penetration into the vagina it could not be held that the accused had attempted to commit rape on the prosecutrix, and that therefore, it would at most amount to an offence of indecent assault under Section 354 IPC. Rejecting this contention

Held :

The difference between preparation and an attempt to commit an offence consists chiefly in the greater degree of determination and what necessary to prove that an offence of an attempt to commit rape has been committed is that the accused has gone beyond the stage of preparation. If an accused strips a girl naked and then making her lie flat on the ground undresses himself and then forcibly rubs his erected penis on the private parts of the girl but fails to penetrate the same into the vagina and on such rubbing ejaculates himself

then it cannot be held that it was a case of mere assault under Section 354 IPC and not an attempt to commit rape under Section 376 read with Section 511 IPC. ^{DO2} ➔ *Madan Lal v. State of J&K*, (1997) 7 SCC 677 : 1997 SCC (Cri) 1151.

⇒ Bench Strength 2 Coram : G.N. Ray and G.B. Pattanaik, JJ. [Date of decision : 6-8-1997]

PENAL CODE, 1860

- Ss. 376 (as amended in 1983)/511 or 354 - Applicable provision - After finding the accused guilty under Ss. 376/511, even in absence of a charge under S. 376 read with S. 511, held, High Court should have convicted him under Ss. 376/511 by invoking S. 222, CrPC and not under S. 354 - Quantum of punishment - Determination of - Keeping in view the objects of 1983 amendment to S. 376, held, no person committing or attempting to commit rape should be allowed to escape punishment - Having found the accused guilty, the quantum of punishment must be decided in accordance with law without being influenced by the press, electronic media or public agitation, as a trial by such agencies is the very antithesis of rule of law - While imposing fine and apportioning the whole or part thereof to the victim, the damage caused to her and even to her family should be taken into consideration - Father of eighty-year-old daughter found guilty of attempting rape on a girl aged below twelve years and also found guilty under S. 57 of Bombay Children Act - High Court, however, setting aside the conviction under Ss. 376/511 and instead convicting him under S. 354 IPC and sentencing him to rigorous imprisonment for the period already undergone (only 33 days) and to a fine of Rs 40,000 of which Rs 25,000 was to be apportioned to the complainant (father of the prosecutrix in this case) - High Court upholding the respondent's conviction under S. 57 of the Bombay Act but restricting the sentence thereunder to the period of imprisonment already undergone - Matter coming up before the Supreme Court 11 long years after the incident and by then the fine imposed by the High Court having already been paid by the accused and the complainant having withdrawn his share of the fine - In such circumstances while converting the conviction of the accused from one under S. 354 IPC to that under Ss. 376/511 IPC, held, a sentence of five years' RI and a fine of Rs 40,000 would meet the ends of justice - Conviction and sentence under S. 57 of Bombay Children Act, however, affirmed - Criminal Procedure Code, 1973, S. 222 - Children Acts - Bombay Children Act, 1948 (71 of 1948), S. 57

The accused-respondent was convicted by the trial court for offences under Section 376 of IPC and Section 57 of the Bombay Children Act, 1948 for having committed rape on a girl of eight years of age on 24-9-1986 and sentenced to undergo rigorous imprisonment for 7 years and to pay fine of Rs 5000 and for offence under Section 57 of the Bombay Children Act he was sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs 500. The substantive sentences were ordered to run concurrently. The Bombay High Court upset the conviction under Section 376 IPC and sentenced him to suffer rigorous imprisonment which he had already undergone (which was 33 days in all) and to pay fine of Rs 40,000 out of which Rs 25,000 was directed to be paid to the complainant who was the father of the girl. The conviction for the offence under Section 57 of the Bombay Children Act was upheld but the sentence was reduced to the imprisonment already undergone. Cross appeals were filed against the High Courts decision. While the State of Maharashtra filed appeal against the conviction and sentence of the accused by the High Court praying for his conviction under Section 376 IPC and for enhancement of his sentence to a minimum of 10 years, the accused filed appeal against his very conviction and sentence under Section 354 IPC and Section 57 of the Bombay Children Act. On the question of sentence under Sections 376/511, IPC, the accused-respondent contended that when the offence was committed the accused had also a daughter of 8 years of age and that a long time had elapsed since the offence was committed and that a long time had elapsed since the offence was committed and that in terms of the judgment of the High Court the accused had already deposited Rs

40,000 out of which Rs 25,000 had already been withdrawn by the father of the prosecutrix. It was submitted that if the Court came to the conclusion that the sentence had to be enhanced then only the amount of fine could be raised. Dismissing the respondent's appeal and partly allowing the State's appeal.

Held :

The circumstances of the case show that the accused intended to commit rape on the girl. In the commission of that crime, he laid the girl on the seat in the Maruti car and then laid himself over her. He pulled down her knickers and also opened the zip of his pants and took out his male organ. He pressed his male organ on the private parts of the girl. But since he discharged, he could not penetrate and was unable to complete the offence of rape. However, it is clear that he did attempt to commit rape.

The High Court after having come to the conclusion that the accused was guilty of an offence under Section 376/511 of the IPC could not have convicted the accused for an offence under Section 354 IPC. Section 511 IPC provides punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment. In the instant case since the girl was under 12 years of age and the Sessions Judge having found that offence of rape had been committed could not have awarded sentence of 7 years when the law prescribes minimum sentence of rigorous imprisonment for a term not less than 10 years, unless exceptional circumstances existed. However, the State of the complainant did not come up in appeal in the High Court for enhancement of the sentence. Though there was no charge under Section 376 read with Section 511 IPC, under Section 222 CrPC when a person is charged for an offence he may be convicted of an attempt to commit such offence although the attempt is not separately charged.

The respondent's plea that in case the court took a decision to enhance the sentence the amount of fine could be raised, cannot be accepted. A heinous crime has been committed and the accused must suffer for the consequences. A rapist not only violates the victim's personal integrity but leaves indelible marks on the very soul of the helpless female. The girl of 8 years must have undergone a traumatic experience. Despite the 11 year long lapse of time after the offence, keeping the objects of the 1983 amendment to Section 376 of IPC in view, the law as it exists now and the decisions of the Supreme Court on the question of sentence, the message is loud and clear that no person who commits or attempts to commit rape shall escape punishment.

Considering the whole aspect of the matter, it has to be held that a sentence of five years' rigorous imprisonment and fine of Rs 40,000 will meet the ends of justice. The fine had already been paid, out of that Rs 25,000 has been withdrawn by the father of the girl as per direction of the High Court which is upheld. The conviction of the accused-respondent is converted from one under Section 354 IPC to that under Sections 376/511 IPC and he is sentenced as aforesaid. The conviction and sentence of the accused under Section 57 of the Bombay Children Act as ordered by the High Court shall, however, stand. The sentences shall run concurrently. ^{D02}₆₉ ➔ *State of Maharashtra v. Rajendra Jawanmal Gandhi*, (1997) 8 SSC 386.

⇒ Bench Strength 2. Coram : *M.K. Mukherjee and D.P. Wadhwa*, JJ [Date of decision : 11-9-1997]

CRIMINAL TRIAL

Where the prosecutrix, subjected to rape, stated the place of occurrence to be 20 feet away from the road but the FIR lodged by an advocate, after hearing the narration of the prosecutrix (whom he had found then to be scared, nervous and hesitant) mentioned the road as the place of occurrence, held, there was no major discrepancy amounting to contradiction under the circumstances of the case – More so when in her statement under S. 161 CrPC the prosecutrix had stated that the accused persons had taken her to a place

20 feet away from the road – Penal Code, 1860, S. 376 – Effect of minor discrepancy or variance in evidence – Criminal Procedure Code, 1973, S. 161 – Discrepancy or variance – Effect – Words and phrases – “discrepancy” and “contradiction” – Distinguished

The prosecutrix, a 55-year-old widow who was the mother of two grown-up children, was while coming back to her house after attending the marriage of a relation, criminally assaulted and subjected to forcible intercourse by the respondents. The first information report was submitted by her on the next day against the respondents. She was medically examined and her torn salwar was sent for chemical analysis. On medical examination various injuries were found on her person. The doctor was of the opinion that they reflected the signs of a struggle. The trial court convicted the accused persons under Sections 376(2)(g) and 323 IPC and sentenced them to undergo rigorous imprisonment for five years and to pay a fine of Rs 5000 each under Section 376 IPC and six months' rigorous imprisonment under Section 323 with a fine of Rs 500 each. The High Court reversed that decision. It acquitted Respondent 2 on the ground that his identity could not be established by the prosecution at the trial. It further held that the case against Respondent 1 was not proved beyond doubt as the medical evidence and the finding showed that no dead or alive spermatozoa was seen. Another circumstance which weighed with the High Court was that the sealing of the salwar was not properly established. Moreover, before the Supreme Court the respondent attempted to point out some discrepancies in the statement of the prosecutrix and other witnesses for discrediting the prosecution version. One of such discrepancies was that the prosecutrix had stated the place of occurrence to be 20 feet away from the road while in the FIR the place of occurrence was mentioned as the road. Upholding the acquittal of Respondent 2 but setting aside the acquittal of Respondent 1 and restoring his conviction by the trial court

Held :

Discrepancy has to be distinguished from contradiction. Whereas, contradiction in the statement of the witness is fatal for the case, minor discrepancy or variance in evidence will not make the prosecution's case doubtful. The normal course of the human conduct would be that while narrating a particular incident there may occur minor discrepancies, such discrepancies in law may render credential to the depositions. Parrot-like statements are disfavoured by the courts. In order to ascertain as to whether the discrepancy pointed out was minor or not or the same amounted to contradiction, regard is required to be had to the circumstances of the case by keeping in view the social status of the witnesses and environment in which such witness was making the statement. (Para 7)

The prosecutrix has categorically stated that she was dragged from the road down the path which was about 20 feet away from the road and raped there. The discrepancy or contradiction pointed out is that in the FIR which was submitted in writing and was in the English language, the place of occurrence was mentioned as road. Such mention was based upon recording of the complaint by an advocate after hearing the narration of the prosecutrix whom he found at that time to be scared, nervous and hesitant. Such a discrepancy cannot be held to be a major discrepancy amounting to contradiction under the circumstances of this case. It is not disputed that the statement of the prosecutrix under Section 161 CrPC was recorded immediately and in that statement she had not alleged to have stated that the occurrence had taken place on the road and not away from the road. (Para 9) ^{D02}₀₉ ➔ *State of H.P. v. Lekh Raj*, (2000) 1 SCC 247.

⇒ Bench Strength 2 Coram : *S. Saghir Ahmad* and **R.P. Sethi**, JJ. [date of decision : 2-11-1999]

Ousu Varghese v. State of Kerala, (1974) 3 SCC 767 : 1974 SCC (Cri) 243; *Jagdish v. State of M.P.*, 1981 Supp SCC 40 : 1981 SCC (Cri) 676; *State of Rajasthan v. Kalki*, (1981) 2 SCC 752 : 1981 SCC (Cri) 593; *Leela Ram v. State of Haryana*, (1999) 9 SCC 525 : JT (1999) 8 SC 274, relied on

CONSTITUTION OF INDIA

- Arts 21 and 51 - Right to "life" - Includes right to live with human dignity - Rape violates this right of women - Right to life is recognised as a basic human right - It has to be read in consonance with Universal Declaration of Human Rights, 1948, Preamble and Arts. 1, 2, 3, 5, 7, 9, Declaration on the Elimination of Violence Against Women, Arts. 1, 2, 3 and also Declaration and Covenants of Civil and Political Rights and Covenants of Economic, Social and Cultural Rights to which India is a party having ratified them - However, this right has to be subject to such restrictions as may be imposed in the interest of the nation and security of the State - Primacy of interest of the nation and security of the State will have to be read into the Universal Declaration as also Art 21 - Penal Code, 1860, S. 376 - International Law - When to be read as part of the municipal law.

Our Constitution guarantees all the basic and fundamental human rights set out in the Universal Declaration of Human Rights, 1948, to its citizens and other persons. The chapter dealing with the fundamental rights is contained in Part III of the Constitution. The purpose of Part III is to safeguard the basic human rights from the vicissitudes of political controversy and to place them beyond the reach of the political parties who, by virtue of their majority, may come to form the Government at the Centre or in the State. (Para 27)

The fundamental rights are available to all the "citizens" of the country but a few of them are also available to "persons". The word "LIFE" has also been used prominently in the Universal Declaration of Human Rights, 1948. The fundamental rights under the Constitution are almost in consonance with the rights contained in the Universal Declaration of Human Rights as also the Declaration and the Covenants of Civil and Political Rights and the Covenants of Economic, Social and Cultural Rights, to which India is a party having ratified them. That being so, since "LIFE" is also recognised as a basic human right in the Universal Declaration of Human Rights, 1948, it has to have the same meaning and interpretation as has been placed on that word by the Supreme Court in its various decisions relating to Article 21 of the Constitution. The meaning of the word "life" cannot be narrowed down. According to the tenor of the language used in Article 21, it will be available not only to every citizen of this country, but also to a "person" who may not be a citizen of the country. On this principle, even those who are not citizens of this country and come here merely as tourists or in any other capacity will be entitled to the protection of their lives in accordance with the constitutional provisions. They also have a right to "life" in this country. Thus, they also have the right to life, so long as they are here, with human dignity. Just as the State is under an obligation to protect the life of every citizen in this country, so also the State is under an obligation to protect the life of the persons who are not citizens. (Paras 28, 32 and 34)

However, the rights guaranteed under Part III of the Constitution are not absolute in terms. They are subject to reasonable restrictions and, therefore, in case of a non-citizen also, those rights will be available subject to such restrictions as may be imposed in the interest of the security of the State or other important considerations. Interest of the nation and security of the State is supreme. Since 1948 when the Universal Declaration was adopted till this day, there have been many changes - political, social and economic while terrorism has disturbed the global scenario. Primacy of the interest of the nation and the security of the State will have to be read into the Universal Declaration as also in every article dealing with fundamental rights, including Article 21. (para 35) ^{D02}₆₉ ➔ *Chairman, Rly. Board v. Chandrima Das*, (2000) 2 SCC 465.

⇒ Bench Strength 2 Coram : **S. Saghir Ahmad** and *R.P. Sethi*, JJ. [Date of decision : 28-1-2000]

Common Cause, A Regd. Society v. Union of India, (1996) 6 SCC 667; 1999 SCC (Cri) 1196; AIR 1999 SC 2979; *LIC of India v. Escorts Ltd.*, (1986) 1 SCC 264; AIR 1986 SC 1370; 1985 Supp (3) SCR 909; *Rudul Sah v. State of Bihar*, (1983) 4 SCC 141; 1983 SCC (Cri) 798; AIR 1983 SC 1086; (1983) 3 SCR 508; *Bhim Singh v. State of J&K*, (1985) 4 SCC 577; 1986 SCC (Cri) 47; AIR 1986 SC 494; *Peoples' Union for*

Democratic Rights v. State of Bihar, (1987) 1 SCC 265; 1987 SCC (Cri) 58; (1987) 1 SCR 631; AIR 1987 SC 355; *Peoples' Union for Democratic Rights v. Police Commr., Delhi Police Headquarters*, (1988) 4 SCC 730; 1990 SCC (Cri) 75; (1989) 1 Scale 599; *Saheli, A Women's Resources Centre v. Commr. of Police*, (1990) 1 SCC 422; 1990 SCC (Cri) 145; 1989 Supp (2) SCR 488; AIR 1990 SC 513; *Arvinder Singh Bagga v. State of U.P.*, (1994) 6 SCC 565; 1995 SCC (Cri) 29; AIR 1995 SC 117; *P. Rathinam v. Union of India*, 1989 Supp (2) SCC 716; 1991 SCC (Cri) 228; *Death of Sawinder Singh Grower, Re*, 1995 Supp (4) SCC 450; 1994 SCC (Cri) 1464; (1992) 3 Scale 34; *Inder Singh v. State of Punjab*, (1995) 3 SCC 702; 1995 SCC (L&S) 857; 1995 SCC (Cri) 586; (1995) 30 AIC 122; AIR 1995 SC 1949; *D.K. Basu v. State of W.B.*, (1997) 1 SCC 416; 1997 SCC (Cri) 92; AIR 1997 SC 610; *Nilabati Behera v. State of Orissa*, (1993) 2 SCC 746; 1993 SCC (Cri) 527; 1993) 2 SCR 581; AIR 1993 SC 1960; *State of M.P. v. Shyamsunder Trivedi*, (1995) 4 SCC 262; 1995 SCC (Cri) 715; 1995 4 Scale 343; *People's Union for Civil Liberties v. Union of India*, (1997) 3 SCC 433; 1997 SCC (Cri) 434; AIR 1997 SC 1203; *Kaushalya v. State of Punjab*, (1999) 6 SCC AT p. 754; (1996) 7 Scale (SP) 13; *Supreme Court Legal Aid Committee v. State of Bihar*, (1991) 3 SCC 482; 1991 SCC (Cri) 639; *Jacob George (Dr) v. State of Kerala*, (1994) 3 SCC 430; 1994 SCC (Cri) 774; (1994) 2 Scale 563; *Paschim Banga Khet Mazdoor Samity v. State of W.B.*, (1996) 4 SCC 37; AIR 1996 SC 2426; *Manju Bhatia v. New Delhi Municipal Council*, (1997) 6 SCC 370; AIR 1998 SC 223; 1997) 4 Scale 350; *Bodhisattwa Gautam v. Subhra Chakraborty*, (1996) 1 SCC 490; 1996 SCC (Cri) 133, relied on.

Satyanarayana Sinha (Dr) v. S. Lal & Co. (P) Ltd., (1972) SCC 696; 1973 SCC (Cri) 1002; AIR 1973 SC 2720; *S.P. Gupta v. Union of India*, 1981 Supp SCC 87; AIR 1982 SC 149; *People's Union for Democratic Rights v. of India*, (1982) 3 SCC 235; 1982 SCC (L&S) 275; AIR 1982 SC 1473; *Bandhua Mukti Morcha v. Union of India*, (1984) 3 SCC 161; 1984 SCC (L&S) 389; AIR 1984 SC 802; (1984) 2 SCR 67; *State of H.P. v. A Parent of a Student of Medical College*, (1985) 3 SCC 169; AIR 1985 SC 910; *Bangalore Medical Trust v. B.S. Muddappa*, (1991) 4 SCC 54; AIR 1991 SC 1902; (1991) 3 SCR 102, relied on.

Salomon v. Commrs. of Customs and Excise, (1996) 3 All ER 871; *Briind v. Secy. of State for the Home Deptt.*, (1991) 1 All ER 720 (HL), referred to.

SIT of India Ltd. v. CTO, AIR 1963 SC 1811; 1964) 4 SCR 99; *Hans Muller of Nuremberg v. Supdt., Presidency Jail Calutta*, AIR 1955 SC 367, 374; (1995) 1 SCR 1284; *Anwar v. State of J&K*, (1971) 3 SCC 104; AIR 1971 SC 337; (1971) 1 SCR 637; *Naziranbai v. State*, AIR 1957 MB 1; *Laxmi Prasad v. Shiv Pal*, AIR 1974 All 313; 1973 All LJ 832; *Sk. Md. Soleman v. State of W.B.*, AIR 1965 Cal 312; (1965) 1 Cri LJ 679; *Kubic Darusz v. Union of India*, (1990) 1 SCC 568; 1990 SCC (Cri) 227; AIR 1990 SC 605; *Kharak Singh v. State of U.P.*, AIR 1963 SC 1295; (1964) 1 SCR 332; *State of Maharashtra v. Chandrabhan Tale*, (1983) 3 SCC 387; 1983 SCC (L&S) 391; 1983 SCC (Cri) 667; AIR 1983 SC 803; (1983) 3 SCR 337; *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248; AIR 1978 SC 597; (1978) 2 SCR 621; *Board of Trustees of the Port of Bombay v. Dilip Kumar Raghavendranath Nadkarni*, (1983) 1 SCC 124; 1983 SCC (L&S) 61; AIR 1983 SC 109; (1983) 1 SCR 828, relied on.

State of Rajasthan v. Vidhyawati, AIR 1962 SC 933; 1962 Supp (2) SCR 989; *State of Gujarat v. Memon Mahomed Haji Hasam*, AIR 1967 SC 1885; (1967) 3 SCR 838; *Basawa Kom Dyamangouda Patil v. State of Mysore*, (1997) 4 SCC 358; 1977 SCC (Cri) 598; AIR 1977 SC 1749; *N. Nagendra Rao & Co. v. State of A.P.*, (1994) 6 SCC 205; 1994 SCC (Cri) 1609; AIR 1994 SC 2663; *State of Maharashtra v. Kanchanmala Vijaysing Shrike*, (1995) 5 SCC 659; 1995 SCC (Cri) 1002; 1995 AGJ 1021, relied on.

Kasturi Lal Ralia Ram Jain v. State of U.P., AIR 1965 SC 1039; (1965) 1 SCR 375, limited.

Bodhisattwa Gautam v. Subhra Chakraborty, (1996) 1 SCC 490; 1996 SCC (Cri) 133, relied on.

CRIMINAL PROCEDURE CODE, 1973

- S. 125 - Marriage - Proof of - Held, standard of proof in respect of, is not as strict as is required in a trial for offence of bigamy under S. 494 IPC - *Once it is admitted that a marriage procedure was followed, held, it is not necessary to prove that procedure was complete as per relevant rites - Appellant husband denying validity of marriage claiming that he underwent ceremony under duress (at knifepoint) - Held, on facts, High Courtrightly dismissed the appellant's revision application holding that according to the standard of proof required under S. 125 CrPC, Respondent 1 had succeeded in proving the marriage - Evidence Act, 1872, Ss. 103, 102 - Standard of proof of marriage.*

Respondent 1, B, filed an application under Section 125 CrPC for maintenance on behalf of herself and her daughter, Respondent 2. She contended that she and the appellant, D, underwent a marriage ceremony at the temple of Lord Jagannath at Nayagarh, in the presence of witnesses. After the ceremony, B was persuaded to continue staying at her parental home, because of the fear that the father of D may not accept her as his daughter-in-law. She was already in an advanced stage of pregnancy. She contended that D had taken a vow in the name of Lord Nilambhadhab Bijje that he would marry her. Only then had she agreed to enter into a sexual relationship with him. However, after her pregnancy became known, D went back on his word. Ultimately she went on hunger strike in front of D's office. Upon the intervention of various people, including the SDO, the marriage ceremony was arranged and held. Within 3 or 4 days she gave birth to a girl child, Respondent 2. B and D continued to live separately.

The appellant, D, contended that he had been forced to undergo the marriage ceremony at knifepoint. The trial court allowed the

Case Studies on Handling Violence Against Women*

CASE STUDY 1:

The incident occurred at around 9.15 p.m. one night. One lady reporter and her sister were on their way to the Defence Colony Market on a cycle-rickshaw when three middle-aged men in a silver-Grey Maruti (DL8CB4626) began tailing them.

They started passing obscene remarks. Then one of the men stretched out of the car window and touched her sister, the reporter said. At this point, the agitated women got off the rickshaw and one of them picked up a stone and hurled it at the driver. However, the stone missed him and landed under his seat. This made them furious. The car zoomed towards them at a high speed, it screeched to a halt right next to the women, and the occupants began yelling abuses.

Fortunately, two police officers on a motorcycle came to the spot to check what was wrong. He was told that the men were harassing them and that they wanted to lodge a complaint. On this, they were told to go to the Police Assistance Booth in the Defence Colony market and were escorted by these two police officers.

The Sub-Inspector operating the assistance booth asked both the parties to give their sides of their story. When they heard that the women had thrown stones at them, he flared up. He started shouting, 'HOW DARE THEY THROW STONES AT THE MEN, IT AMOUNTED TO CRIMINAL OFFENCE.' He refused to hear that it was in self-defence. Why did not they wait for the police to rescue them, he said. Forget about admonishing them, the SI did not utter a word against those men.

At this stage, the flabbergasted reporter disclosed she was a journalist and was well aware of her rights, She reminded him that the former Police Commissioner, Sri Nikhil Chopra had in fact asked citizens to first protect themselves before they run to the police for help. The SI's expression changed immediately.

The men were detained for two hours and made to write apologies for harassing them. No FIR was lodged. The Station House Officer was on his rounds and was not available for comments. The participants were asked to read the following case and delve on the questions given below:

1. Was it the right way to handle the case?
2. Should the justice being meted out differ in case of an influential person viz. a common person?

CASE STUDY 2:

Laxmi (19 years) belongs to a lower caste and lives in village Nurpur. Two young boys were following her for some time and one of the boys (son of the local Zamindar) even solicited her but she refused. One fine morning, Laxmi was picked up by the two boys and kept in confinement with very little food for two days and was repeatedly raped. Laxmi's father went to the police station to lodge a FIR. The FIR was not registered and he was asked to come the next day. He was abused and told that his daughter's character was doubtful and that she deserved this treatment. Next day, her father again went to the police station with some of his friends to get the FIR lodged. The police refused and got angry with the poor father to have brought so many people to bear pressure on the police. They threatened to put her father in the lock up. The poor father had no alternative but to leave. He approached a woman's welfare organization and got the FIR registered. This

Prepared by Mrs. Kalpana Amar, Secretary, Govt. of India, Dept. of Training (See, Reading Material on Training of Trainers on Gender Sensitization for Police Personnel, pp 17, 18, 52).

made the police act and Laxmi was rescued but the boys were not arrested. This reporter interviewed a few villagers and all, except those of the lower caste, felt that this woman deserved to be humiliated this way and the boys did the right thing to teach her a lesson.

Questions:

1. How would you rate the performance of the police in a scale of one is to ten (when 10=highest)?
2. List at least 3 key acts that the police should have performed against what they actually did?
3. Can you think of the reasons why the police performed these 3 acts the way they did?
4. If you represented the DCP office, what actions would you take to help the force to perform in a more desirable manner in the future?
5. Select two of the most priority suggestions?

Performance Need Assessment

Mr. Vinay Kumar Intrah*

Performance improvement is a step by step method to analyze performance problems and set up a system to ensure good performance. Performance Improvement Approach would enable the participants to apply the gender analysis method and identify problems and strengths, which are meaningful.

It takes a **holistic view of performance issues**. The provider of services is not viewed in a vacuum, but as part of a system. By using factors that affect performance, we are better able to identify specific interventions to link the components of that system to improve performance.

Factors influencing performance can be categorized into:

- Information: expectations and feedback
- Environment and tools
- Motivation and incentives
- Organisational support
- Skills and Knowledge
- Information: Job expectations and performance feedback
- Accurate position/task description; system for providing regular/constructive feedback on job performance.
- Environment - physical tools: facilities, supplies, and materials
- Motivation/incentives.

Systems, strategies, and tactics to stimulate and sustain desired performance

- Organisational support

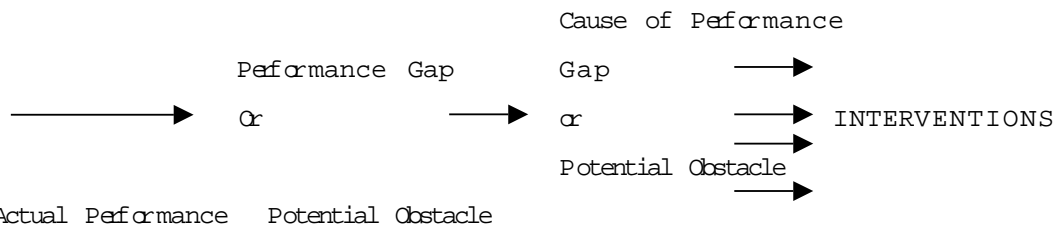
The mission and goals, how work fits goals, culture and values, management systems, protocols and procedures, communication and processes.

- Knowledge and skills

Systems and interventions to address information and competencies a worker needs to do a job.

PI Needs Assessment Matrix

Desired performance



* See, Training Material of Gender Training Institute, New Delhi.

The above matrix helps us to identify the current level of performance and the desired level of performance (it is applicable to individuals as well as organizations). Once we are able to identify the gap between the two it becomes essential to chalk down the cause of present performance and identify the obstacle to desired level of performance. When we are in a position to identify the causes for current performance then we can incorporate certain interventions (through a cost benefit analysis) this would help to overcome the obstacle.

The Performance Improvement practitioner focuses on the desired performance, improved organizational result, and is not attached to any type of intervention to get there.

Methodology of DNA

- Define the Desired Performance, in objective terms quantity and quality indicators.
- Define the current level of performance, in the same terms
- Describe the performance gap represented by the difference between the two
- Prioritize the gaps, to work on the most important first
- Complete a careful Root-Cause Analysis to determine what's causing the gap
- For each cause, begin mapping possible interventions, with a focus on those that are most sustainable and cost efficient.
- Brainstorm possible interventions
- Eliminate unfeasible interventions
- Perform simple cost-benefit analysis for possible interventions
- Prioritize intervention list
- Recommend intervention (S)

In order to identify the performance of the participants in their capacity as part of the law enforcement machinery, the facilitator gave a case study to different groups and asked them to analyze the case based on the questions given below.

Strategic Objectives under each of the 12 Critical Areas of Concern Mentioned in the Beijing Platform for Action*

A. Women and Poverty

Strategic Objective

- A.1. Review, adopt and maintain macroeconomic policies and development strategies that address the needs and efforts of women in poverty.
- A.2. Revise laws and administrative practices to ensure women's equal rights and access to economic recourses.
- A.3. Provide women with access to savings and credit mechanisms and institutions.

B. Education and training of women

- B.1. Ensure equal access to education
- B.2. Eradicate illiteracy among women
- B.3. Improve women's access to vocational training, science and technology, and continuing education.
- B.4. Develop non-discriminatory education and training.
- B.5. Allocate sufficient resources for and monitor the implementation of educational reforms.
- B.6. Promote lifelong education and training for girls and women.

C. Women and health

- C.1. Increase women's access throughout the life cycle to appropriate, affordable and quality health care, information and related services.
- C.2. Strengthen preventive programmes that promote women's health.
- C.3. Undertake gender-sensitive initiatives that address sexually transmitted diseases, HIV/AIDS, and sexual and reproductive health issues.
- C.4. Promote research and dissemination information on women's health.
- C.5. Increase resources and monitor follow-up for women's health.

D. Violence against women

- D.1. Take integrated measures to prevent and eliminate violence against women.
- D.2. Study the causes and consequences of violence against women and the effectiveness of preventive measures.
- D.3. Eliminate trafficking in women and assist victims due to prostitution and trafficking.

* See, *Fourth World Conference on Women, Beijing, 1995.*

E. Women and armed conflict

- E.1.** Increase the participation of women in conflict resolution at decision-making levels and protect women living in situations of armed and other conflicts or under foreign occupation.
- E.2.** Reduce excessive military expenditures and control the availability of armaments.
- E.3.** Promote nonviolent forms of conflict resolution and reduce the incidence of human rights abuse in conflict situations.
- E.4.** Promote women's contribution to fostering a culture of peace.
- E.5.** Provide protection, assistance and training to refugee women, other displaced women in need for international protection and internally displaced women.
- E.6.** Provide assistance to the women of the colonies and non-self governing territories.

F. Women and economy

- F.1.** Promote women's economic rights and independence, including access to employment, appropriate working conditions and control over economic resources.
- F.2.** Facilitate women's equal access to resources, employment, markets and trade.
- F.3.** Provide business services, training and access to markets, information and technology, particularly to low-income women.
- F.4.** Strengthen women's economic capacity and commercial networks.
- F.5.** Eliminate occupational segregation and all forms of employment discrimination.
- F.6.** Promote harmonization of work and family responsibilities for women.

G. Women in power and decision-making

- G.1.** Take measures to ensure women's equal access to and full participation in power structures and decision-making.
- G.2.** Increase women's capacity to participate in decision-making and leadership.

H. Institutional mechanisms for the advancement of women

- H.1.** Create or strengthen national machineries and other governmental bodies.
- H.2.** Integrate gender perspectives in legislation, public policies, programmes and projects.
- H.3.** Generate and disseminate gender-disaggregated data and information for planning and evaluation.

I. Human rights of women

- I.1.** Promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination against Women.
- I.2.** Ensure equality and non-discrimination under the law and in practice.
- I.3.** Achieve legal literacy.

J. Women and the media

- J.1.** Increase the participation and access of women to expression and decision-making in and through the media and new technologies of communication.
- J.2.** Promote a balanced and non-stereotyped portrayal of women in the media.

K. Women and the environment

- K.1.** Involve women actively in environmental decision-making at all levels.
- K.2.** Integrate gender concerns and perspectives in policies and programmes for sustainable development.
- K.3.** Strengthen or establish mechanisms at the national, regional and international levels to assess the impact of development and environmental policies on women.

L. The girl-child

- L.1.** Eliminate all forms of discrimination against the girl-child.
- L.2.** Eliminate negative cultural attitudes and practices against girls.
- L.3.** Promote and protect the rights of the girl-child and increase awareness of her needs and potential.
- L.4.** Eliminate discrimination against girls in education, skills development and training.
- L.5.** Eliminate discrimination against girls in health and nutrition.
- L.6.** Eliminate the economic exploitation of child labour and protect young girls at work.
- L.7.** Eliminate violence against the girl-child.
- L.8.** Promote the girl-child's awareness of and participation in social, economic and political life.
- L.9.** Strengthen the role of the family in improving the status of the girl-child.

Human Development Report 2000*

THE GLOBAL GENDER GAP: MEASURING INEQUALITIES BETWEEN MEN AND WOMEN

The Human Development Report 2000 urges nations to commit themselves to gender equality in order to unleash the energy and productive capabilities of women around the world.

To help nations monitor their progress in closing the gender gap, recent editions of the Human Development Report have presented two measures of the disparities in opportunities for men and women in countries around the world. The findings of this year's report include:

- ❑ The "Gender-related Development Index" or GDI measures 143 countries' achievements in life expectancy, educational attainment and income and compares the status of men and women. Canada tops the GDI rankings. Norway is second and Australia third, followed by United States and Iceland.
- ❑ Niger falls at the bottom of the GDI. Burkina Faso ranks next to last and Ethiopia third from the bottom. These countries also rank near the bottom in overall human development.
- ❑ In most countries, GDI values are lower than values on a "Human Development Index", which measures people's well-being.
- ❑ Gender inequality often accompanies "human poverty", which reflects limited choices and opportunities. Niger, Burkina Faso and Ethiopia for example are at the bottom of the GDI rankings. They also report the worst human poverty measured by a "Human Poverty Index" or HPI.
- ❑ The "Gender Empowerment Measure", or GEM, examines women's access to professional, economic and political opportunities. Among the 70 countries ranked by the GEM, Norway, Iceland, Sweden and Denmark hold the top spots, one through four.
- ❑ Some developing countries outperform much richer industrialized countries in gender equality in political, economic and professional activities.

Source : Human Development Report, 2000.

Films Relating to Gender Issues

- 1 Sansodan – Empowerment of women through Panchayat Raj Institutions
- 2 Nasreem-o-Nasreem – Violence against women
- 3 Now I will Speak – A story narrated by raped victim
- 4 Bandit Queen – A film covering various gender issues
- 5 Ankur – A film covering various gender issues
- 6 Udaan – A T.V. serial on several challenges faced by women police officers

Guidelines for Police Training on Violence Against Women and Child Sexual Abuse*

COMMONWEALTH SECRETARIAT

SECTION I - EVIDENCE AND INVESTIGATION TECHNIQUES

The quality of evidence gleaned in the course of any police investigation must, particularly investigations in the context of sexual assault, predict the outcome of any prosecution. Quality evidence can only be achieved through quality investigation. The London Metropolitan Police in the UK has concluded that quality investigation will only occur where officers are appropriately trained. Training in the specifics of sexual assault is available in this form for all offices of Inspector level and all female offices. The primary aim of this warning is to address the myths of rape and introduce officers to rape trauma syndrome. It is believed that much of the attitudinal problems police face with respect to sexual assault stems from the limited legal definition of rape, which may suggest to police that only a very serious physical attack followed by sexual assault will meet the definition. Officers are further attitudinally set by the continued legal requirement of corroboration. Officers are warned that it is their responsibility to make sure the forensic specialists take the right samples.

Officers are also warned to realize that the crucial point of success or failure of a trial for sexual assault will be the demeanor of the complainant in court. As this is so, it is critical to prepare her for what will happen in court and thus the Metropolitan Police works closely with a scheme set up in UK called the "victim support scheme" a scheme which aims to provide by the use of trained volunteer counselors, support for victims of crime generally.

The Metropolitan police has no specialized unit to deal with rape and sexual assault, but the investigation is conducted by a detective inspector from the relevant local station. The investigation follows this pattern:

- i) Preliminary interview with the complainant. At this point, no statement is taken. This interview is generally short and general, aiming to give the investigation officers an idea of the magnitude of the offences.
- ii) Lengthy interview with complainant with a woman officer: This can take as long as necessary. The aim being a comprehensive, lengthy statement. If the report is early, a medical examination occurs. This is very comprehensive and will be framed by the statement. Currently, the Metropolitan is developing a protocol to guide the medical examination.
- iii) The scene of the crime and the women's clothing is examined. Disposable clothing is provided and in most cases the statement and examination occurs at one of the victim examination suites in London. These seek to provide the woman with a comfortable, non-threatening place in which to make her statement. They are furnished as an apartment would be and include a place for the medical examination, showering facilities and cooking facilities. Care is taken so that the complainant feels individual, thus account is taken of ethnicity and appropriate facilities are provided. Any examination will be conducted, if possible, by a trained woman doctor, if the complainant so prefers.
- iv) The suspect, protected in the UK by the 1984 Police and Criminal Evidence Act, is interviewed. This is recorded contemporaneously in longhand. This is now moving to tape recording as the longhand interview provides the suspect with an advantageous time to think.

* Source : Commonwealth Secretariat

- v) The suspect will be kept out of the same vehicle as the woman and the same station. He will be examined by a different doctor.

Special techniques for investigation may need to be drawn upon where child sexual abuse is concerned. Police need to be aware why children may refuse to report such abuse to anyone and how a 'child centred' approach, incorporating puppets and comics, for example may be effective. However, such effectiveness will depend on the awareness and training of the particular officer. As in sexual assault generally, the statement of the complainant is of crucial importance in securing a conviction. Police must receive specific training so that they can provide the best statement possible which avoids inappropriate language, excludes irrelevant material, is complete and well recorded and does not merely paraphrase the child.

Guidelines :

- Quality evidence is essential for a successful prosecution. This evidence can only be acquired through accurate investigation. The quality of the evidence and investigation depends on the training of the investigator.
- Investigation and evidence collection in sexual assault cases are hampered by the myths surrounding such crimes and legal provisions, which unnecessarily limit the definition of such crimes as they impose unnecessary corroborative requirements.
- The success of a prosecution for sexual assault may ultimately depend on the quality of the complainant's statement. Specific training must be introduced so that officers are able to provide the best statement possible. Specific problems of investigation and evidence collection and statement taking in cases of child sexual abuse must be addressed and imaginative techniques used to combat such difficulties.
- Accurate packaging and labeling of samples are critical. Officers must be trained to appreciate the integrity of samples.

SECTION II - MEDICAL AND FORENSIC EVIDENCE PROCEDURES

In cases of sexual assault frequently forensic evidence is critical in securing a conviction. Complainants of such assaults find the experience that they are forced to undergo in order to provide this essential evidence is sometimes as harrowing as the original assault.

A number of countries in the Commonwealth have attempted to ameliorate this problem, seeking to render the medical examination required for the gathering of the vital evidence as pleasant as practically possible. In the United Kingdom two models have emerged one hospital based. Both, however, seek to provide a more pleasant atmosphere in which to examine the woman and both seek to provide her with the most trained forensic expert so that her examination produces the best possible evidence. Further, both seek to put the complainant in touch with other services, such as services for sexually transmitted diseases and counselors.

Guidelines :

- Forensic evidence is often crucial in prosecutions for sexual offences.
- Frequently the circumstances in which such evidence is gleaned predicts the integrity of such evidence.
- Forensic and medical evidence may be easily lost. Police training must emphasize the importance of care in the collection of such evidence and the importance of continuity in the control of such evidence.

- The training of police and of forensic scientists must be coordinated so that each profession is aware of the issues confronting the other.
- Medical personnel should be trained in such a fashion that they can supply a support network for the police.

SECTION III - LIAISON WITH NON-POLICE ORGANISATIONS AND REFERRAL AGENCIES

Sexual assault of women and children are crimes and as such the police role is crucial. However, these crimes are singular crimes presenting problems for the complainants which are not entirely legal and presenting difficulties for law enforcement officials for which they are not adequately prepared. Abused children, for example, lose self esteem and trust and police personnel are not trained to deal with this. In sexual crimes, also, follow-up treatment of the complainant is essential. Although an investigation may appear to be complete and conviction acquired, treatment of the abuse will not be until well after the trial. Because of the singular nature of sexual crimes, effective case management and investigation may require coordination with non police agencies, such as social services.

The police have had significant experience of cooperation and coordination with hospitals and medical personnel, but coordination with other agencies is more recent. In some jurisdictions, this coordination has been taken so far that investigation of child sexual abuse is undertaken jointly by the social services and police (see, for example, H.M.S.O; Child Sexual Abuse: Joint Investigation Project: Final Report London: 1987). While in most coordination has been confined to using counseling agencies to help complainants come to terms with the assault. No matter what form the coordination takes, careful management is essential. A multi-disciplinary approach is very valuable in the context of sexual crimes, but careful protocols must be introduced to prevent the complainant from being re-victimized by having to repeat her complaint to a number of agencies. Clearly, training of all agencies involved is essential, it being particularly essential that other agencies be trained to understand the police perspective. Critical also is the development of clear protocols to encourage sharing of information between agencies but which protects confidentiality at the same time.

Guidelines:

- Sexual crimes are singular crimes requiring the use of skills beyond those of the police. Such crimes benefit from a multi disciplinary approach.
- Liaison with non police agencies must be carefully managed both to protect the complainant and achieve the best results for her.
- This liaison can be important not only in the management in particularly cases but also as a means to train the police and other organizations. For example, perspectives of rape crisis centers should be well known by the police and taken account of seriously.
- Liaison with other agencies requires face to face meetings to encourage interagency cooperation and to tease out any misunderstanding which may develop between different disciplines.
- Police, non police organizations and referral agencies should share as much information as possible, at all times protecting the confidential of the complainant.
- Care should be taken to determine whether the concept of confidentiality is being used at the expense of the complainant.
- While police should closely liaise with non police bodies in the context of sexual crime, it must not be forgotten that these assaults are criminal and must be prosecuted. It is essential, therefore, that the police retain control in any situation where liaison is advocated.

CHAPTER - 9

**READING MATERIAL
FOR
GENDER SENSITIZATION TRAINING**

AN INTRODUCTION TO THE SITUATION OF INDIAN WOMEN*

From Mexico to Copenhagen on to Nairobi and finally to Beijing, is just two decades of contemporary social history. In terms of time frame, two decades of social history constitute a very short span. However, if one looks at the history of the struggle for women's rights both in India and in the world, this period has been one of the most eventful. From the fervent feminism of the sixties to the introspections on women's status in the seventies, to women-in-development debates in the eighties and to focus on gender issues in the nineties, has been a momentous but short transition. From women's problems to women's issues, finally to women's perspectives, there has been a whole reshaping of paradigms of development.

The Heritage

1. Home for over 400 million women, a country acknowledged for its plurality of traditions, customs and institutions and proud of its heritage of eclecticism, India's contribution to the global women's debate has been rich, diverse and in many ways unique. Like the many contrasts that India's long and variegated history mirrors, the image of the Indian woman is also far from uniform. Nothing would therefore be more inaccurate than to try and posit a generalized picture of the Indian woman across social, economic and cultural spaces. The formidable task is to try and capture these contributions, experiences and struggles of Indian women, their achievements, their concerns, their despairs, their perspectives and their visions.
2. The principle of gender equality has been basic to Indian thinking for over a century. The nineteenth and twentieth centuries saw a succession of women's movements, first around burning social issues like women's education and widow remarriage and then around the freedom struggle itself. The Fundamental Rights Resolution of the Indian National Congress in 1931 adopted gender equality as a guiding principle. A deep concern with the status of women and the recognition that the progress of the nation is integrally linked with the advancement of women, have under-pinned Indian planning and polity since Independence. Mahatma Gandhi was a champion of women's rights. He emphasized that, "subjugation and exploitation of women was a product of men's interested teachings and woman's acceptance of them." To this, women for all walks of life responded magnificently. The leaders of the nation recognized that a freedom gained without the active involvement of women would be a hollow and fragile freedom and called upon women to place the nation above family and faith and "enter the struggle as crusaders in a sacred cause." The Constitution of India, adopted in 1950, not only grants equality to women, but also empowers the State to adopt measures of affirmative discrimination in favour of women. The Constitution further imposes a fundamental duty on every citizen to uphold the dignity of women.

Present Scenario

3. India has come a long way since Independence. The democratic framework, multi-party system and freedom of association and speech have encouraged free and frank debate on policies and programmes between Government and the public.
4. The Indian experience in improving the quality of life of the people and promoting equity provides a wealth of ideas and practices for new directions for the future. The achievements are significant and reflect the efforts made in all directions: the thrust towards poverty eradication, investment in social and economic infrastructure, spread of extension services, information dissemination and strengthening of

* Source : *Fourth World Conference on Women, Beijing, 1995 - Country Report*

institutions - social, economic and political - both Governmental and Non-Governmental. This political and administrative framework has also ensured space for reflection and accommodation of the diversity and heterogeneity of India.

5. A deep concern about the rights and status of women has marked Indian political thinking. A striking feature in India society has been the symbiotic and mutually complementary relationship that has developed over the years between Government, women's movement and Non-Governmental organizations. The women's movement in India continuously interacts with and influences public opinion and Government action. This is a tribute both to the maturity of thinking within Government and the movement and to the deep-rooted democratic tradition of this nation.
6. Following this tradition and in response to a request from the United Nations the Government of India in 1971 appointed a Committee on the Status of Women in India (CSWI) to examine all questions relating to the rights and status of women in the context of changing social and economic conditions in the country. The Committee, comprising, among others, eminent representatives of the women's movement, raised basic questions about the socialization processes inherent in a hierarchical society, about the resource, power and asset distribution patterns and about diverse cultural values of this country. In its report "Towards Equality", it made several important recommendations and also stressed the need for special temporary measures to transform the de-jure equality guaranteed by India's Constitution and legal edifice into de-facto equality.
7. A significant outcome of these policy debates in social and economic fields and advocacy efforts of the women's movement in the seventies was a shift in recognition from viewing women as targets of welfare policies in the social sector to regarding them as critical groups for development. This recognition was reflected in the 6th Five Year Plan (1980-85) which contained, for the first time in India's planning history, a chapter on Women and Development. The 6th Five Year plan, conceived of a multi-pronged strategy as essential for women's development - (a) employment & economic independence; (b) education; (c) access to health care and family planning; (d) support services to meet the practical gender needs of women and (e) the creation of an enabling policy, institutional and legal environment.
8. In India the search for an organizational structure to coordinate efforts towards equality had commenced with the setting up the Central Social Welfare Board in 1953 and the concept of a National Machinery has been evolving ever since. A separate Department of Women & Child Development was set up in 1985 under the newly created Ministry of Human Resource Development. The decade since Nairobi has seen the growth of many new institutions to interact and to add to the network that today comprises India's national machinery.
9. All efforts of the Government have been directed towards mainstreaming of women into the national development process by raising their overall status-social, economic, legal and political. The impact of various developmental plans, policies and programmes have brought about perceptible improvement in this regard.
10. Significant gains in respect of women's health status have been achieved. Expectancy of life for females at birth has risen. The sex-differential in Infant Mortality rate has now been almost bridged. Maternal Mortality Rates have also been showing a declining trend. Similarly, in the field of education, there has been a distinct orientation in favour of women's equality and empowerment. As for employment and work participation, there has been a marked rise as reflected in available statistics.

11. The crowning achievements of this decade have been the 73rd and 74th Constitutional Amendments (1993) which guarantee women a minimum 1/3 representation in all local bodies both in the rural and urban areas and also reserve, in one single stroke, 1/3 of all posts of Chairpersons for women.

Critical Areas of Concern

12. Such achievements, notwithstanding, women still comprise the largest section of population living in absolute poverty and they represent the poorest of the poor. Gender discrimination today, though amongst the most subtle, is one of the most all pervading forms of deprivation. A most telling demographic symptom of such deprivation is the persistence of an adverse sexratio which declined from 934 females per 1000 males in 1981 to 927 females per 1000 males in 1991. Gender violence, both societal as well as domestic, continues unabated.
13. Women continue to be in marginal employments and low levels of skills, their contribution being largely "invisible". The prevailing social construction of gender largely relegates women to the inside sphere. Reproduction and responsibilities of nurturance, management of a fragile environment, and low paid or unpaid but heavy work responsibilities in agriculture, animal husbandry and other traditional sectors create a syndrome of gender stereotypes, marginalisation, alienation and deprivation. One of India's greatest poets, Rabindranath Tagore, had expressed the pain and inequity of the situation more than half a century ago, thus,

*"O Lord why have you not given woman the right to conquer her destiny?
Why does she have to wait head bowed,
By the roadside, Waiting with tired patience,
Hoping for a miracle in the morrow?"*
14. Although India and this region have contributed the first and the majority of women Heads of Government and Heads of State in the world, most women, as in the rest of the world, continue to be excluded from decision-making processes. The exclusion pervades all levels - Government, corporate, societal and household. Such exclusion ipso facto excludes participation in the overall development process. Lack of access to social entitlements further exacerbates poverty. Preoccupation with survival strategies in a marginalized state of existence becomes a major preoccupation. Low self esteem, institutionalized subordination in society, ignorance of laws, and above all threat of violence creates a vicious intergenerational cycle of poverty and deprivation.
15. Lack of education, information, lack of training and low levels of literacy aggravate the situation of deprivation. Women are thereby excluded not merely from political, social and economic power but knowledge power as well. Therefore, while comprising half of humanity, "contributing 2/3rds of the world's work-hours, she earns only 1/3rd of the total income and owns less than 1/10th of the world's resources". If the objectives of development are to enlarge peoples' choices, and increase people's capabilities to exercise such choices, nowhere is the challenge more stark and daunting than in the case of poor women. What makes the situation most complex is a general societal inability to be able to discern this aspect of inadequacy of the development response. Many women themselves are often conditioned and brow-beaten into insensitivity and unquestioned submission to biases and discriminations which they end up viewing as socially ordained and irrevocable. As for men, they go around blind, seeing and yet not seeing anything.

16. It is this ideology of patriarchy and the accompanying culture of silence which need to be challenged and broken if development is to touch the lives of women.

Looking Ahead

17. It is the empowerment strategy which is today emerging as an unique Indian response to the challenges of equality, development and peace. If women are to be empowered, it is necessary to provide an expanding networking of support services so that they are freed from some of their gender related shackles. If women are to be economically empowered, they are to be provided with additional channels of credit, training, employment, greater visibility, management skills and social security. If women are to be politically empowered, the immediate imperative is to resort to different forms of affirmative discrimination so that their voices are heard. If women are to be given access to knowledge, power and resources, they should be empowered to demand such education and knowledge resources. If women are to be persons in their own right, they must be in control of their own bodies and suitably empowered.
18. New innovations however are invariably accompanied by new threats and fresh challenges. While Indian women are slowly emerging as active agents participating in and guiding their own destinies, there are certain global developments with major domestic implications which again threaten to marginalize women economically and technologically. The international economic order with its accompanying reverse flow of resources from the poor South to the rich North, the globalization of media, the global technological revolution and the economic restructuring process that invariably accompanies the race towards a free market economy, today have the potential of imposing a disproportionately high burden on poor women. During the last few years, this has emerged as an area of concern both within the Government as well as outside.
19. The last decade of the 20th century has seen the emergence of gender as one of the basic issues of human progress. Concern over the status of women has permeated both thinking and rhetoric. The immediate need to capture women's insight for solving basic problems of poverty, illiteracy, environmental degradation and violence is being felt increasingly and at different levels. The challenges before us is to use this concern and this increased awareness to break the stereotypes and shibboleths of the past and move towards a new generation of men and women working together to build a better world for all of us and posterity.

PROFILE OF THE STATUS OF WOMEN*

An assessment of the status of Indian women, based on standard socio-economic development indicators related to demography, health, nutrition, mortality, education and employment, is provided below:

Population

1. The 1991 Census counted 407.1 million females against the male population of 439.23 million constituting just less than half (48.09%) of the total population of India (846.30 million). Female population grew at a slower pace of 23.37% during the decade 1981-91 against a decadal growth rate of 23.85% of the total population.

Sex Ratio

2. The sexratio which was 972 females per thousand males in 1901 has declined to 927 in 1991. The decline has been more or less steady over the decades, except for a marginal rise between 1941 and 1951 and a small rise, more recently, between 1971 and 1981.
 - 2.1. The adverse sexratio for females and its decline since 1901 is attributed mainly to higher mortality among females, as compared to males, in all age groups right from childhood through child-bearing ages. Limited access to the health infrastructure contributing to high maternal mortality and relative deprivation of the female child from nutrition, health and medical care have also been identified as some of the other contributory factors.
 - 2.2. The increase in the sexratio from 930 in 1971 to 934 in 1981 was expected to rise further in 1991. But in 1991 the sexratio declined to 927, a level lower than that of 1971. This trend was noticed in the sexratio for the 0-6 years age group population which declined from 976 in 1961 to 945 in 1991. Such a steep decline in the sexratio in the early ages of life in a short span of 30 years raises concern. It would appear that sexratio is declining even at birth. Further analysis would be possible only when the age distribution of the 1991 census population becomes available.
 - 2.3. The adverse sexratio for women needs to be seen against other indicators of falling mortality rates for both men and women, higher child survival rates and the improvement of life expectancy, which is more significant for women than for men. The improving health care in India should contribute to a more favourable sexratio for the country in the years to come. Among the factors that would remain to be resolved however, would be the persistent bias in favour of the male child.

Age Structure of the Population

3. The 1991 age structure of female population shows a shift from the very high proportion of children into a higher proportion of adults in the working age group. The percentage of children in the age-group 0-14 years among females has declined from 39.8% in 1981 to 35.9% in 1991. Similarly, male children in 0-14 year age group have also declined during the decade. This is primarily due to decline in fertility and mortality rates, improved chances of child survival and the population as such showing the trend of growing from 'young' into 'adult' in demographic terms. On the other hand, the percentage of women in the working age group 15-59 years shows a rise from 53.9% in 1981 to 57.8% in 1991 mainly due to the relative decline in child population. This also indicates a relative increase of women in the reproductive age group 15-49. The pattern of changes over the decade is similar for both males and females except in 60+ age group.

* Source : Fourth World Conference on Women, Beijing, 1995

Life Expectation at Birth

4. The country has taken big strides in the first half of the 20th century towards eliminating natural calamities like famine and fighting communicable diseases and vaccine preventable diseases of early childhood that took an overall heavy toll of life. Consequently, the expectancy of life at birth has improved and mortality for almost all ages has declined sharply.
- 4.1. Life expectancy for females which was 23.96 years at the beginning of the century has risen to around 58.1 years during in 1986-90. Life expectancy for females which was slightly higher than that for males in the first half of the century lagged behind between 1961 to 1980. Thereafter since 1981, female life expectancy rose fast to overtake that of males. During 1986-90 life expectancy was 58.1 years for females as against 57.7 for males.

Health, Nutrition and Mortality

5. The development of health facilities and establishment of Primary Health Centres in rural areas across the country during the fifties provided the much needed health services to the people. The Family Planning Programme was launched with the objective among others, of reducing the birth rate to the extent necessary to stabilize the population at a level consistent with the requirement of the national economy. Packaging maternal care, antenatal, natal and postnatal care of the mother and child, more intensive health care including special nutrition and immunization paid dividends. These measures contributed to further decline in mortality, bringing down to death rate to 19.0 during the decade 1961-71.
- 5.1. During the seventies, Government took a number of steps to improve the health status of the population, especially women. Primary Health Centres (PHCs) and Sub-Centres were expanded throughout the country for better reach of health services. By September 1993, there were 21,000 PHCs, 131,000 Sub-Centres and 2000 Community Health Centres (CHCs) having beds with specialist facilities.
- 5.2. During 1975-76, a major initiative of the Government was the launching of Integrated Child Development Services (ICDS) Scheme. The coverage under the scheme has been increasing and by June, 1995, 17.81 million children and 3.82 million mothers were benefiting from the Scheme.
- 5.3. As part of the overall strategy for improving the health status of women and children in the country and reducing the maternal, infant and child mortality - a programme called Child Survival and Safe Motherhood (CSSM) was launched in 1992-93.
- 5.4. The impact of these special interventions has reduced the death rates for both sexes. A significantly sharp decline may be noticed in the mortality/death rates amongst female children in the 0-4 age group from 55.1 in 1970 to 28.2 in 1992. The overall death rate of female population has also declined from 15.6 in 1970 to 9.7 in 1991 showing a slight rise to 10.2 in 1992. There is a further decline i.e. 9.3, in the death rate of overall population in 1993.
- 5.5. These achievements in female health and mortality in the last decade are largely due to major interventions in the health sector. The immunization programme was universalized in a phased manner during the Seventh Five Year Plan period i.e. 1985-90. A Technology Mission mode was adopted to provide priority, urgency and better coordination. All the districts in the country were progressively covered by the programme by 1990 the reported coverage levels for 1993-94 was over 92% immunization in each of the three antigens viz, DPT, OPV and BCG, 88% in measles and 82% in TT for pregnant women.

- 5.6. The immediate impact of the Technology Mission for immunization has been the sharp fall in Infant Mortality Rate (IMR) in the latter half of the 1971-81 decade both for female and male children. The IMR for females has fallen from 13.1 in 1978 to 80 in 1992, while, IMR for their male counterpart also shows a sharp decline from 123 to 79 during the same reference period. The IMR has had another sharp fall to 74 in 1993, wherein the gender disaggregated rates are not yet available.
- 5.7. The National Plan of Action for the Survival, Protection and Development of children in pursuance of the World Summit on Children and the Plan of Action for the Girl Child for the decade 1991-2000 being implemented during the decade are expected to further bring down the infant and child mortality rates for females.
- 5.8. The age-specific death rates for female population declined for all age groups. Despite significant decline in mortality in overall population and simultaneous improvement in life expectancy at birth, there is still relatively quite a high proportion of deaths taking place amongst children of 0-4 years. The 0-4 mortality has been higher for female children during the eighties. Age-specific death rates also declined for males in almost all age groups but the decline in the case of females was greater. During 1979-81, female death rates were higher than male death rates for the younger age groups up to 30-34, whereas for the groups above 35 years a reverse trend is noticed. Due to the greater decline in female mortality during the decade by 1989-91, female death rates were higher than male death rates only upto the age group 25-29 and beyond age 30 female deaths were lower. Further, the gap between male and female death rates at younger ages upto 35-39 years is narrow while for ages beyond 40 years, the gap widened because of lower female death rates.

Age at Marriage

6. Traditionally, attainment of puberty has played an important role in determining the age at marriage for girls. By the age of 25-29 years, more than, 90% of women were married in 1992. About 30% females who were married off at younger ages were still in their teens.
- 6.1. The mean age at marriage for females which was around 13 years at the beginning of the century rose to 18.3 years by 1981. The mean age at 'effective marriage' for females was 19.5 years in 1992. The Child Marriage Restraint Act, 1976 raised the minimum age at marriage of girls to 18 years from 15 years and for boys to 21 years. This was intended to prevent child marriages, early marriage of girls and consequent early pregnancies and thereby curtail fertility at young ages and birth of premature babies. Acquiring higher education and greater employment by women have also played a role in raising their age at marriage.

Fertility

7. The population of India has been growing at around 2% or more per annum since the decade ending 1961. Despite the fall in birth rates, the growth rate continued to rise during the fifties and sixties and has remained above 2% even upto the end of the last decade. The fall in birth rate was slower than the fall in death rate.
- 7.1. In the earlier decades of the century when fertility levels were high, women unsure of child survival rates, bore a very heavy burden of repeated pregnancies. Child-bearing and child caring started from an early age of 15 years and continued all through the reproductive span of life upto 45 years of age. Age at marriage was low and rarely did some one remain unmarried. Neonatal and infant mortality were also very high resulting in a great deal of wastage in reproduction.

- 7.2. The crude birth rate (CBR) was very high, at 50 per thousand population, in the early part of the century. The pace of decline in birth rate has been relatively slow during the last two decades. It declined from 36.8 in 1970 to 28.7 in 1993. This pace of decline in birth rate was slower in urban areas.
- 7.3. The age-specific fertility rates declined for women in all age groups between 1981 and 1991, but not uniformly. The decline was small for the peak fertility ages 20-29. The reduction in fertility rate was significant for the age groups above 30. The reduction at ages above 30 years were substantial for rural areas between 1981-91. This shrinking of the age span of fertility among urban women especially after 35+ years facilitated their joining other productive activities.
- 7.4. Total fertility rate declined from 4.5 births in 1981 to 3.6 in 1991 leaving much scope for further reduction.

Literacy

8. Despite intensive efforts of the State during the last four decades to improve the literacy levels, the achievement has not been completely satisfactory. Literacy has shown substantial increase from 18.33 in 1951 to 52.51 in 1991. The sex differentials in literacy however, have been throughout consistent and pronounced.
 - 8.1. Over the four decades (1951-91), female literacy has however, gone up five times i.e. from 8.86 in 1951 to 39.29 in 1991. During the decade 1981-91 in particular, female literacy increased at a relatively faster pace (9.6) than male literacy (7.5%)
 - 8.2. There are wide regional variations too, ranging from near universal literacy in Kerala to 20.8% female literacy in Rajasthan. Rural-urban differentials in literacy are also wide. The literacy rate for rural areas is 44.7 against 73.1 for urban areas in 1991. Female literacy in rural areas at 30.6 is still very low and is less than half of the literacy rate in urban areas.
 - 8.3. Girls' enrolment in schools has increased greatly and consistently at all levels. At the primary stage, girls enrolment has increased nine-fold from 5.4 million in 1950-51 to 46.4 million in 1993-94 and at the upper primary/middle stage over thirtyfold from 0.5 million in 1950-51 to 15.7 million in 1993-94. At the high/higher secondary stage it increased from 0.2 million to 8.1 million over the same period. A substantial increase in school enrolment at the higher level indicates improvement in girls education which is very significant for their all-round development status.
 - 8.4. Not only has girls' school enrolment increased but the percentage of girls in total enrolment has also improved at all stages over the years. Between 1950-51 and 1993-94 the percentage of enrolment of girls rises from 28.1% to 42.9% at the primary stage, from 16.1% to 39.3% at the middle/upper primary stage and from 14.3% to 34.6% at high/higher secondary stage. These trends show a fairly rapid advance at all levels.
 - 8.5. Enrolment ratios, i.e. the percentage of enrolment to the population in the relevant age group have also risen for girls at both primary and upper primary levels. Girls' enrolment has increased by 88% at primary levels and by 96.8% at upper primary level during the period 1951-94.
 - 8.6. Though school enrolment ratios have been rising high rates of drop-outs, particularly of girls still continues to be a major problem. During 1993-94, little more than 1/3(39%) of the number of girls enrolling at the primary stage dropped out before completing primary level and about more than half of

them (about 57%) dropped out before completing upper primary levels and of the remaining 43% who reached the high/higher secondary stage, another 10% dropped out before completing the school stage. Thus, only about 32% of girls entering the primary stage reach the end of schooling. High drop outs rates amongst girls are embedded in the socio-cultural and economic factors.

Employment

9. Expansion of employment opportunities has been an important objective of development planning in India. It is realized that larger and efficient use of available human resources is the most effective way to achieve poverty eradication, reduction in inequalities and sustenance of a reasonably high pace of economic growth.
- 9.1. Women contribute greatly to the economy. Employment of women is an index of their economic status in society, specially with reference to equality. According to the Census data, the work participation rate (i.e. the proportion of employed or total workers to population) of females steadily rose from 14.22% in 1971 to 19.67% in 1981 and to 22.27% in 1991. The rise in work participation of rural females has been even steeper from 15.92% in 1971 to 26.79% in 1991. The rise in work participation of urban females over the two decades is somewhat less impressive. During the 1991 Census, conscious efforts were made to count women workers more completely and remove their invisibility. This could be one of the reasons for the increase reflected in the work participation rates between 1981-91.
- 9.2. Out of the 22.27% female work participation in 1991, main workers contributed 16.03% and marginal workers 6.24%. While participation of main workers increased between 1981 and 1991 both in rural and urban areas, marginal work participation increased only in rural areas but remained unchanged in urban areas at around 1%. It is significant to point out that women constituted 90% of the total marginal workers. Regional variations are wide - the female total work participation rate ranging from as high as 34% to as low as 4% among the major states.
- 9.3. The distribution of female main workers by industrial categories shows a change in the pattern of activity of females between 1981 and 1991. Cultivators among main workers have increased from 33% to more than 34% in 1991 and agricultural labourers have declined from 46% to almost 45%. This shift is seen both in rural and urban areas.
- 9.4. In the household manufacturing industry, the percentage of female main workers has decreased from 4.6% in 1981 to 3.5% in 1991. The corresponding decrease in urban areas is from 10.4% to 7.5%. Another significant change is the increase in percentage of main workers in "Other Services" from 6.9% to 8.3% and the corresponding change in urban areas from 37% to 40%.
- 9.5. Women's employment in the organized sector has revealed significant increase from 1.9 million in 1971 to 4.0 million in 1993, constituting 14.6% of the total employment of 27.18 million. Of these 2.47 million women i.e. about 62% were employed in the public sector and 1.6 million i.e. 38% in the private sector. As compared to women in the organized sector, the representation of men is almost six times more. About 56% of women's employment in the organized sector is in community, social and personal services, 16% each in transport, storage and communication and financing, insurance, real estate and banking services. Of the total employment of women, the organized sector employment forms only 4%, whereas, for men, organized sector employment constitutes 10% of total employment.
- 9.6. An overall representation of women in the labour force still remains low for various reasons such as change in the definition of 'workers' since 1981 Census. Low percentage of workers may also reflect

a higher capacity of the working population to support a large number of dependents and may be due to growing magnitude of unemployment in general.

- 9.7. Unemployment, according to the Planning Commission, measures involuntary idleness. It does not include invisible unemployment or under employment, that is the situation with very low levels of productivity and income. The structure of the workforce with dominance of self employment and the primary sector, where work sharing is common, also tends to depress unemployment rates. A few salient features of the unemployment situation in India relate to higher incidence of unemployment in urban areas as compared to rural areas.
- 9.8. A matter of great concern is the unemployment rates for female workers in recent years. The rate of unemployment is more significant for urban females at 4.7% compared to 0.3% for rural females. The same trend is visible for current weekly status of unemployment which stood at 2.1% for rural females and 5.3% for urban females in 1990-91. The unemployment rates for current status also presents a similar trend, i.e. increasing for urban females even more than urban males and almost stagnant for rural females.
- 9.9. At the end of 1994, the number of women on the live register of the Employment Exchanges in the country was 80.90 lakhs as against 78.50 lakhs at the end of 1993.
- 9.10. Several factors account for this situation. Among these are absence of appropriate skills. Women also tend to get easily displaced by new technologies and are either pushed out or pushed down when job requirements call for skilled and trained persons. With the introduction of new macro economic policies skill and vocational training for women assume key importance.
- 9.11. Other more recent indicators of human development and gender empowerment such as participation in economic and political structures are similarly adverse for women. These are taken up in the following chapters.
- 9.12. Making women equal partners in the national development processes and equipping them to make informed choices in order to actualize their self-worth through empowerment are goals to which the Government is committed. There is a long way to go, but the endeavour is ceaseless.

GENDER RELATIONS FRAMEWORK : INSTITUTIONAL ANALYSIS IN INDIA*

Social Relations in the Family/Household

Picture of the ideal household :

The ideology of the household is that of altruism. It is believed to operate on the principles of cooperation, sharing, trust, loyalty and sacrifice. It is believed to be a haven of love, acceptance and warmth for the members. It is said to provide a nurturing, secure and protected environment for the growth and development of children. A fair distribution of, and shared access to resources, is expected. It is believed that this is complementary to the tasks performed by men and women within the household.

The following section presents an analysis of the practices within the household and to some extent, the community, the rules underlying these practices and their implications for the distribution and utilization of resources among members.

Practice, Ideology, Resource distribution in the family - an analysis :

The analysis is limited to caste Hindu society. Examination of the practices within other caste/religious/class groups will show differences. However, they will be marginal and will always reflect the position of women in that society.

Birth rituals

The birth of a boy child is ceremonially celebrated in most parts of India. In Rajasthan it takes the form of banging a 'thali' (metal plate) to announce the news to the community. In caste Hindu Maharashtra families, it calls for the distribution of "pedhas" as opposed to "barfi" in the case of girls.

The social rule behind these practices is the ideology of the 'male breadwinner', an additional pair of working hands. Added to this, is the fact that the boy or "Kuldeepak" - ensures the continuation of lineage in a patrilineal society. Since the boy child is the repository of the family's aspirations, his access to resources is guaranteed.

Feeding Practices

Male preference is evidenced in the feeding practices of young children. Boys are breast-fed for longer periods of time. Data from the Punjab reveal that 75 per cent of severely malnourished children in the age group 0-5 years were girls (source : Nutrition in Punjab - CARE, 1974). Further, infant mortality is higher among boys for the period from birth to 1 year, and higher among girls for the period 1-5 years. This indicates that girls' access to food resources is limited.

In most Indian families, women eat only after the men have eaten. In poor families, the quantity of food available to women is limited. Studies indicate that the nutritional status of women is considerably lower than that of men.

* Source : Reading Material prepared by the Yeshwantrao Chavan Academy of Development Administration, Pune on 'Gender Issues'

The beliefs underlying differential access to food are that:

1. Men work harder, perform physically strenuous tasks and therefore require more food.
2. Men are the breadwinners and therefore have first right to food.

The linkages between rules, practice and distribution of resources are reproduced as follows:

Male Breadwinner	Women eat less	Lower nutritional status
Tougher jobs		
Belief that they cannot do		Less stamina
Physically exhausting jobs		physically weak
	Less	
	Physical	
	Hard work	

Female infanticide and amniocentesis

The practice of female infanticide in the Madurai district of Tamil Nadu, parts of Rajasthan and Bihar has been well documented. Female children are killed at birth by inflicting wounds, suffocation, starvation or feeding of poisonous herbs.

In urban areas, sex determination tests are followed by abortion in the case of the foetus being female. In Bombay, out of 10,000 abortions performed after sex determination tests, 9999 were female fetuses. The ideology of the 'male breadwinner', results in women being treated as liabilities instead of assets, thereby making them dispensable commodities.

Dowry

Female infanticide is also linked to the practice of dowry, which is paid to the bridegroom by the bride's father at the time of marriage. It is widely practiced in Tamil Nadu, Bihar, Andhra Pradesh, Punjab and many other parts of India.

Ideology		Practice
Male breadwinner	Male: asset	Dowry as
Winner	Female : Liability	Compensation for
		The transfer of the
		Liability to
		Son-in-law

Practice and resource implication
 Female foeticide and infanticide to
 Conserve family resources for the boy

Puberty

Puberty signifies the readiness of the girl for her reproductive role. It marks her entry from girlhood to the threshold of womanhood. The occasion is ceremonially celebrated in different parts of India. In Maharashtra and Tamil Nadu the girl is dressed up in new clothes and thereafter graduates from wearing skirts to wearing saris. In North India the girl has to be in 'purdah' (veil).

Girls are withdrawn from school. This is reflected in the high drop out rates among girls in the age group 10-14 years. Among caste Hindus in Maharashtra, puberty marks the seclusion of girls to the domestic sphere. Girls are restrained from participation in sports and outdoor activities and from interaction with members of the opposite sex. They are groomed to become 'Sugruhinis' (talented housewives). The ideology of the 'Griha Laxmi' (Queen of the home) and the 'Karta Purush' (householder/provider) defines identities of masculinity and femininity. The mobility restrictions on the girl ensure that the social rule of chastity is adhered to. Patrilineage is thus guaranteed. Similar restrictions do not operate for boys, who are in fact encouraged to participate in the public domain.

Education

The ideology of the "domesticated housewife" is used to justify the irrelevance of education for girls, added to which, is the belief of the girl being "parayadhan" (other people's property). Since returns of investment in the education of girls do not accrue to their natal families, it is considered a luxury. The denial of educational resources to women in turn, limits their employment opportunities and their economic contribution, reinforcing the concept of the 'male breadwinner'.

The kind of education that girls can undertake are also determined by the roles they are 'destined' to play. The low proportion of women in technical streams reflects this bias.

Marital arrangements

Marriages are arranged through caste and kinship networks in most parts of India. The leadership role is taken by the male elders or by the girl's father. The ideology of the woman as 'property' maximizes reliance on appropriate forms of femininity. Thus, the bride is expected to be younger, fairer, prettier and shorter than the groom.

The relocation or physical transfer of the bride from her natal family to her husband's family is a characteristic feature of Indian Society. This follows from the patrilineal structure. The ideology of 'paraya dhan' means that the girl renounces her rights to her natal home and its assets once she gets married. In her husband's family, she often becomes the 'stranger bride' with no access to the social networks or resources of the natal home.

The Hindu marriage rite of 'Kanyadan' (giving away of the bride) institutionalizes the transfer of the girl as 'property' from the father to the son-in-law. The bride takes the name of the husband's family.

In the issue of domestic violence, these practices limit the choices available to isolated women to escape from the scene of evidence, because she is not welcome back in her natural home. The support from new networks (in-laws) is not forthcoming because she is the 'stranger bride'. Her lack of education constrains her entry into the labour market, where she can access resources.

Sexual division of labour within the household

The ideology of the 'housewife' determines that women are expected to perform domestic and reproductive tasks such as cooking, cleaning, collection of fuelwood, care of milch animals, collection of water, child bearing and child rearing. Men on the other hand are expected to provide for the family and protect it from outside threat.

This creates the roles and responsibilities the father-provider disciplinarian decision maker and the mother-child bearer - nurture-implementer, particularly in their co-interactions with children.

If women are exclusive careers of the household, it restricts their mobility, contact with the outside world, the kind of jobs they can do in the market place and their participation in community activities. Women are thus constrained by their reproductive role and domestic tasks in their access to community and state resources.

The tasks that are performed by men and women are considered masculine and feminine respectively.

'Karva Chauth', 'Vat Savitri' and 'Tij'

'Karva Chauth', 'Vat Savitri' and 'Tij' are similar customs in different parts of India, where women fast to ensure longevity and prosperity for their husbands. The women observe these customs not only for sentimental reasons but also because they are totally dependent upon their husbands as 'breadwinners'. They would be unable to take care of themselves in the absence of the husbands especially as they have no access to economic resources.

'Raksha Bandhan', 'Bhai Duj', 'Bhaubeej' and 'Karma'

Just as 'Karva chauth' applies to relations between husbands and wives, 'raksha bandhan' applies to relations between brothers and sisters. The sister symbolically acknowledges the brother as her protector in exchange for giving him her undying loyalty. Karma, a practice in Bihar requires a sister to fast for the long life of her brother. In the event of a husband's death or desertion, and the absence of adult male children, the brother assumes the role of protector/provider. These practices reinforce the rules of 'male breadwinner' and 'female dependent'.

'Jitiya'

Jitiya (Biharni custom) defines the relationship between mother and son. The mother fasts to ensure a long life and prosperity for her son. It is evident that in the absence of the husband, the son has to assume the role of protector/provider.

Inheritance

Inheritance is governed by lineage considerations. By and large, Indian society is patrilineal. Hence, land, house and other assets are customarily transferred to the eldest son or divided among the sons. When there are no male children, the son-in-law can assume the role of the son and become a 'ghar-jamai'. This means that upon marriage, the son-in-law relocates himself within the father-in-law's household thereby acquiring his assets.

According to the Hindu code bill the daughter has a right to an equal share of her father's earned wealth but no share in his inherited wealth. This reflects unequal access in principle. In resource-poor families land is the only asset but the women have no right over it since it is inherited. Further, even if the women do have a right to paternal earned wealth they often forego it in return for long term protection from the brother. They also do not have the right of partition of property if there is a dwelling house on it.

Thus, women's access to resources from inheritance is also limited reducing her options in times of crisis, such as family violence.

Community bodies/panchayats

Community panchayats provide for collective adjudication. They exist to ensure stability of the community and also mediate in disputes relating to marriage, the family and ownership of property. They ensure

compliance through social sanctions such as ostracism. Since stability is the rule, panchayats uphold existing division of resources. Representation of women on community panchayats is almost non-existent because men have a place and a role to play in the public domain whereas women do not, based on the division of responsibilities. At the same time even when elected bodies of state are gender neutral and allow for entry of women, their unfamiliarity with the public domain, lack of exposure, illiteracy and domestic constraints prevents their entry into areas of power and decision making.

Women's unequal access to resources within the household reduces their bargaining power and accordingly influences their participation in the decision making process, thus ensuring that their interests are never represented and the status quo is maintained.

The next section begins with the popular conception of the labour market as gender neutral and then goes on to examine the validity of this position through existing practices of entry, exit and mobility within the occupational hierarchy. It also reflects upon the impact of the gendered social relations within the household upon the market.

Social Relations in the Market

Ideal Picture

Maximisation of profit is the primary goal of the market. It is ruled by market forces of supply and demand. In principle, it is class and gender neutral wherein labour is required for the production of goods and services. It is therefore open and allows for free entry of both men and women. In a free market, compensation for production and goods and services is determined by market forces.

Practices, Ideology, Resource Distribution: An Analysis Overview

The profile of women's employment in India reflects that:

1. On average women earn lower wages than men and work fewer hours. They are concentrated in the informal sector and make up a disproportionately large section of the part-time labour force.
2. There exist large enclaves of female only employment, such as in the electronics processing zones.
3. Women are employed primarily in agriculture, the service sector and work mainly in low value added industries.
4. Women are less formally skilled than men. Therefore, they do not have access to technical jobs. They are mainly employed in sectors where the caring and nurturing attributes assigned to them are considered requisite.
5. More women are employed in the unorganized sector.
6. Women are grossly under-represented in trade unions.
7. Since the work they do is often invisible, is of seasonal nature in the unorganized sector they are underenumerated as workers in census data. They are also not considered as independent wage earners for the family but only as supplementers of the family income.

Entry into the labour force

Men and women enter the market on different terms. The ideology of gender roles that exists within the household precludes their entry into the market. Strongly entrenched conceptions of the male as the

breadwinner/provider and the woman as the nurturer/carer act as an exclusionary device to keep women from entering the wage labour market.

In practice, women are expected to undertake wage employment only if they complete their household chores and manage the dual responsibility of homemaker and labourer. This has direct implications for the kinds of jobs women are able to take up. They are constrained from entering sectors which require touring, involve long absences from the home; night shifts; and overtime. The under-representation of women in the army, the police force as compared to 339 out of 4209 in IAS and 21 of 2418 in IPS and the merchant navy illustrate this. Women who enter the market thus choose areas where timings are flexible such as domestic help and rag picking; or where timings are fixed such as clerical departments in banks, the railways or teaching.

As mentioned earlier in the section on households, women have restricted access to education, particularly technical education. This resource constrain determines the point at which women enter the market in the occupational hierarchy. Among the apprenticeship trainees in India only 308 engineering graduates were women compared to 3,796 men and 830 diplomat holders were men compared to 11,714 men. Only 13,486 out of 178, 554 trainees in the Industrial Training Institute were women (source : Women in India, Statistical Profile, Government of India, Delhi 1988).

Social interpretation of the different capabilities of men and women also determine the kinds of jobs that women can take up in the labour market. Of the women employed in the organized sector only 16% were engaged in manufacturing while 57.2% were employed in community social and personal services (source : Profile of Women Labour, Government of India, 1983).

Thus, sectors that replicate the domestic role of child rearing and care of the infirm and disabled, and those that require social relations skills extensively employ women. This is evidenced by the high proportion of women in the teaching and nursing professions, in housekeeping sections and as receptionists in hotels and among cabin crew in airlines. Women often find it easier to enter the market through these sectors.

The sex role typecasting of the male/leader/provider can be seen in the same fields where men are employed as doctors, pilots and managers, in positions of responsibility and authority. The data show that 10,493 out of 18,083 advocates were men while only 11 out of 380 Judges of the High Courts were men (source: Women in India, Statistical Profile, Government of India, Delhi 1988).

Protective legislations promulgated by the state often express social norms and restrict the entry of women into certain sectors which are deemed hazardous to women's reproductive role. Employment of women is thus banned in mines, factories requiring night shifts and in atomic energy.

Employers are also reluctant to employ women because they are entitled to maternity benefits. Further, there is no provision for women to take breaks during their reproductive phase and then rejoin the workforce. Often this creates an either/ or situation for women.

The ideology of the male breadwinner also gives rise to trade unions employing exclusionary methods to keep women out of the waged labour force except in sectors where the jobs appeal to men. Since most trade union leaders are men they are sympathetic to this ideology. The membership of women in state trade unions and central trade unions was only 8.38% and 3.06% respectively (1977). Unfortunately even the women who get into trade unions are very sympathetic to women's issues, since to survive in the unions they have to devote all their time and energy to class issues and labour management struggles. They may also not be in a position to influence policy.

Constrained opportunities for waged labour employment for women in the organized sector are evidenced in the data which reveal that of those employed in the organized sector only 13.7% were women. It has been estimated that only 6% of all women workers are employed in the organized sectors. This suggests that households dependent solely or predominantly on women's incomes are likely to be extremely poor.

Thus, it follows that women find it easier to access the labour market through the unorganized and informal sectors. These sectors are characterized by casual and seasonal forms of employment, low entry costs, extremely low levels of remuneration and poor conditions of work eg. Waste collection (rag picking); piece rate work; beedi rolling; sugar-cane cutting; construction labour; collection of minor forest produce; weaving; and home based activities.

Practices within the Market Place

Differential wage rates

Men and women command different wages in the labour market. This operates in two ways:

1. Different wages for the same work
2. Induction of women into sectors where wages are low.

The social rule underlying this practice is that men undertake hard physical labour. The role stereotyping of man as the 'breadwinner' leads to women being paid less. It also gives rise to the impression that women are supplementary wage earners. The state supports this practice through the payment of differential minimum wage rates for workers on public works such as road building, minor irrigation works, large irrigation projects, etc.

The large proportion of women employed in ancillary industries and electronics export processing zones is justified on the grounds that women have nimble fingers. In fact, the difficulty that women face in getting jobs in the mainstream sectors pushes them into these low paid, often part time, low perk jobs.

Enclaves of female only employment

In Calcutta and other major cities an unknown number of women assemble chemical, electrical and electric components in their homes or in roadside sheds. The components are then transmitted onwards to household name companies. The women are characterized as unskilled or semi-skilled workers.

Evidence suggests that employers prefer female workers believing them to have the requisite characteristics for the work. These include a 'natural tendency' to docility rather than militancy and this means that employers hold the view that it is cheaper to employ female labour.

For reasons such as this, the growth of some new technologies has favoured women at the expense of organized male labour - but at a very high cost. Both wages and working conditions are very poor (see Banerjee, 1985).

Exclusive seasonal employment of women is also seen in agriculture where women are employed as tea pickers on plantations and for transplanting rice.

Women are also concentrated in sectors where employment is casual and payment is made on a piece rate basis eg. the garment, packaging and printing industries.

Mobility within the organizational hierarchy

The belief that some women are highly emotional and cry when upset translates into the rule that they are not fit to occupy managerial positions. Out of total female workforce of 76 million women, only 2% were found to occupy managerial and administrative positions (source: UN, 1991). Apart from the fact that they are considered unsuitable for responsible jobs, they also experience difficulty in coping with demanding jobs and combining the roles of mother, wife and employee.

	Men (India)	Women
IAS	4,209	339
IPS	2,418	21
IFS	480	53
Judges (Supreme Court)	16	1
Chartered Accountants	43,700	934

An examination of the recruitment policies for women in the police force reveals that they are not inducted into mainstream policing jobs but are given so called 'soft jobs'. These include airport security, administration, juvenile aid police units, escorting women prisoners and 'bandobast duties'. The training provided to women is different from that provided to mainstream policemen. The promotional opportunities for policewomen are also limited to these jobs.

'Last hired, first fired'

Studies have shown that women are the first to be retrenched during economic recession or in times of industrial crisis. This practice is rooted in the belief that men are the breadwinners and should be retained while women can be dispensed with since they are supplementary income earners. This practice has been observed in the textile and jute industries when they were in the doldrums.

Introduction of new technology also results in the displacement of women and induction of men. Both technological rationalization and emasculation of women's jobs have occurred in the jute industry.

Located in West Bengal, the industry employed large number of women in the early decades after its establishment in the 1870s. In 1921 nearly one fifth of its workforce of 45,000 workers was female. In 1972 fewer than 7,000 women workers remained - although the total strength of the workforce had remained more or less constant.

There was a strict division of labour along gender lines and women were traditionally employed in preparation work and hand sewing. Some of these processes were early targets for mechanization and the women's jobs disappeared. However, many of the jobs formerly done by women were simply taken over by men.

Surplus male migrant labour drawn to the industrial centers from an ever-wider radius contributed to rising levels of male unemployment and the high levels of unemployment increased the competition amongst men for jobs. Employers, male workers and their trade unions all accepted that men as 'breadwinners' had a prior right to employment.

The introduction of technology affects women differently according to their class differences. In Bangladesh, the introduction of new rice hulling technology was beneficial to women from landholding households dependent entirely upon family labour. For them, the new technology meant release from time

consuming daily drudgery. But the introduction of the new technology had adverse consequences for poor landless women. For them paddy hulling was one of the few sources of locally available paid labour (Whitehead, 1985).

Under-representation of Women's employment in official and census data

The ideology of the 'male breadwinner' results in the under-remuneration of women in the labour workforce. Some of the reasons for this are the :

1. casual, seasonal nature of women's employment;
2. assumption that the labour force consists only of men;
3. assumption that the income earned by women is supplementary and,
4. assumption that all women are housewives.

Since employment enables women to access income resources, the restrictions that a gendered market places on their entry limits their access to resources thereby perpetuating the cycle. The choices available to women are thus curtailed.

It can be concluded that the social rules and distribution of resources underlying a supposedly gender neutral market systematically perpetuate gender inequalities ensuring that men and women are brought into them as bearers of gender. It is not intrinsic to the occupational structure but it enters through recruitment and allocation practices. There is nothing inherent in certain occupations that make them more suited to males or females. Rather they reflect the fact that men and women enter the market bearing their gendered identities of masculinity and femininity and, consequently, differing educational levels and skills which suit the requirements and expectations of employers. The process is continually reproduced because men and women acquire proficiency in their respective tasks through their routine performance and are thus considered appropriate for performing the same tasks.

Organised sector - the police force

Entry costs : High - resistance from the family - transferable jobs - odd hours of work - considered unsuitable work for women - contact with criminals and other unsavoury elements - considered to be tough and unfeminine - minimum educational level required.

Entry restricted : No involvement in mainstream policing including crime detection - induction into 'soft sectors' - Juvenile Aid Police Units, 'bandobast', traffic control, escort of women criminals, airport duties - induction at lower levels - constables, PSIs - less power - lower pay - induction according to quotas - administrative and secretarial jobs.

Mobility restricted within the hierarchy: Few promotional opportunities - promotion only within soft sectors.

Organized sector - rag picking

Entry costs : Low - activity considered to be demeaning by men - flexible hours of work - considered suitable for earning supplementary income.

Entry open : Sector is easily accessed - service waste is available at garbage dumps - allows access to the illiterate - no competition from men.

Mobility restricted within the hierarchy: Traders are almost exclusively men based on their ability to mobilize capital; conception of males as having trading skills.

GENDER AND GENDER ISSUES

By G.M. Sarveswara*

Gender is not another word for women (Many people have simply substituted the analytical category of "gender" for that of 'woman'. But analysis that treats women as an isolatable category is not gender analysis.

Sex refers to biological differences between the male and female of the species.

Gender is not another way of re-prioritizing men. A gender analysis may still imply giving priority to women's needs and interests. But gender differs from class in that women and men often live in intimate and deeply personalized relationships with each other in a way that members of different classes do not. Prioritizing women's needs and interest without anticipating men's responses assumes a separatist goal, a transition strategy or a political analysis. Gender is not another word for sexual differences. Gender is the socially constituted differences between women and men differences which reflect each society's interpretation of biological differences.

The "naturalized" character of gender difference reflects this underlying foundation in biological differences. Gender relations refer to the socially structured relationships between women and men, man and men, women and women, at different ages and stages of the lifecycle which together help to turn biologically different males and females in to socially differentiated men and women through the acquisition of culturally-defined attributes of masculinity and femininity as well as the resources and responsibilities which are associated with these categories. Gender blind. A perspective which often appears gender neutral but which takes the life expenses, needs, intrent and constraints of the male social actor as the standard one and therefore representative of both genders.

Gender aware: A perspective which accepts that men and women, within the same classes and even the same household may have some overlapping needs and interests but that their differing life experiences and the unequal distribution of resources and responsibilities between them will also give them gender - specific needs and interest which may conflict.

Gender Issues: The term patriarchy thus takes off from the literal meaning of the rule of the father within the family and is used to embrace the rule of men over women in society. Patriarchal authority is based on male control over the women's productive capacity and her person.

But strictly speaking, patriarchal dominance of male family head over their kin is much older than classical antiquity and it may be argued that in the 19th untasy, male dominant in the family simply takes new forms and is not ended. Thus patriarchy in its wider definition means the manifestation and institutionalization of male dominances over women and children in the family and the extension of male dominance over women in society in general it implies that men hold power in all the importance institution of society and that women are deprived of access to such power. It does not imply that women are totally deprived of rights influence and resources.

The traditionalist explanation focuses on womens' reproductive capacity and session motherhood women's chief goal in life. Women's maternal function is seen as imperative to the survival of society, hence the sexual division of labour based on biological differences is seen as functional and just.

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The reorganization of special values accorded to male children comes early. So growing up as a boy in an Indian family is the enjoy various types of social psychological and material types of privileges. Whatever these latter may be depending on the economic status of the family. The negative attitudes towards girls starts from birth itself. Apart from the disappointment and frowns that greet the girl child on her arrival in this world, child rearing is marked with indifference and neglect. The undersness implied on rearing a girl child can be seen in idioms like brining up a daughter is like pausing water in sand or the Telugu expression, which conveys it more effectively. Bringing up a daughter is like watering a plant in another's courtyard. Girls grow up with a nation of their temporary membership within the natal home.

A lot of importance is attached to have a girl carriers herself. A girl should walk softly should not run hop, hump, climb as all these are masculine trails. This is one of the reasons why females are not encouraged to take part in sports and games. The onset of puberty is characterized by severe restrictions on the girl's movements and her interaction with males. One of the direct consequences of these restrictions is that in rural areas, most parents withdraw their girls from school as soon as they become big. Secondly, despite the legislation prescribing the age limit for marriage, parents are anxious to get the girls married as soon as they attain menarche. The most important concern here is the management of the girl's sexuality which is tied to her future as wife and mother. Since marriage and motherhood are the main goals for women as prescribed in the scriptures, many middle class families feel that it is waste to send girls for higher education, where as for a boy's education is concerned as investment for the future.

The distinction between masculine worked and feminine work comes early in childhood and becomes sharper as the child grows. The girl is constantly remind of her sex and the feminine tasks that go with it. If some girls do not show interest in domestic chores, they are chided and reprimanded to confirm other important value, that are inculcated in the girl is the notion of service, self denial and sacrifices. Girls should learn to bear pain and deprivation to eat anything that is served and not to complain. This is part of the training for the reality that they are likely to confront in the house of the mother-in-law. In many middle class homes, the male members eat their food and leave plates to be washed by the girls or women in the house. It is considered as a male privilege which only adds to the women's work

The nations of tolerance and self-restraint are also rooted in a consciously cultivated feminine role which is embedded in and legitimized by cultural ideology which ensure the reproduction of a social system characterized by the subordination of women. Thus, women do not think it proper that they should have any needs of their own, as they are supposed to subordinate their needs to that of the men in the family. A women should efface herself and her identity is defined by that of her husbands. Women often curse their own fate for having been born as women and pray that girls are not born as they are sources of misery, which is one of the main causes of female infanticide. They do not think, that it is possible to change the course of their lives they feel that they do not have any options in their being or becoming.

USING GENDER TO UNDERSTAND EMPLOYMENT PATTERNS*

Why Gender?

In working through this module, you will be focusing on gender relations rather than on the category of women. This means that you will be taking a different kind of approach from that described in the Women and Development literature.

At a general analytical level, the key difference is that:

- The concept of 'gender' is social rather than biological in content and is a relational rather than a common sense category.

A 'gender' approach emphasizes the cultural and, historical construction of men and women as social beings. It also focuses on the ways in which the genders are interrelated through specific forms of the sexual division of labour.

There are several reasons for suggesting that a 'gender' analysis produces a more satisfactory result than one focused only on women. These reasons are outlined below:

Variations in qualities attributed to the genders

In different social contexts, the terms 'men' and 'women' may signify quite different things. This is because the qualities attributed to the genders may be diverse - and may also vary across social classes. For instance, in a given context, women of higher classes may be associated with gentleness and passivity; while labouring women may be thought to embody the opposite characteristics.

Gender attributions of this kind may be used to justify women's exclusion from, or incorporation into, different kinds of paid work

A similar criticism can be made of common sense accounts of the sexual division of labour as based on a natural division of work into heavy ('male') tasks and light ('female') ones. The cultural variation in the labeling of such tasks, along with the many cases in which women are found to carry out heavy 'male' tasks contradicts the claim that this 'natural' division of labour is based on an actual difference in male and female strength.

The key point here is that, contrary to what might be supposed, 'women' and 'men' are not the most self-evident and natural of categories. When the meaning of the categories is probed, they can be seen to be socially constructed and to derive much of their meaning from their interdependence. It is, in fact, difficult to provide an account of what women are and what they do without referring to what men are and what they do.

Gender partly determines labour market placement

Much labour market analysis tends to treat the workforce as gender neutral (or sometimes, implicitly, as male). But the highly uneven distribution of the sexes within all sectors of the labour force, along with the tendency in most countries for women to be located in lower paid and less (formally) skilled jobs, suggests that gender is a major variable in determining labour market placement.

What accounts for women's relative disadvantages in the labour market? Explanations cannot be found simply by looking at the structure of the labour market itself or by considering women in isolation from men.

* See Reading Material, prepared by the Yeshwantrao, Chairman Academy of Development Administration, Pune on Gender Issues.

This is because the terms upon which women compete for employment are set by the wider social relations within which they operate.

Factors influencing the patterns of women's employment are likely to include the following:

- The economic agenda (for example, what is the availability of childcare for women who are mothers?)
- The cultural agenda (for example, are there strongly held beliefs about the unsuitability of certain kinds of employment for women?)
- Political considerations (for example, are men assigned a prior right to (scarce) employment?)

In each of these examples, women may be constrained by their gender roles from competing on the same terms as men. Alternatively, regardless of their individual characteristics, they may be made subject to attributions about gender roles which have the effect of making it more difficult for women as a category to enter the labour market on equal terms with men.

These attributions (such as the 'natural' right for men to have first call on scarce employment) generally rest upon assumptions about:

- a woman's primary commitment to caring for a family at home
- the presence of a relationship with a male provider.

Prevalence of sex typing in employment

Exactly how does the attribution of particular characteristics to the genders permeate sectors, jobs and production processes? Part of the answer lies in the operation of sex typing in employment. Particular jobs or processes are assigned to the genders (sex typing) on the basis of stereotypes (highly generalized conventional assumptions about male and female characteristics).

These processes produce hierarchies of gender-related skills, in which women are concentrated in 'unskilled' and 'semi-skilled' jobs and tasks. At the same time, sex-typing processes result in gender segregation, leading to wholly female or male enclaves of employment.

Again, a straightforward examination of the labour markets will not provide an answer to the question, 'What sets these processes in train?' Instead, there must be far-reaching analysis of the key question:

- Why is a particular demand for labour met by a supply of persons of one gender rather than the other?

Analysis of this kind involves looking at such factors as :

- specifically what characteristics are attributed to men and to women?
- What constraints affect their relative capacities to compete for different types of employment?

One of the benefits of a gender-based approach is that it provides a conceptual framework for examining what are often substantial cultural and historical differences in the experiences of women and men.

The need to take into account differences among women

Through making gender rather than 'women' the unit of analysis, the development planner is able to take into account differences between women arising from class, cultural and life cycle experience.

All women may experience disadvantage relative to men of their respective class; but not all women are absolutely deprived in terms of their access to a basic minimum livelihood. It follows then that the significance of gender in the production of deprivation is not necessarily the same for all women at all times. And it follows too that not all women are affected in the same way by social and economic change.

It is important that those who are attempting to formulate gender-aware policy should appreciate differences among women.

Example

In Bangladesh, the introduction of new rice milling technology was beneficial to women from landholding households dependent entirely upon family labour. For them, the new technology meant release from time-consuming daily drudgery. But the introduction of the new technology had adverse consequences for poor landless women. For them, paddy husking was one of the few sources of locally available paid labour. (Whitehead 1985)

Key Points

Development policy makers and planners should:

- locate women within their wider social and economic relationships
- recognize that women do not necessarily form a unitary category in terms of their immediate interests and priorities.

The framework for analysis

Before moving to make a close examination of women's employment in the Indian labour market, you will find it useful to consider briefly the following general issues:

- the meaning of the terms 'employment' and 'work';
- informal and formal sector employment;
- key characteristics of women's position in the labour market.

The key points related to each issue are discussed below:

Meaning of the terms 'employment' and 'work'

'Employment' is not synonymous with 'work'.

In fully market economies, these terms are used interchangeably and most models of employment assume a concept of gainful economic activity which is measured in market terms. But this approach creates difficulties when applied to third world economies. The main difficulties are as follows:

- how is non-market economic activity (such as agricultural production for family consumption) to be incorporated into economic models?
- How is the real extent of women's involvement in productive work to be conceptualized and measured? The problem here arises from the fact that much of women's work is disguised within the household as 'housework' or is unremunerated family labour and thus not 'employment' by standard definitions.

Key Point

Planners must view official census and other economic data on labour force participation rates with a gender-sensitive eye to the limitations of the data.

How terms are used in this module for the purpose of this module, 'employment' should be taken to mean paid work. In most cases, payment is monetary; but some remuneration in kind continues, particularly in agricultural labour.

Self-employment, which raises acute problems of detection and definition, has been excluded from the discussion.

When working with a standard definition of employment, planners should bear in mind one of the main reasons behind the smallness of the employed female labour force in many third world countries. This is to be found in the high level of unpaid work performed by women in the servicing of families and in family - based production. It follows from this that paid work should not be considered in isolation from unpaid work.

Informal and formal sector employment

The pervasiveness in many countries of informal (or unorganized) sector employment creates further difficulties of interpretation.

Definition

The unorganized sector is that part of the economy which is largely not enumerated in official statistics and which is usually exempt from labour legislation.

In India, for example, the organized sector consists of all public sector establishments, along with all non-agricultural private sector units employing more than ten persons. The distinction between organized and unorganized sectors, then, relates primarily to the size of enterprise and cuts across manufacturing and service sectors of the economy. The distinction thus lumps together highly disparate forms of economic activity and labour contract. It also implies that the organized and unorganized sectors represent a kind of economic dualism - whereas, in fact, the two sectors are interdependent. These features mean that the distinction between the sectors is of little analytical utility.

In descriptive and practical terms, however, the distinction is significant. Examination shows that the unorganized sector is characterized by:

- casualised forms of employment
- low entry costs
- extremely low levels of remuneration
- poor conditions of work

Since much of this employment is hidden, planners and policy makers are unable to estimate its true extent - or its contribution to overall economic activity.

Key Point

Studies show that women often figure disproportionately in unorganized sector employment.

In India, for example, it has been estimated that only 6% of all women workers are employed in the organized sector. This suggests that households dependent solely or predominantly on women's incomes are likely to be extremely poor.

There are very practical consequences of the non-recognition of much unorganized sector activity. Principal amongst these are:

- the under-estimation of women's labour force participation
- the inability to develop informed policy initiatives which might combat the worst levels of poverty.

Key characteristics of women's position in the labour market.

The profile of women's employment in India highlights a number of general structural inequalities which are common to much of the developed and developing world (see Dex 1985). These consistent findings may be summarized as follows:

1. On average, women earn lower wage rates than men and work fewer hours. Where part-time work is institutionalized, women make up a disproportionately large section of the part-time workforce.
2. Occupational and task segregation in the labour market lead to enclaves of female-only employment. In developing countries, women are concentrated in primary sector employment or in the informal sector. The fact that women work mainly in low value-added industries and services is linked to the fact that their wages are low as compared with men's.
3. Women are less formally skilled than men. And the skills they are credited with, like dexterity and greater patience in performing complex but highly routinized tasks (such as electronic assembly), tend to be undervalued in terms of wage rates. Though at process of sex typing, jobs and tasks are frequently designated as unskilled or semi-skilled simply because they are performed by women (see Humphrey 1985).
4. In many contexts, the strength of 'male breadwinner' ideologies leads to the persistent ideological undervaluation of women as wage workers. This undervaluation may take the form of any, or all, of the following:
 - Strongly entrenched conceptions of women's rightful place as being in the home.
 - Trade unions dominated by male workers pressing for exclusionary action against women seeking to enter male enclaves of employment.
 - Government action, through fiscal or social security measures, to discourage women's entry into paid work

Questions 1. from your own experience of different cultures and societies, try to provide examples of the following:

- (a) The use of gender attribution to justify women's exclusion from certain kinds of paid work
- (b) Economic, cultural and political factors, influencing the pattern of women's employment.
- (c) Sex-typing processes.
- (d) The differential effects of economic changes on specific rules on women.

1. Think of a developing country which you know well. In your opinion, is there substantial 'hidden' unorganized sector employment in that country? If so, what are your reasons for believing this? And what are the practical consequences of this type of employment not being included in official statistics?

VIOLENCE AGAINST WOMEN IN INDIA

- CASE STUDY

- Dr. Manjula Chakravarty*

I INTRODUCTION

- 1.1. Violence against women nullifies the enjoyment of Human Rights and Fundamental freedom of women. Yet, it is perhaps the most non-recognized Human Rights issue. All over the world, in all life situation, women are more vulnerable than man in public and private life. Though the manifestation of this evil vary from culture to culture, the fact remains that these are the reflection of deep rooted expression of "Gender Ideology". Violence subjects women not only to servitude and subordination but also keeps them in a state of despair and dehumanization; indignity and intimidation; terrorization and humiliation.
- 1.2. U.N. Declaration defined violence against women as "any act, omission, controlling behaviour or treat in any sphere which results in or is likely to result in physical, sexual or psychological injury of women." In the life cycle of women they are subjected to the violence in different forms like foeticide, infanticide, homicide, child marriage, sati, rape and sexual assault including incest, domestic violence, witch hunting, trafficking of women and forced prostitution, pornography, abduction, forced confinement, communal caste riots, forced pregnancy, forced sterilization etc., the recent trend of increased crimes against women is concern for all.

Type of Violence

- 1.3. Violence against women can broadly be divided as
- (i) Physical abuse even death - like foeticide, infanticide, incest, battering, rape, sati, witch hunting, genital mutilation, sexual assault at work place, forced pregnancy/sterilization etc.
 - (ii) Psychological abuse like mental harassment, confinement, forced marriage.
 - (iii) Denial/deprivation of basic human amenities like health, nutrition, education, means of livelihood etc.
 - (iv) Commodification of women's body for trade/business like trafficking, prostitution etc.

Occurrence of Violence

- 1.4. Violence against women can occur any time and anywhere. Some violence may be subtle in nature but equally harmful. Ironically many violences are committed by people who are close to women and are traditionally regarded as protector of women. As Margaret Schuller writes "Taken together the family, the community and the State - constitute not only a pervasive and interactive system for legitimizing violence against women but the locus of act of violence as well".

Violence Against Women in the Asian Context

- 1.5. Like many other common issues of Asian continent there is commonality of types of violence against women and the impact of the act on victims of violation. The similarities of socio-cultural backgrounds of this region to a great extent is responsible for similarities in violence and crimes against women. In the Asian context the societal perception of "Gender" and women's sexuality make them more susceptible

* See, Reading Material prepared by National Institute of Public Cooperation and Child Development, New Delhi.

to rape, molestation, female foeticide, female infanticide and many other sex related crimes. Position of women in the family and her relationship with her male kin subjects her to domestic violence, dowry death, desertion, polygamy, sati, incest, witch hunt etc. Women as property of male become victims of violence in war, riots, class, caste and ethnic conflicts. Further, women's powerlessness specially those from poorer section of society in term of knowledge, education, skill, asset money, role in decision making etc. subject them to exploitation of their body for commercial/business purposes. Trafficking, kidnapping and abduction of women for prostitution, beggary, slavery, pornography etc. are most common in this part of the world

- 1.6. In addition to "Gender perceptions" and women's own powerlessness, the law enforcement machinery (police, legal experts and judiciary) and the administrators of Asian countries are yet to come to terms with implications of constitutional mandates and legal provisions. Society at large is also to overcome the secrecy, privacy or social stigma attached to violence against women and the victims of violation.

I INDIAN SCENARIO

Situational Analysis

- 2.1. According to 1991 census there are 407.1 million females against the male population of 439.23 million constituting just less than half (48.09%) of the total population of India (846.30 million). The female population grew to a slower pace of 23.37% during the decade (1981-91) against a decadal growth rate of 23.85% of the total population. The current demographic structure shows a predominantly youthful Indian female population as 0-14 year (35.9%), 15-59 (57.8%) and 60 years and above (6.3%)
- 2.2. Life expectancy of Indian females have increased from 23.96 years at the beginning of the century to 62.1% years in 1996 (higher than that of males at 61.5% years). By the age of 25-29 years more than 90% of Indian women are married (1992 figures). About 30% females while still in their teens (15-19 years are married) however, the mean age at effective marriage for females has risen from 18.3 in 1981 to 19.5 in 1992. The female literacy now stands at 39.29% as against male literacy of almost 64%.
- 2.3. The Indian society has a strong cultural heritage of diversities and discrimination based on caste, class and gender. Traditionally a strong patriarchal norm directs women to live in servitude and subordination. Dichotomy of Indian value while worshiping Mother Goddess, simultaneously sanctions violence against women in the forms of customary prostitution, sati, child marriage and so on.
- 2.4. The types of violence/crimes against women in India are too many ranging from physical abuses even death, psychological abuse, deprivation and commercialization of women's body. There are innumerable documents, research study available on different types of violence/crimes against women prevalent in this sub continent. For economy of space one need not go into the details of all the violence/crimes committed against women in India.

However some special issues are :

- 2.5. The term domestic violence is wide and encompasses in its scope the types of violence resorted to within the home whether by male or female members of the family. By and large majority of victims of domestic violence are women. Dowry is another form of domestic crime prevalent in India.

Violence at Workplace

- 2.6. Sexual harassment is an issue - confronting a large number of women workers in India. 90 percent of these workers are in the informal unorganized sectors. The Indian Penal Code and the various laws such

as Equal Remuneration Act, Maternity Benefits Act, Factory's Act, Plantation Act etc. provide for prohibiting discrimination against women in specific ways. There is no specific law to provide for the effective guarantee against sexual harassment and abuse at work place. Supreme Court of India in its judgement delivered on 13th August, 1997 has laid down the guidelines and norms for due observance at all work places.

Prostitution

2.7. Prostitution is the worst form of exploitation of women. Entrance of women into commercialized prostitution is a recent phenomena. Poverty, unemployment and low status of women, industrialization, urbanization, displacement, migration remain factors to drive the woman into prostitution. However, Indian laws prohibits trafficking in human beings including children and provides for the care, protection, treatment and rehabilitation of neglected or delinquent juveniles including girls and women in distress.

Custodial Violence

2.8. The women prisoners generally have suffered prolonged mental, emotional, physical agony and stresses. The National Committee on Women Prisoners headed by Justice Krishna Iyer (1986-87) had made an indepth study of the problems of various women prisoners and 135th Report of the Law Commission (1989) was devoted to the problems of women prisoners.

Based upon these reports, the positive action has been taken to improve the conditions to women prisoners. The number of women jails have increased from 6 to 14 in the country and provide custodial justice by way of healthy environment, greater freedom of movement, sense of security and better living conditions with the suitable medical, educational, vocational and recreational facilities.

2.9. India has one of the most impressive sets of laws and constitutional provisions for protection of women. Yet analysis of criminal justice system clearly points that constitutional and legal provisions notwithstanding the violence against women continues. The situation is further complicated by illiteracy among women, poor outreach of legal services and ignorance of women about whatever rights they have. The myth of family as egalitarian unit and privacy of crimes within four walls of house perpetrates exploitation of women by their very near and dear ones in the garb of protector. Long years of legal battle, expenses involved in seeking justice and scanty support system available to women in this respect, are major constraints of Indian women in seeking justice.

The Crimes Identified Under the Indian Penal Code (IPC) and under Special Laws (SL)

2.10. There are only seven types of recognized crimes against women under the Indian Penal Code. Further, there are four special laws for exclusively dealing with crimes against women.

INDIAN PENAL CODE (IPC)

- i) Rape (Sec. 376 IPC)
- ii) Kidnapping & Abduction for different purposes (Sec. 363 - 373 IPC)
- iii) Homicide for Dowry, Dowry Deaths or other attempts (Sec. 302/304-B IPC)
- iv) Torture, both mental and physical (Se. 498-A IPC)
- v) Molestation (Sec. 354 IPC).

- vi) Sexual harassment (Eve- Teasing) (Sec. 509 IPC)
- vii) Importation of girls (upto 21 years of age) (Se. 366-B IPC).

SPECIAL LAWS (SL)

- i) Commission of Sati (Prevention) Act 1987
- ii) Dowry Prohibition Act, 1961.
- iii) Immoral Traffic (Prevention) Act, 1956.
- iv) Indecent Representation of Women (Prohibition) Act, 1986.

CRIME DATA (1990-96)

2.11. The incidence of crimes reported during the year 1990-96 are as under :

S. No.	Crime Head	Year						
		1990	1991	1992	1993	1994	1995	1996
1.	Rape	9518	9793	11112	11242	12351	12922	12386
2.	Kidnapping and Abduction	11000	12300	12077	11837	12998	13540	13369
3.	Dowry Deaths	4836	5157	4962	5817	4935	5151	5101
4.	Torture	13450	15949	19750	22064	25946	28835	30086
5.	Molestation	20194	20611	20385	20985	24117	26134	24019
6.	Sexual Harassment	8620	10283	10751	12009	10496	10943	11900
7.	Importation of Girls	—	—	—	—	167	191	172
8.	Self Prevention Act	—	—	—	—	2	2	2
9.	Immoral Traffic (Prevention Act)	—	—	—	—	7547	6756	5678
10.	Indecent Representation of women	—	—	—	—	389	939	659
	Total	68317	74093	79037	83954	98948	105413	105439

2.12. The above table points at a very disturbing trend of increase in crime rate over the years. However, it is also to be remembered in this context that there is increased participation of women outside the home, increased influence of mass media in indecent representation of women, liberalization etc. Besides, the active role played by some women themselves and many non-government organizations (NGO) reporting about those cases, greater awareness of public, active role of media, sensitivity of police etc. have also contributed in the increase in crime statistics.

2.13. It would be appropriate to study the rate of crime i.e., incidence per lakh of population which is a well accepted index to indicate the crime level in a state. Based upon this, the crime rate of Crime Against Women in 1994 is as under :

Rape	:	1.3.
Kidnapping and Abduction	:	1.4
Dowry Deaths	:	0.6
Torture cruelty by Husband & Relatives	:	2.3
Molestation	:	2.3
Eve-teasing (sexual harassment)	:	1.214

All India Crime rate for the recorded crimes against women during 1994 was 11.0

At the same time, under reporting of crimes/violence against women is a global phenomenon more so in the traditional societies like India. In addition, police data on crime is based on complaint and cases registered which in turn are dependent on women's willingness to report as well as perception and sensitivity of police to act on crimes against women. Thus the crime data available from police record may be the proverbial tip of the iceberg.

III STRATEGIES AND RESPONSES

Constitutional Provision

3.1. The inherent gender inequality in Indian society and its impact were concern for Indian leaders even in pre independent era. In fact, the Indian National Movement was closely interlinked with Indian women's movement for developments. In view of the inequality and the related issues, the constitution of independent India not only guarantees equality to women but also empowered the state to adopt measure of positive discrimination in favour of women. The Directive Principle of State Policy set Gender Equality as a major objective of welfare state. Articles 14, 15, 16, 39 (a) & (c), 42 etc give clear direction to Indian administrators and implementers for delivery of gender justice in all sphere of human lives. Besides existing provisions, constitutional amendments have been taken up according to the need of the hour. In this context the 73rd and 74th Constitutional Amendment Act passed in 1992 provide for reservation of one third of seats in rural Panchayats and Urban Local Bodies for women as Members and as Chairpersons.

Legal Safeguard

3.2. The independent India has witnessed enactment of various legislative measures intended to ensure equal rights to counter social discrimination and various forms of violence/atrocities against women. Although all laws are not gender specific, the major provisions affect women significantly. Amendments have been periodically carried out to keep pace with emerging demands. The women specific and women related legislations are following :-

- Dowry Prohibition Act, 1961 (Amended in 1984 and 1986)
- The Immoral Traffic (Prevention) Act, 1983
- The Child Marriage Restraint Act, 1976 (Amended)
- Commission of Sati (Prevention) Act, 1987
- The Medical Termination of Pregnancy Act, 1987

- The Indecent Representation of Women (Prohibition) Act, 1986
- The Equal Remuneration Act, 1976
- The Factories (Amendment) Act, 1986
- The Criminal Law (Amendment) Act, 1983
- The National Commission for Women Act, 1990 was passed to set up a National Apex Statutory Body to review the constitutional and legal safeguards for women and recommend remedial legislation.
- Pre-natal Diagnostic Techniques (regulation and prevention of misuse) Act, 1994.

Policies Advocating Women's Concerns

3.3. In addition, the women specific and women related policies enunciated in various plan documents. Some of the important policy guiding documents are :

- The National Plan of action for Women adopted in 1976.
- The National Perspective Plan for Women (1988-2000)
- Shram Shakti - The report of the National Commission on Self Employed Women and Women in Informal Sector (1988).
- The National Expert Committee on Women Prisoners (1986).
- The National Policy for Children, 1974.
- The National Nutritional Policy.
- The National Plan of Action for the Girl Child (1991-2000).
- National Policy on Education, 1986.
- National Health Policy, 1983.
- National Population Policy, 1993 and

The National Policy for the Empowerment of Women has been drafted after nationwide consultation to enhance the status of women in all walks of life.

Support Mechanisms :

3.4. The support mechanisms in the form of National machinery like Department of Women and Child Development, State Departments, National Commission for Women, National Institute of Public Cooperation and Child Development (NIPCCD), Central Social Welfare Board (CSWB) are strengthened over the years extending cooperation, coordination and support to women.

The Government of India specially the Department of Women and Child Development has taken up programmes for the victims of violence against women:

A. SHELTER AND SERVICES FOR WOMEN AFFECTED BY VIOLENCE

i Short stay Home for Women and Girls (1969) provides temporary shelter and rehabilitation to women and girls who are in social and moral danger. There are 361 Short Stay Homes (till 1997) providing services to 10,830 women.

- ii) Juvenile Homes : Establishment of observation Homes, Juvenile Homes and Special Homes under the Juvenile Justice Act is meant to ensure that no child i.e. a boy under 16 years of age and a girl under 18 years of age, is lodged in jail or police lockup and provide for the protection and care, rehabilitation of neglected and delinquent juveniles. The services of qualified doctors and psychiatrists are available on a part-time basis in the Homes. There are about 280 observation Homes, 251 Juvenile Homes, 36 Special Homes and 46 Aftercare Homes maintaining about 32,000 inmates in the country.
- iii) Protective and correctional institutions : Protective Homes and Correctional Institutions are set up under the Immoral Traffic (Prevention) Act, 1956. Protective Homes provide custodial care and protection to victims of commercial sexual exploitation from being forced into prostitution by pimps, brothel keepers. In addition they provide education, vocational training and arrange marriages for the inmates to settle down. There are about 80 such protective homes in the country. Women detained for offences under the ITPA Act may be placed in Corrective Institutions for 1-3 years in lieu of imprisonment.
- iv) Voluntary Action Bureaus and Family Counselling Centres: The Voluntary action Bureaus and Family Counselling Centres provide preventive and rehabilitative services to women and children who are victims of family maladjustments and atrocities. The FCC programme work towards social consciousness about the problem of violence against women, and meaning family relations through a conciliatory approach. The FCCs in Police Stations help in removing the fear of the law from the minds of women in distress. More than 400 FCCs are operating in the country.

B. PREVENTION AND SENSITISATION

- i) Education Work for Prevention of Atrocities Against Women (1982) extends financial assistance to research and academic institutions for working towards its objective. Dissemination of information/publicity material in regional languages are also part of this programme.
- ii) Awareness Generation Projects for Rural and Poor Women (1987) work towards identifying the needs of rural and poor women, generating awareness among them and provide a platform for rural women to exchange of their ideas and exposure to mainstream of development.
- iii) Legal literacy : Legal literacy is imparted through several strategies; awareness programmes, training-cum-orientation modules, literature dissemination, sensitization workshops and multi-media campaigns involving films, plays, songs posters and issue-based discussions. The Government, as well as NGOs, have prepared and disseminated material on legal literacy on a large scale in the last few years. A set of 10 booklets, entitled "Our Laws" published by the Department of Women and Child Development, highlighting salient features of the rights available to women.
- iv) Sensitisation and awareness generation : The Central and State Governments both have also attempted to improve the levels of sensitization of the law enforcing and custodial machinery as well as spreading awareness on issues relating to women's rights/gender violence among women.
 - a) Sensitisation of the Police machinery: An increasing number of States are now introducing gender sensitization orientation programmes (during both induction and refresher training) for police officials at various levels. A National Meeting on violence against women held in November, 1992 has been followed by a series of sensitization programmes in the National Police Academy, State Police Academies, Police Training Schools etc.
 - b) Media Campaigns : To improve the level of awareness of society in general and women in particular, a mix of traditional media and the electronic media is being utilized to project positive

images of women and girl children. Media campaigns relating to the girl child have also been initiated in selected districts and special campaigns against child marriage have been held in specific parts of the country.

SPECIAL LAW ENFORCEMENT MECHANISMS

3.5. Special police cells and all-women police stations to deal with acts of aggression against women have been established in 12 States and Union Territories. The induction of women into the police force at different levels has also increased substantially. Close monitoring of the cases of violence against women has also been initiated. A number of women's organizations are also involved as volunteer counselors at police stations, helping in building bridges between the citizens and the police force. They are also been associated in facilitating the registration and investigation of cases of crimes against women.

PUBLIC INTEREST LITIGATION

3.6. India has a strong tradition of Public Interest Litigation (PIL) - wherein any member of the public can maintain an application for an appropriate direction, order or writ for legal wrong violation of any Constitutional or legal right etc. to such person(s) by reason of poverty, disability or socially or economically disadvantaged position, unable to approach the Court for any relief. This has resulted in a new investigative thrust for the courts and has led to increased executive accountability.

LEGAL AID

3.7. Majority of women are too poorly positioned to secure full benefits under the Constitution and other legal provisions. However enactment of law alone is not adequate of legal aid, apparent insensitivity of the lower levels of judiciary in some cases, procedural lacunae and delays, lack of basic knowledge about the law and procedures and absence of alternative systems of justice; long drawn-out trials and the low rate of conviction under existing laws have all contributed to this. In view of all these Legal Aid was started in 1970 and a Commission for implementing legal aid services was set up in 1979 along with legal aid structures at the State and District level all over the country. The Legal Services Authorities Act, 1987 created structures for aid to specific categories entitled to free legal aid, including women. District Level Committees - All States and Union Territories have been advised to consider setting up of Committees for the Protection of Women's Rights at the district level to monitor crimes against women at all stages from their registration, investigation, prosecution and final disposal.

INNOVATIVE JUSTICE DELIVERY SYSTEMS

3.8. Family Courts: The Government of India enacted the Family Courts Act 1984 for the establishment of family courts by the States in city/town with a population exceeding one million. These courts are to make an endeavour to effect reconciliation or a settlement between the parties to family disputes which is not adversarial. Family courts have so far been established in 12 states and 2 union territories.

Parivarik Mahila Lok Adalats to provide alternate dispute resolution mechanism in civil cases concerning women to ensure speedy justice for women have been held by the National Commission for Women. Most cases coming up before these Adalats relate to family disputes - divorce, maintenance, custody of children etc.

Monitoring Mechanisms

3.9. As a result of enhanced consciousness about the trend of increasing violence against women and girls, Government has set up institutional mechanisms for monitoring the violation of the right of women as:

- National Commission for Women (NCW)
- State Commissions for Women

The Commissions identified certain thrust areas for redressal of women's grievances namely speedy justice for women; legal awareness programmes, the provision of custodial justice to women, rehabilitation of women and children in prostitution, as also of women in mental asylums and destitutes, supporting anti-arack campaigns, technology transfer to agricultural women, portrayal of women in media and the identification of lacunae in laws and amendments, special police cell, family courts, Parivarik Mahila Lok Adalats, District Level Committee, Proposal for a Commissioner for Women's Rights etc.

LINKAGES WITH NATIONAL HUMAN RIGHT COMMISSION

The National Commission for Women has representation in the National Human Rights Commission for improvement of coordination on matters related to human rights of women.

NGO SUPPORT IN VIOLENCE AGAINST WOMEN

3.10. In India voluntary efforts and community participation are closely linked with eradication of many evils of society. NGOs have taken on an activist role on various gender issues and have played effective role in promoting the causes of women at both central and state levels. There are over 6,000 NGOs in the country who receive programme funding and support from Government of India to support women's development programmes including dealing with atrocities and crimes against women.

IV. FUTURE ACTION

Violence in its different dimension will be tackled by legislative reforms, innovation in the structure and working of criminal justice system specially police force, sensitization of bureaucracy, media campaign and new institutional structures. Following paragraphs present some steps taken towards the direction.

- 4.1. The Central Government in consultation with NCW is currently formulating a proposal for setting up the office of the Commissioner for Women's Rights for monitoring the incidence of violence against women and registration, investigation and prosecution of such offences expeditiously, arranging for legal aid, spreading legal awareness etc.
- 4.2. NCW has proposed certain amendments in the Dowry Prohibition Act, 1961 amended in 1984 and 1986 to make it stringent and effective. Both these bills are under consideration in consultation with the National Commission for Women. NCW has also suggested certain amendments in the Code of Criminal Procedure which is being examined by the government.
- 4.3. In pursuance of Supreme Court directions the Government of India has set up a Central Advisory Committee to make suggestions for :
 - a) The measure to be taken in eradicating child prostitution.
 - b) The social welfare programmes to be implemented for the care, protection, treatment, development and rehabilitation of the young fallen victims rescued from the brothel houses or from the vice of prostitution.
 - c) The examination of the Devadasi and Jogin systems and give suggestions for their welfare and rehabilitation.

The Central Advisory Committee on Child Prostitution has prepared a draft plan of action to combat Trafficking and the commercial exploitation of women and children. The plan of action is under finalization and to be implemented.

4.4. The National Law School, University of India at Bangalore has proposed the following two different draft bills containing different policies and institutional arrangement to deal with the problem. These bills are entitled :

i) The Prevention of Immoral Traffic and the Rehabilitation of Prostituted Persons Bill 1993.

ii) The Prohibition of Immoral Traffic and Empowerment of Sexual Workers Bill, 1993

4.5. Drafting of National Policy on Empowerment of Women - This will constitute a strong policy statement on women which will guide and inform action at all levels and integrate women's concerns and perspectives into all macro and micro level initiatives.

4.6. Setting up of National Resource Centre for women which will also support for eradication of violence against women.

4.7. It is envisaged that legal information will form a part of curriculum of training of various grass root functionaries like Local Self Governments, Forest Staff, Health Worker, Teachers etc. even school and college text books would contain legal information.

V. CONCLUSION

5.1. The conscious efforts of Government of India as well as Non-government organizations for eradication of "Gender Bias" and "Violence Against Women" have certainly contributed in improving the situation of women to an extent. However it is nationally accepted that right perception of people and social transformations are necessary to deliver gender justice and free women from violence at every point of their lives. Our achievements are many but we have miles to go in changing the mind set of people and society at large for women to stand on equal platform with men and to free Indian women from threats of violence.

DOMESTIC VIOLENCE AND CRIME AGAINST WOMEN - CRIMINAL JUSTICE RESPONSE IN INDIA

R.K. Bag*

1 INTRODUCTION

Women constitute about one half of the global population, but they are placed at various disadvantageous positions due to gender difference and bias. They have been the victims of violence and exploitation by the male dominated society all over the world. Ours is a tradition bound society where women have been socially, economically, physically, psychologically and sexually exploited from time immemorial, sometimes in the name of religion, sometimes on the pretext of writings in the scriptures and sometimes by the social sanctions. The concept of equality between male and female was almost unknown to us before the enactment of the Constitution of India. Of course, the preamble of the Constitution, which is the supreme law of the land, seeks to secure to its citizens including women folk, justice - social, economic and political, liberty of thought, expression, belief, faith and worship, equality of status and opportunity, and promote fraternity assuring the dignity of the individual.

2 MANDATE OF CONSTITUTION IN FAVOUR OF WOMEN

The difference in treatment between men and women by the state is totally prohibited by the Constitution of India.¹ The Constitution has guaranteed fundamental right to every female citizen to enter into any shop, public restaurant, hotel and any other place of public entertainment even if owned by private individuals. Similarly, no restriction can be imposed on the female citizens with regard to use of any public place maintained wholly or partly by state fund. However, special provisions can be made by legislation to protect the interests of women. The legislators are permitted to enact any law for reservation in favour of women in public employment.² To improve the women's access to decision making structures, the Constitution has been amended in 1992 to reserve 33 per cent of the seats in favour of women in Panchayats and Municipalities, which is considered as a major step for socio-economic empowerment of the women of our country.³ The Constitution has also cast the duty on every citizen to renounce the practices derogatory to the dignity of women. This duty is not enforceable in the court of law, but if the State makes any law to prohibit any act or conduct in violation of this duty, the court would uphold the law as a reasonable restriction on the Fundamental Rights, just as the court upheld the law implementing directive principles of state policy.

3 PRESENT SCENARIO OF CRIME

The equality of status guaranteed by the Constitution is only a myth to millions of women for whom life is stalked by various kinds of violence within their homes, at work places and in educational system. Our legislators have enacted penal laws whose object is selection of those violations of rights of women which are dangerous to the good order of the society. Of course, the other object of penal legislation is to punish the offender to repress violations of selected rights of individual women in the society. The crime against women is increased by 17.9 per cent in 1994 over the year 1993 as per reports compiled by National Crime Records Bureau in India. According to the report of the National Crime Records Bureau⁵ published by Ministry of Home Affairs, Govt. of India, the number of crimes reported to the police is 56,19,178 out of which the number of reported crimes against women rose upto 98,948 in 1994. So, the crime reported against women is about 1.76 per cent of the total reported crime in 1994. However, on an analysis of this report, it appears

* Judge, Presidency Small Cause Court, Kolkatha, see, *Criminal Law Journal*, 1999.

that one woman becomes the victim of torture (domestic violence) in every 20 minutes, one molestation in every 22 minutes, one kidnapping & abduction in every 40 minutes, one rape in every 43 minutes, one sexual harassment in every 50 minutes, one connected with prostitution in every 70 minutes and one dowry death in every 106 minutes in India. The logical inference is that in every five minutes one woman is victimised by crime in India.

4 CLASSIFICATION OF CRIME AGAINST WOMEN

The object of this paper is to highlight the dimension of violence and crime against women and the response of each segment of the criminal justice system in the country. For convenience of discussion, the violence against women are classified as follows:

4.1 Female Foeticide

The total population of the country is increased by 24.7 per cent between 1981 and 1991. On the other hand, the percentage of female which was 48.3 per cent in 1981 declined to 48.1 per cent in 1991 due to a fall in the sexratio from 934 to 927 per 1000 males during the same period.⁵ This dwindling sexratio bears eloquent testimony of violence against women even in safety of the mother's womb. The son is considered as security of the old age of the parents, and the obsession for a son is a structural and cultural affliction of Indian society. The possibility of diagnosing genetic defects initiated research on ante-natal sex determination. With the dramatic advancement of technology, the sex determination of the foetus is done at mass scale, not for diagnosis of sex-linked genetic disorder of the foetus, but for abortion of selective female foetus. The sex determination clinics have mushroomed in the past two decades in big towns and cities of India. Only in 1985 about 40,000 female foetuses were selectively aborted in Bombay. A study of 8000 cases of abortion in a clinic showed that 7999 of them involved female foetus.⁶

4.1.1 Legislative Response

The legislators could not remain as silent spectators when the sexratio declined from 972 females per 1000 males in 1901 to 927 females per 1000 males in 1991. The Parliament rose upto the occasion and enacted The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 for the purpose of preventing misuse of technology to determine pre-natal sex leading to female foeticide. The elaborate provisions in this Act not only to regulate pre-natal diagnostic techniques conducted by various clinics, but also to prohibit the clinics from determining sex of foetus. The act of disclosing the sex of the foetus by using any pre-natal diagnostic technique, is made an offence punishable with imprisonment for three years and fine upto Rs.10000/-. Every offence under this Act is made cognizable and non-bailable. However, owing to lack of social sanction, it is very difficult for the police authority to register any case under this Act unless the people are sensitized to the need of more females in the country in order to make a balance in the sexratio in the 21st century.

4.2 Torture and Harassment

Women in India are mostly confined to their roles as daughter, house-wife and mother, which can be effectively played within the four corners of the home. Unfortunately, the women are not safe within the four walls of their homes. The house wives are subjected to physical and psychological torture irrespective of economic status, religion, caste and creed. Perhaps, family conflict, stress, cultural norms and sexual inequality contribute to wife battering. Wife abuse is also seen as reaffirmation of male self-image as aggressor which has been encouraged and internalised during childhood. The pertinent question for consideration is whether a woman in a situation of domestic violence receives justice which is sensitive to her gender.

4.2.1 Civil Remedy

Law is inadequate to deal with battering of women within the home. Cruelty is a legal ground for dissolution of marriage under personal laws before civil court, and the same cruelty is made punishable under Criminal Law by way of amendment of Indian Penal Code in 1983.⁷ Cruelty in matrimonial cases falls under exclusive jurisdiction of the civil courts or Family Courts constituted under the Family Courts Act, 1984. The predominant concept behind this legislation is preservation of the family, because in our country family and marriage are considered two solid institutions, which are to be preserved at all costs in the interest not only of the couple, but also of the society. This approach of the legislature and judiciary has treated cruelty as a dispute for civil remedy by way of dissolution of marriage.⁸ Of course, the civil court can pass the order of injunction prohibiting one spouse from subjecting other spouse to cruelty during the pendency of any proceeding before the court, but it is very difficult to implement this order when both the spouses live in the same house.

4.2.2 Criminal Remedy

"Cruelty" under criminal law is a wilful conduct which is likely to drive the woman to cause grave injury to her life, limb or health - physical and mental. "Cruelty" under criminal law also refers to harassment of the woman with a view to coercing her or any of her relation to meet any unlawful demand of property.⁷ By virtue of section 498A IPC, if any married woman is subjected to cruelty by her husband and in-laws, they can be punished with imprisonment upto three years and fine. If any married woman is subjected to cruelty by her husband or the relatives of her husband and thereby she commits suicide within seven years of marriage, the husband or his relatives can be punished with imprisonment upto ten years.⁹ The Evidence Act has been amended in 1983, so that the burden of proof shifts on the accused.¹⁰

The law reform has failed to arrest the torture and harassment of house wives. The domestic violence in the form of physical torture and mental harassment constituted 26.22 per cent of the total number of crimes against women in India in 1994. The complaints of physical and mental torture of the battered women are registered, investigated and adjudicated mostly by males, who apply their notion and knowledge of cruelty as husbands, fathers, and fathers-in-law, which is mostly safed and coloured by social and cultural context in which the individual is located. Owing to lack of sensitisation and priority to law and order duty, the police officers in the lower echelon of hierarchy do not respond to the needs of the battered women when they approach to the police station. However, the number of cases of torture of women reported to the police increased by 17.6 per cent in 1994 over the year 1993.⁵

4.2.3 Perception of Judiciary

A survey conducted by Sakshi,¹¹ an NGO of Delhi, among 109 judges of both subordinate and higher judiciary of some states reveals that most of the judges are in favour of compromise and adjustment of the parties in situations of domestic violence. In a criminal complaint of cruelty, the degree of proof required will vary with the perception of the judge on marriage and matrimonial relation, which again is imbibed by him from the environment in which he is brought up from the childhood. There is urgent need to sensitize the law enforcement agencies and the judiciary by training programmes like seminar and workshop, so that they can perceive the situation of violence faced by a woman in her traditional role in home.

4.3 Cohabitation and Rape

The sexual intercourse with any woman against her will or without her legal consent amounts to rape which is an offence punishable with maximum sentence of life imprisonment.¹² However, the sexual intercourse

with any girl below sixteen years of age amounts to rape irrespective of her consent. Any person having sexual intercourse with any woman by deceitful means can be punished with imprisonment upto ten years.¹³ By way of law reforms in 1983, the provisions are made in the Indian Penal Code by which a police officer or public servant or medical officer or superintendent of jail or superintendent of remand home, committing sexual intercourse not amounting to rape with any woman kept in his custody, will be punished with imprisonment upto five years.¹⁴ The Evidence Act has also been amended to shift the burden of proof on the accused so far as the consent of the victim girl to such sexual intercourse is concerned.¹⁵

The large number of rape cases remain unreported because of social stigma attached to the victim of rape. However, one outstanding feature of reported rape cases is that unmarried girls exceed married women as victims and married men exceed unmarried boys as offenders. The number of reported rape cases constituted 12.48 per cent of the total number of crimes committed against women in 1994. 12,351 rape cases were reported in 1994 which is 9.9 per cent more than the total number of cases reported in 1993. While 71.8 per cent cases are disposed of by the police on completion of investigation, the courts disposed of only 18.1 per cent cases on conclusion of trial in 1994. On an average 81.9 per cent rape cases are pending for trial in courts in 1994.⁵

4.3.1 Grievances of the Victims

The grievances of the victims of rape are many and they take number of forms. When the victim of rape approaches the police station, she enters into the gate-way of criminal justice system, where she is faced with interrogation which leads to medical examination in an environment where she feels uneasy because the incident of rape is again brought on the surface of the mind of the victim which is followed by harassment, delay, adjournment in repeated court appearances, insult at the hands of defence lawyer, loss of earnings, and waste of time, when ultimately, she painfully realises that the system does not live upto its ideas and does not serve her at all. In our adversarial system of trial, the judges play a passive role and often exhibit helplessness in checking the prolix cross examination of the victim girl during trial where she is insulted and put to embarrassment in order to elicit information that sexual intercourse was done with her consent. The trauma of rape is followed by trauma of narrating facts to the police during interrogation mostly in the police station, which is followed by trauma of undergoing an intimate medical examination, and which culminates in the trauma of court room when the victim faces cross examination mostly in open court.

4.3.2 Lack of Judicial Sensitisation

The analysis of both procedural and substantive law relating to rape and the manner of proof of the charge indicates that the law hinges on corroboration, consent and character of the victim. For successful prosecution of a rape case, it is to be proved that the victim was not consenting party to the sexual intercourse. In other words, evidence of is to be produced for struggle mark or resistance on the body of the victim. It is very difficult to prove the resistance when the victim is a married woman habituated to sexual intercourse. The character of the victim is often made an issue in order to discredit her version before the court. The judiciary of our country insists on corroboration of the testimony of rape victim, particularly when the victim is a married lady habituated to sexual intercourse. The theory of corroboration of the statement of victim, which is merely a rule of prudence is crystalised into a rule of law when the victim is a married woman. Fortunately, in *Gurmeet Singh's case*,¹⁶ the Supreme Court has specifically laid down that "corroborative evidence is not an imperative component of judicial credence in every case of rape. The court should not cling to a fossil formula and insist upon corroboration even if taken as a whole the case spoken of by the victim of rape, strikes the judicial mind as probable." In view of the above dictum of the Apex Court, the need

of the hour is to sensitise the Judges, so that they may not insist upon corroboration of the evidence of the victim in a case of rape.

4.3.3 Perfunctory Police Investigation

The victims of rape, who undergo psychological trauma, are humiliated by the society, when the case ends in acquittal. Many a time, the investigation of the rape case is done in a perfunctory manner by the police. In the case of "Gudalure M.J. Cherian"¹⁷ on the night between 12/13 July, 1990, at about 2 AM some miscreants entered the premises of St. Mary's Convent School, Gazroula in UP and committed rape on Sister Tara and Sister Roslit. The other sisters and maid servants were physically assaulted. The miscreants ransacked the house and looted Rs.1,11,000/- by breaking the almirah. The cash was kept for disbursing salaries of the staff on the next day. The incident was reported to Gazroula police station on the next morning. The case was investigated in a perfunctory manner and the chargesheet was filed by the local police against four persons - Iqbal and others. The case was brought to the notice of Supreme Court by way of public interest litigation and the CBI was directed to investigate the case afresh. The investigation of CBI revealed that four persons implicated by the local police as accused were innocent and that vital clues and evidence in the case were lost due to perfunctory investigation on the part of SHO and medical officer of Moradabad hospital. In this case, the Supreme Court directed the government of UP to suspend those police officers and medical officer with immediate effect and to initiate disciplinary action for appropriate punishments under their relevant service rules. The State of UP was also directed to pay Rs.2,50,000/- as compensation to the victims of rape and Rs.1 lakh each to the victims of other crimes in the incident, as the agencies of the State violated their most cherished fundamental right to live with human dignity.

4.3.4 Response of the Judiciary

To ascertain the judicial perception of rape cases, SAKSHI surveyed 94 judgements of higher judiciary in the country during the period from 1979 to 1996, which were reported in various Law Journals. Out of the 94 reported cases, the trial court convicted the accused in 80 cases. On appeal, the High Court acquitted in 41 per cent cases, reduced sentences in 53 per cent cases and increased sentences in 6 per cent cases. The grounds of acquittal include, inter alia, the view of the judges that penetration of a woman is physiologically impossible without her consent and that in any case victims are partially to blame for such abuse. Some cases were acquitted by giving excessive importance to medical report which indicated no injury on the male organ of the accused and no rupture of the hymen of the victim girl. In "Prem Chand's case"¹⁸ the victim, a young village girl had been coerced to run off to Jammu with her nineteen years old boy friend. Eventually they were accosted by two police constables and taken into custody. They were locked in separate rooms. The girl was raped by both the police constables. Both the Sessions Court and High Court convicted the policemen of the charge of custodial rape and the mandatory minimum sentence of ten years imprisonment was imposed. On appeal, the Supreme Court upheld the conviction, but reduced the prison term by five years on the ground that the victim was a girl of easy virtue, used to sexual intercourse and of questionable character.

Many judges of subordinate judiciary conduct the trial of rape cases in open court, in violation of sec.327 of Cr.P.C. which provides that rape cases must be tried in camera and the identity of the victim girl must not be disclosed to the print and electronic media. Some judges are extremely reluctant to look beyond their technical understanding of the law even in this era of judicial activism in India. However, the Apex Courts pronouncement in "Delhi Domestic Women's Forum"¹⁹ is the first instance where the judiciary has come closer to understanding the impact of sexual violence as women experience it. In this case the Supreme Court has

indicated the broad parameters in assisting the victims of rape during investigation and trial of the criminal case. The gist of the guidelines is that the victims of sexual assault will get legal assistance from a competent lawyer from the stage of interrogation by the police till the conclusion of trial in the court. It is the duty of the police authorities to inform the victims of their right to engage an advocate for legal assistance. The advocate so engaged will not only render professional service, but also assist the victim in getting help from other agencies like mind counseling or medical assistance. The anonymity of the victims must be maintained from the beginning of investigation till the conclusion of trial. The victims must be awarded compensation by the courts when the case ends in conviction of the offender. The government must set up Criminal Injuries Compensation Board for awarding compensation to the victims even when the cases end in acquittal of the accused persons.

4.4 Dowry and Dowry Death

The system of giving dowry to a daughter at the time of marriage is an age-old custom in our country, because the daughter had no right to inherit the paternal property under old Hindu law. When women are devalued and can expect to attain social status only on marriage, any necessary condition will be fulfilled to attain the status - more so in a context where culture and tradition or selectively used sanctified practice like dowry. The greed for acquiring more property and enjoying comfort by taking dowry has come to such a pass that the newly married women are subjected to physical and psychological torture by the husband and her in-laws for non-fulfilment of demand of dowry by the parents of the women. Many a time this torture leads to unnatural death of the married women. The Dowry Prohibition Act, 1961 is enacted with a view to check the growing menace of social evil of dowry, which makes not only the actual act of giving or taking dowry an offence punishable with imprisonment upto five years, but also the very demand of dowry at the time, before or after the marriage, an offence punishable with imprisonment upto two years.²⁰ By way of interpretation of Section 4 of the Dowry Prohibition Act, 1961, the Supreme Court²¹ has laid down that the demand of dowry for a proposed marriage which does not materialise for non-fulfilment of the demand, is an offence punishable with imprisonment upto two years. These offences are made cognizable for the purpose of investigation by the police.

4.4.1 Legislative Response

The substantive as well as procedural law was amended in 1986 to prevent dowry death of newly married women. If any woman dies unnatural death within seven years of marriage and if she is subjected to cruelty or harassment for dowry by her husband or in-laws, then the husband or the in-laws can be punished with imprisonment for life.²² The inquest of unnatural death of any woman within seven years of marriage will be conducted by Executive Magistrate.²³ The court shall draw the presumption of dowry death, if the cruelty or harassment for dowry is established by evidence.²⁴

The number of dowry death cases increased upto 5817 in 1993, but in 1994 only 4935 dowry death cases were reported to the police, which constituted 4.98 per cent of the total reported crimes against women in 1994. While 70.4 per cent cases have been disposed of by the police on completion of investigation, only 24.5 per cent cases are disposed of by the courts and conclusion of trial in 1994.⁵

4.4.2 Response of Law Enforcement Agency

The law with regard to prohibition of dowry is often subverted by taking dowry in the guise of customary gifts. Similarly, the law with regard to dowry death is often misused by unscrupulous people in collusion with the police who register the cases as dowry death, while the cases actually fall under impulsive suicide.²⁵ Out

of thirteen cases of dowry death surveyed by Ram Ahuja, Professor of Sociology in the University of Rajasthan, Jaipur, the parents of the victims were not satisfied with the police investigation at least in nine cases.²⁵ The main grievance is that the junior police officers are assigned the duty of investigating such cases even when it is difficult to make out the thin line of difference between suicide and murder committed behind closed doors. The counselling of the husband and in-laws as well as the unfortunate woman in her agitated emotional state can prove effective in preventing dowry deaths.

4.4.3 Judicial Perception

The survey conducted by "SAKSHI,"²¹ an N.G.O. of Delhi among 109 judges, reveals that judges attribute the pervasiveness of dowry to a number of reasons like unequal economic condition, weak husband, and failure of parents to take back the daughter from situations of dowry harassment. The judges laid emphasis on changing women rather than altering attitudes which affect women adversely. Some judges affirmed that while they would not demand dowry for their son, they would have to provide dowry for their daughter, wherein lies the crux of the problem with gender bias.

4.4.4 Judicial Response

In the case of L.V. Jadhav,²⁶ the bridegroom's father demanded Rs.50000/- during pre-marriage negotiations, but the demand was rejected by the father of the bride. The sum was demanded for payment towards air fare of the bride and the father-in-law to join the husband in the United States. However, the marriage took place on intervention of a common family friend of both the parties. The bride was not sent to U.S. to join her husband for one year after marriage for non-payment of Rs.50000/- demanded by the father-in-law. In the absence of an agreement to pay, this undisputed demand was not construed as dowry by the Bombay High Court which quashed the complaint against the father-in-law. However, on appeal, the Supreme Court had set aside the judgement of Bombay High Court and held that even unilateral demand for dowry would constitute an offence under the Dowry Prohibition Act, 1961. In the case of Shobha Rani,²⁷ the ground of divorce was cruelty caused by incessant demand of dowry. She produced a letter of her husband which disclosed: "Now regarding dowry, I still feel that there is nothing wrong in my parents asking for a few thousands of rupees. It is quite a common thing for which my parents are being blamed of harassment". The trial court agreed with the husband of Shobha Rani and came to the conclusion that there was nothing wrong on the part of the husband to ask his wife to give money when he was in need of it. The A.P. High Court also agreed with the trial court by holding that there was nothing wrong and unusual in asking a rich wife to spare some money. Fortunate for being rich, the wife could approach the Apex Court, which differed from the courts below and reversed the findings of both the High Court and the trial judge. The sociological understanding of dowry abuses by the Apex Court²⁸ is reflected in the following words. "The Indian woman is brought up and trained in a traditional atmosphere and told that it is better to die in the husband's home than return to her parents' home and bring disgrace to them. She finds it very difficult to violate this cardinal principle and prefers to die at her husband's place. This is the social reality of a woman's life. The legal agents in power need to understand this and be sensitive to it." The message must percolate down the line to the grass root level of judiciary in the country.

4.5 Molestation and Sexual Harassment

Modesty is to women, what fragrance is to flower. Any person using any word or picture or gesture or act or sound with intention to insult the modesty of any woman can be punished with imprisonment upto one year.²⁹ This is popularly known as sexual harassment. Similarly, use of criminal force against any woman with

intention to outrage her modesty is an offence punishable with imprisonment upto two years.³⁰ This is popularly known as molestation. The number of molestation cases came up to 24,117 in 1994 which constituted 24.37 per cent of the total crimes reported against women in 1994. The number of cases on sexual harassment constituted 10.60 per cent of the total crimes committed against women in 1994.⁵ Both the offences of molestation and sexual harassment are cognizable and the police is empowered to investigate the cases without any permission from the magistrate.

4.5.1 Judicial Perception

In the year 1988, one senior lady IAS officer of the rank of Secretary lodged a complaint with the Inspector General of Police, Chandigarh, alleging sexual harassment and molestation by one eminent police officer of Punjab. On the basis of the said complaint, a criminal case was registered and the investigation was taken up. A private complaint was also filed in the court of Chief Judicial Magistrate, Chandigarh on the same allegation on 22.11.88. Subsequently, both the FIR and the private complaint were quashed by Punjab and Haryana High Court. Ultimately the matter went up to Supreme Court, which had set aside the order of quashing the complaint and FIR by Punjab and Haryana High Court. The Supreme Court³¹ has laid down in unambiguous terms that the sequence of events culminating in slapping on the posterior of a woman in a public function disclosed in FIR amounted prima facie to an offence u/s.354 IPC. This case was remanded to the trial court for adjudication on merit. In the case of *Boden Sundara Rao*³² the Apex Court came down heavily on the High Court of Andhra Pradesh for awarding grossly inadequate sentence in the following words: "Crimes against women are on the rise. Imposition of grossly inadequate sentence and particularly against the mandate of the legislature not only is an injustice to the victim of the crime in particular and the society as a whole in general, but also at times encourages a criminal. The courts must not only keep in view the rights of the criminal but also the rights of the victim of crime and the society at large while considering imposition of the appropriate punishment." The above two cases give a glimpse as to how the problem of molestation and sexual harassment has been conceptualised and treated by the highest court of the land.

4.5.2 Guidelines of Apex Court

Some social activists and non-governmental organisations moved the Supreme Court for some direction to prevent sexual harassment of working women. By an epoch making judgement the Supreme Court³³ has laid down the guidelines and norms for effective enforcement of the basic human right of gender equality and guarantee against sexual harassment at work places. According to the Apex Court, "Sexual harassment" includes such unwelcome behaviour (whether directly or by implication) as: (i) physical contact or advances; (ii) a demand or request for sexual favours; (iii) sexually coloured remarks; (iv) showing pornography; (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

It shall be the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required. To prevent sexual harassment, every employer or person in charge of work place, whether in the public or private sector, must take the following steps: (i) Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways; (ii) The rules/regulations of Government and public sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender; (iii) As regards private employers, steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946; (iv) Appropriate work conditions should be provided in

respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no woman employee should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

The guidelines include, inter alia, that the victims of sexual harassment should have the option to seek their own transfer or that of the perpetrator. More over, the employer or the disciplinary authority must invoke criminal remedy against the delinquent employee if the conduct amounts to an offence under Indian Penal Code or any other penal law. Similarly, the employer or the disciplinary authority must take appropriate departmental action against the delinquent if the conduct amounts to misconduct as per relevant conduct rules. Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer's organisation for redressal of the complaint made by the victim. Such complaint mechanism should ensure time-bound treatment of complaints. The complaint mechanism should be adequate to provide, where necessary, a complaints committee, a special counsellor or other support service, including the maintenance of confidentiality. The committee should be headed by a woman and not less than half of its members should be women. The competent NGO also should be included in such committee. The complaints committee must make an annual report to the Government on action taken by it.

4.6 Abduction and Kidnapping

Women become victims of kidnapping and abduction for variety of reasons in the family and society. The motives behind kidnapping unmarried girls or abducting married women are mainly sexual relation, marriage, selling and prostitution. The acts of kidnapping and abduction for various purposes are made offences punishable with imprisonment which may extend from seven years to life³⁴. Only 12,998 cases of kidnapping and abduction were reported to the police in 1994, which constitute 13.13 per cent of the total crimes against women in 1994. This crime rate is increased by 0.1 per cent in 1994 over the year 1993.⁵

Prof. Ram Ahuja³⁵ made a research study of 41 cases of kidnapping and abduction, and came to the conclusion on the perception of the victims about the police and judiciary. This research study pointed out that both abductors and abducted victims were mostly young, unmarried, less educated and moderately poor. The data also revealed some important dimensions of this crime viz. since unmarried girls are mostly abducted by unmarried males, it is possible that the victims ran away from their homes willingly to marry persons of their choice, and when caught, they described the males' act as abduction, under pressure of their parents. Again, sex gratification appeared to be the important object in abductions of married and deserted women, since the abductors were mostly married males. The research report indicated that in 75.6 per cent cases the victim and offender were known to each other, and the victim left the house with the offender voluntarily.

4.6.1 Response of Police & Judiciary

Once the victim is rescued she finds herself entangled in a long drawn legal process. She is questioned about her relationship with abductor, her back ground and the incident, by the police. She is routinely sent to the rescue home, except when the parents or relatives are very diligent to take her back from the court. The stereotyped image of police is reflected in the report of survey of 41 cases by Prof. Ram Ahuja. The police showed complete lack of sympathy, made derogatory remarks and did not take the complaint seriously in 39 per cent cases, though the police action was appreciated as positive in 31.7 per cent cases and mixed in 17.1 per cent cases and indifferent in 12.2 per cent cases.

Once the case goes to the court, the victim gets a sting and under goes a process of cooling out. The inordinate delay in the trial entails lot of inconvenience to the victim viz. financial loss, degradation,

embarrassment at the hands of defence lawyer. Out of 32 cases surveyed by Professor Ram Ahuja, only 12 cases were disposed of. Out of the twelve cases, the accused were convicted in two cases and acquitted in ten cases. The victims and their parents or relatives painfully realise during the trial that the key issue is not whether an abduction occurred, but whether people believe that an abduction occurred. The need of the hour is to change the attitude of police and judiciary of our country.

4.7 Prostitution and Trafficking of Women

Prostitution itself is not recognised as an offence under any law in India. However, to prevent sexual exploitation for commercial purpose, the act of procuring, inducing or taking away any woman with intention to exploit for the purpose of prostitution is recognised as offence under the Immoral Traffic (Prevention) Act, 1956. An adult living on the earnings of prostitution is also an offence. Similarly, any person who owns or possesses any premises for being used as brothel or who manages or assists in managing a brothel commits an offence. Even detaining a person in the premises where prostitution is carried on is treated as offence. Enticing any person for sexual abuse or exploitation for commercial purpose by any overt act like gesture or exposure of body is also an offence punishable by law.³⁶ The number of cases under I.T. (P) Act reported to the police is 7.547 in 1994, which constitutes 7.62 per cent of the total crimes against women in 1994, and which is 18.9 per cent over the year 1993.

The problem of sexual exploitation of the women for commercial purpose can not be solved only by intervention of the criminal justice system, because the problem is more social and moral than legal. The preventive role of the police and the government may help to rehabilitate at least the girls of the prostitutes entangled in the red light trap. The children of the prostitutes are, no doubt, "Neglected Juveniles" who are to be accommodated in "Juvenile Homes" set up by the state governments under the Juvenile Justice Act, 1986. This social welfare legislation has cast an obligation on the state governments not only for providing accommodation, maintenance, education, but also for development of character and protection from exploitation of the neglected Juveniles. Recently, in Gaurav Jain's case³⁷ the Supreme Court has given comprehensive instructions to the Government for rescue and rehabilitation of the children of the prostitutes in the country.

4.7.1 Role of N.G.Os

The N.G.Os of our country are playing pivotal role in giving protection to the victims of sexual abuse and exploitation. Smt. Sadhana Mukherjee,³⁸ who herself suffered debasement and depravity as a prostitute of Sonagachi - the biggest red light area of Calcutta, is working with 1700 sex workers to end sexual exploitation and to ensure that the children of these hapless women do not end up in the profession. Forced into prostitution at the age of 15, Smt. Mukherjee is the convenor of Mahila Samanaya Committee comprising 1700 sex workers of Calcutta. She has made tremendous progress in achieving her mission of gaining dignity and preventing exploitation.

4.8 Sati and Abetment of Suicide

Sati is a crime peculiar to Indian scenario. The custom of burning alive a widow along with the dead body of her husband is popularly known as Sati. The relatives of the deceased male dying issueless, instigate widow of the deceased to commit suicide by burning into the pyre of her dead husband in order to grab the property of the deceased person. This age old practice prevailing among the Hindu community was first prohibited by enactment of law by the initiative of social reformer, Raja Ramohan Roy more than a century ago.

There is a thin line of difference between suicide and murder in the context of Sati. Roop Kanwar, a young house wife was instigated to burn herself on the pyre of her dead husband at Deorala in Rajasthan in 1985. The people responsible for making Sati are charged for abetment of suicide u/s.306 IPC punishable with imprisonment upto ten years. Unlike the previous Sati cases, 32 accused persons responsible for abetting suicide of Roop Kanwar were tried on the charge of murder and all of them were acquitted by the court of sessions.⁴⁰ As instigator of Sati could have been charged only for committing abetment of suicide u/s.306 IPC and as there were no ingredients of the offence of committing murder u/s.302 in a Sati case, the Parliament enacted a new legislation called "The Commission of Sati (Prevention) Act, 1987. This Act provides for punishment of death sentence for abettors of Sati, irrespective of whether it is murder or suicide. The glorification of Sati is also made an offence punishable with seven years imprisonment by this Act. In spite of such a stringent law, the age old tradition of Indian Society allows stray incidents of Sati. Two sati cases were reported to Police even in 1994.

5. ROLE OF POLICY MAKERS:

The status of women in our country stems from their less economic liberty and consequent dependence and lack of decision making power. They do not have control over the resources for lack of access to the decision making structures in the country. The legislators can play a pivotal role in empowering the women by making reservations in various decision making structures. The bill for reservation of 33 per cent seats for women folk in Parliament and State Legislative Assemblies has not yet been passed, for lack of unanimity among various political parties of the country. This reservation is the prime need of the hour.

The right to speedy trial is guaranteed as fundamental right under Article 21 of the Constitution of India.³⁹ During the year 1994, 20,77,631 cases were pending at the stage of investigation and 47,59,521 cases were pending at the stage of trial. The rise in pendency of trial cases correspondingly rose to 81.4 per cent in 1994 compared to 80.2 per cent in 1993, which clearly signifies the trend in the mounting pendency in trials of criminal cases at various courts in the country.⁵

The family courts, have not been established by most of the State governments with a view to promote conciliation in and secure speedy settlement of family disputes though the Family Courts Act was enacted in 1984. There is urgent need for recruitment of prosecutors and female judges in all levels of judicial hierarchy by making reservation of at least one third vacancies for women. This will help in changing the attitude of judiciary towards domestic violence and crimes against women.

The police constables, who are not entrusted with the duty to investigate criminal cases, constitute 87.16 per cent of the total police force of the country. By reducing the number of constabulary and by increasing the ratio of women police at the officers level in lower echelons of the administration and by entrusting them with special duty to deal with the offences like rape, dowry, sati, abortion, sexual harassment and matrimonial torture, better results can be expected from police as law enforcement agency.

The fourth United Nations sponsored World Conference on Women at Beijing from September 4 to September 15, 1995 focused on action for "Equality, Development and Peace". Interestingly, the slogan of NGOs gathered in Beijing from August 30 to September 8, 1995 was "to look at the world through women's eyes". Many NGOs of India are taking up the causes of the victims of rape and sexual torture and also the victims of dowry. In a few cases, some NGOs brought the plight of female victims to the notice of the Apex Court by sending letters, which were treated as public interest litigations and appropriate reliefs were granted by the Supreme Court. The co-operation of NGOs is very essential to effectively tackle the problem of crimes

against women. Our policy makers may consider giving legal status to the NGOs not only for running homes and corrective institutions for the purpose of Juvenile Justice Act, 1986 and Immoral Traffic (Prevention) Act 1956, but also for playing effective role in the criminal justice system.

6 NEED FOR SENSITISATION

The convention on the Elimination of Discrimination Against Women (CEDAW) is the first significant international legal document which pays specific focus to the violence that women suffer due to legal, social and cultural traditions.⁴¹ All agencies of the criminal justice system must acquaint themselves with the perspective and understanding adopted by CEDAW in considering women's disadvantages and the consequent inequality and they undergo when it comes to the violence they face. The survey conducted among 109 judges by SAKSHI, an NGO of Delhi, reveal that 79 per cent judges had never heard of CEDAW, while 21 per cent who knew it by name, were not aware of its contents. India ratified CEDAW on August 8, 1993. Many senior police officers and judges are not aware of Recommendation No.19 of CEDAW which describes the acts of inflicting physical, mental or sexual harm or suffering or threats of such acts, coercion and other deprivations of liberty as violation of women's fundamental human rights.

The Recommendations of CEDAW cast an obligation on the state to take all legal and other measures which are necessary to provide effective protection to women against gender based violence, including, *inter alia*:

- (i) effective legal measures, including penal sanctions, civil remedies and compensatory provisions to protect women against all kinds of violence, including violence and abuse in the family, sexual assault and sexual harassment in the workplace;
- (ii) preventive measures, including public information and education programmes; "gender sensitive training for judicial and law enforcement officers and other public officials" to change attitudes concerning the roles and status of men and women;
- (iii) protective measures, including refuge, counselling, rehabilitation and other support services for women who are the victims of violence or who are at risk of violence.

The police officers, prosecutors and judges at all levels of hierarchy need to be exposed to gender equality education which would enlighten them on existing assumptions, myths, and stereotypes about women and how these can interfere with fair and equitable administration of justice. There is urgent need of training of the personnel involved in the criminal justice system on the nature of violence against women in general and domestic violence, sexual violence and dowry offences in particular. The participation of the victims, NGOs, lawyers and social activists in such training programmes may help in internalizing the gender based violence by the law enforcement agency and the judiciary and this process may in the long run help our criminal justice system to be more responsive and sensitive to the victims of domestic violence and crimes.

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DOWRY : A FORM OF DOMESTIC VIOLENCE

- Sarita Sarangi*

Abstract

Violence against women is prevalent all over the world in some form or the other. Wife-battering is common in Bangladesh, Barbados, Chile, Columbia, Costa Rica, Guatemala, India, Kenya, Norway and Sri Lanka. But dowry death as a domestic violence is India specific. There are many instances of bride-burning by the in-laws for not bringing dowry or bringing insufficient dowry. A peculiar feature of the bride-burning cases is that mostly females are accused of committing such crimes. It is very difficult to the correct statistics of domestic violence because of under reporting of the cases. The inferior status of women in family and society, their educational backwardness and their economic dependence on males are major causes of dowry-related crimes.

Domestic violence is general and violence against women in particular is gradually gaining world wide attention. The term domestic violence refers to any violence (physical or mental/psychological) between two individuals or two groups of individuals who have got some kind of personal relationship. According to the Manual on "Strategies for Confronting Domestic Violence, 1993, domestic violence means physical or mental assault of women by their male partners". The intensity of physical violence can range from bruising to killing. Dowry related crimes like, 'bride-burning' is a Pan-Indian phenomenon. Although dowry related death as a form of domestic violence is typical to India, yet violence against women is found all over the world in some form or other. According to the UNIFEM fact sheet report on gender violence (1992) "wife battering is common in Bangladesh, Barbados, Chile, Colombia, Costa Rica, Guatemala, India, Kenya, Norway and Sri Lanka". "Bangladesh and India have defined demanding dowry and inflicting violence to collect dowry as criminal acts" (Violence against Women in the Family, United Nations Publication, Sales NO.E. 89 IV 5. p.67)

What is dowry ? Dowry as an institution was initially meant to refer to a system of providing gifts on behalf of the parents, to their daughters, at the time of marriage. It was known as "stree-dhan" or 'bride-wealth'. The gifts were offered by the parents as a token of love. But over a period of time it took a different shape and its meaning changed from a "voluntary offer" to the "coercive demand" of wealth or any other valuable material. In the case of failure to meet the demand either the marriage does not materialize or even if it materializes, in most of the cases, the bride is tortured by the members of her in-law's family. Such dowry-related crimes have become a matter of concern for all those, who are really concerned about the human-rights issues in the society.

So far as the incidence of domestic violence is concerned, it is very difficult to get the correct statistics, since domestic violence is considered a hidden problem. The reasons for the under-reporting of the cases of domestic violence may be as follows :

- (a) The women (victims) might feel ashamed of reporting that they are being assaulted or torture
- (b) They may be afraid of reporting
- (c) They may have a sense of family loyalty or in other words they might be fearing that an open admission of the fact of their being tortured affect the family prestige.
- (d) The surveys conducted with the self-reporting device are not found useful, because while responding, the victims might overestimate or underestimate the intensity of the violence.

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- (e) The surveys with the help of "phone-in" techniques are also found to be ineffective sometimes, since the women undergoing the traumatic experience may not like to reveal anything to a stranger.
- (f) Anticipated fear of legal/police harassments.

Despite all these handicaps, with the help of several other sources of information it is evident that "violence against women in home is a serious problem" ("Violence against Women in the Family'.....pp 18-20). Under the dowry-related crimes there are instances of bride burning by their in-laws for not bringing dowry or bringing insufficient dowry. A peculiar feature of the statistics with regard to the bride-burning is that, mostly females are accused of being involved in such kind of crimes. Here, a question arises as to why are always women behind the torture of women. For the in-depth analysis of such a problem a psycho-social understanding of the probe of criminality is very much necessary.

Sarangi (1990) the present author, in her earlier research on "A Psycho-social Study of Women Accused of Bride-Burning", revealed some interesting findings. The sample consisting of 25 female accused of bride-burning and 5 female murderers in general was taken as a comparative group. The sample was collected from the Tihar Jail, New Delhi. All the females accused of bride-burning only were taken as subjects. Therefore, no sampling methods were required. The variables under investigation were, personality, self-concept, intelligence, socio-economic background, occupational status, family structure. The tools used were: Tennessee' Self Concept Scale (in order to measure the self concept of the subjects). Thematic Apperception Test (TAT) by H.A. Murray (in order to analyse their personality traits), Ravens' Standard Progressive Matrices (in order to measure the intelligence level of the subjects). A semi-structured questionnaire was also used which revealed information with regard to their socio-economic background, occupational status, educational background, family backgrounds, etc. Intensive interviews were also conducted. The findings of the above research were as follows:

The so called bride-burners have a negative self-concept in the empirically defined areas like, physical-self, moral-ethical-self, personal-self, family-self and social-self. According to the self-concept theory in criminology, an individual's concept of himself/herself is very much important in influencing the overall behaviour pattern. They scored high in the area of 'conflict' indicating that they are undergoing a very conflicting state of mind. They secured a low score in 'self-criticism' area indicating that they don't appreciate to focus on the negative aspect of their own personality. So far as the analysis of their personality is concerned, a typical trend emerged. They have an aggressive, dominant-kind of personality with frustration at the base. They were basically from middle/lower-middle class economic background. Most of them were housewives. Almost all the subjects were illiterates. They came from a joint-family background."

The analysis of the factors behind the cause of domestic violence needs a multi-pronged approach. The factors leading to domestic violence, according to Renfree, can be put under three broad categories - societal, family and individual factors. "Some of the most powerful societal factors are: ideal expectations of family (e.g., as warm, loving, nurturing), thus creating a rift between the real and the ideal and tension when the ideal cannot be achieved; attitudes towards discipline and violence; and various socio-economic pressures (e.g. unemployment). Family factors that may affect domestic violence are the availability and accessibility of resources, unemployment or under-employment of family members; special needs e.g., disabled children, elderly parents who place severe emotional, physical and financial strains on the family), and the structure of the inter-relationship. Individual are, psychological disorders and mental health problems, alcohol or drug abuse, level of education (abusers are of all educational levels, though a lower level of education is a contributory factor to a feeling of dependency), previous experiences of abuse, and a lack of parental skills. Dowry-related crime as a form of domestic violence has some typical causal factors which may be enumerated as below:

(a) Status of Women

The question as to why only women become the victims of domestic violence requires an in-depth understanding of the history of the women's status in the society. The typical status of women in educational, economic and social fields is one of the major factors in making them the victims of dowry-related crimes.

The educational status of women in India, is rising gradually. According to Jones (1980) from a comparative standpoint the educational status of Indian women is much below than that of their counterparts in other countries and does not approach the status set out for Indian women at Independence. The education of the female child enjoys a low priority in rural areas due to the value system. According to the belief of the rural families, in the language of Jones, "increasing the educational standard of female family members puts a further financial strain on the family, in that a larger dowry must be produced if the girl is to be married to someone of equal or better educational level."

The National Committee on Women Education (1975), summarizes the obstacles to women education in four categories:

- (a) Social prejudice and religious orthodoxy primarily in rural areas.
- (b) General apathy as to the education of the girls the view that education is of no special use to girls.
- (c) Home conditions which require that young girls remain in the home to care for younger children or to help the family.
- (d) General poverty resulting in an inability to give school-age girls clothing and nourishment (Desai, 1976).

A female child is considered liability to the family throughout her life. In contrast to this, a female in a tribal society is asset to the family. It is interesting to note here that a system of 'bride-price', which is taken as the opposite of 'dowry', prevails in certain tribal societies. According to this system, at the time of marriage the members of the boy's family are supposed to pay money or any valuable material to the girl's family as a compensation for the loss of earning hands. The concept of economic liability' of the female child is reflected in the following words: "Whatever money she earns will go to her in-laws or to the nuclear household which she shares in establishing. The family must save for a dowry for a daughter, whereas it is the recipient of a dowry if it has a son " (Jones). Thus, economic dependence of the females on their male counterparts, as a wife, daughter, mother or sister is one of the major reasons behind the dowry-related crimes and other kinds of violence against women.

(b) Family Structure

The social status of the Indian women, traditionally, has been largely influenced by the joint family system. Most societies over the course of their history and today are male dominated and according to Levinson (1989), 'with women classified and treated as possessions by men'. In the joint family system, the eldest male of the family has the ultimate authority. This ideology of joint family system goes in line with the patriarchal theory as an explanation for the cause of domestic violence. In daily household affairs, the newly married woman is under the authority of the eldest female. She is overlooked in almost all of the decision making processes. "Indian literature and biography is replete with the perils of conflict between mother-in-law and daughter-in-law" (Jones).

(c) The Value System

The incidence of divorce in India is much below than that of the Western countries. Under the provisions of family laws on divorce and separation a woman can end an abusive marriage. In many countries, there are family laws to deal with domestic violence. According to the Manual on Strategies for Confronting Domestic Violence, "Women who are victimized by their partners may try to obtain marital relief, including legal separation and divorce." Although, legally, women can get divorce on appropriate ground, yet the traditional value system in India does not encourage it. Many women avoid divorce because it is socially or culturally unacceptable or because they want to maintain the family for the sake of children or they wish to maintain a standard of living." The lack of freedom of divorce on the part of women is a contributing factor in violence against women. Thus, marital relief may not be considered as an universal solution for violence against women.

Common Elements between Dowry and Violence against Women

Violence against women is not limited to any particular country or culture now. Anecdotal material and small research samples show that wife assault crosses all class, culture and colour barriers (manual on Strategies for Confronting Domestic Violence).

The secondary, oppressive or subordinate status of women in the society or in the family is a major contributing factor in producing dowry-related violence. Economic dependence of the females after marriage increases their vulnerability of being trapped in the dowry-related problems. This notion goes in consonance with the 'resource theory' as an explanation of family violence in general and violence against women in particular. According to Warner et al. (1986), decision making power in family relationship depends to a large extent on the value of the resources each person brings to the relationship. Resources can be either material in nature (income, contribution to subsistence, access to trade networks, inheritance, dowry and so on) or organizational (kin ties, political alliances and so on). Levinson (1989) expresses that economic inequality is a strong predictor of wife beating. The link between economic inequality and wife-beating is apparently mediate by two other factors. First, male dominance in family decision making; Second, restrictions on female's freedom of divorce. Similarly, the traditional value system supporting male dominance in the society and discouraging divorce as a solution to the problem, might be responsible for the existence of dowry problem. The secondary status of women, responsible for making them weaker, inferior-being is reflected in the following statements: In marriage, "woman ought to serve her husband as unto God, affirming that in nothing hath woman equal power with man....affirming that woman ought to be repressed" (Augustine, 1558). The patriarchal theory of family violence can be taken as an explanation for the domestic violence. The argument behind the patriarchal theory, according to Levinson (1989), the traditional value systems are in support of the male dominance and control over females, when necessary. The same argument can also be taken as an explanation for supporting the subordinate status of the females in the society, which might lead to dowry, a kind of family violence.

The 'social learning theory' of family violence which takes into consideration a combination of contextual and situational factors, also supports the existence of dowry related tortures. According to O'Leary (1988) violence in the family of orientation, stress, and aggressive personality as well as marital strife and alcohol use are the factors responsible for family violence. The dowry related violence is only the manifestation of the frustrations undergone by the so called perpetrator of such a crime.

Suggestions for Combating the Dowry Problems

Dowry, as a social problem is as serious as other kinds of violence against women, which requires immediate solution. Although, a number of women organizations are already on this path, still the result is

not up to the mark. "Since 1961 dowry has been illegal, though the degree to which this proscription is enforced is minimal making the law almost no deterrent at all" (Jones). Only the enactment of laws is not sufficient for preventing such serious problems. Here are certain suggestions which can prove helpful in combating this problem:

- (a) A Psycho-social understanding of the problems of both the perpetrator as well as victim is necessary.
- (b) A trained group should be set up who can establish proper rapport with the victims, so that they can discuss their problems unhesitatingly with those trained staff.
- (c) Some 'shelter-homes' should be established everywhere to accommodate the victims at the time of crisis.
- (d) Public-awareness programmes regarding the evils of dowry-system should be accelerated.
- (e) The economic independence of women would also help in reducing the rate of incidence of dowry crimes

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EVE-TEASING - A PEEPHOLE STUDY*

According to a recent sociological probe into the phenomenon of eve-teasing, as many as 80 per cent of the subjects dislike social crime. Yet its incidence is widespread and the crime is on the increase.

*- Dr Om Raj Singh**

It was only in the mid-60s that psychology and related branches of social sciences started considering crime against women as a subject of scientific investigation. In India, several studies have been conducted on crimes against women but none of them thought above eve-teasing - a serious social problem of the day. However, psychologists till date have not been able to pay proper attention to this social problem.

Normally, the eve-teasing victims do not report the matter as they feel that in the absence of any strong provision in the law to deal with this crime, the only consequences of reporting would be unnecessary harassment to the victim and her witnesses. Eve-teasing is treated more as a social failings, bordering on crime. Therefore the method employed to tackle the problem must be on the lines of social reform, that is, generate social awareness to fight the malady.

Basically, eve-teasing is a crime committed in crowded areas in the cities. The public transport, like DTC in Delhi, is one of the commonest places of its occurrence. It is also frequent in public parks, places of worship as well as tourist interest. There are many other such places where the unescorted female is bound to invite harsh and unpleasant remarks. In colleges and universities too, incidents of eve-teasing are very high. Much hue and cry has been raised against the evil and some laws have been enacted to deal with the offender (1983 Act).

Crimes against women, including eve-teasing, are not only legal problems but also social and psychological ones. The psychological factors may begin from psycho-sexual development and manifest in any other stage of life.

The causes of eve-teasing may be attributed to a conflict between instinct and social pressure. Even man is endowed by nature with the sex urge, or what Freud called, the libido. The youth develops a behavioural pattern conducive to sexual satisfaction after being denied natural outlet for the fulfillment of urges. Eve-teasing is the mild expression of suppressed sexual desires of males. The psycho-analytical approach traces the roots of eve-teasing in an improper development of personality. The superego in some individuals does not develop well, their tendencies predominate and the ego grows weak and eventually eve-teasing emerges as a result of maladjusted personality. Several psychologists trace the roots of eve-teasing to unconscious motivation. Another group of psychoanalysts maintains that eve-teasing is the direct continuation of the child delinquency. Social psychologist have advanced various theories and laid the blame on women for offering themselves to be teased by provocative behaviour. In a way, eve-teasing is a tri-dimensional phenomenon. This involves victims, offenders and public at large.

Few studies have been conducted on the malady of eve-teasing. One of the recent studies was conducted by Dr. M.G. Husain from the Deptt. of Psychology, Jamia Millia Islamia University, New Delhi. The main objective to the study, entitled "Social Psychological dimensions of Eve-teasing" was to analyse the form and magnitude of the problem in the metropolis of Delhi. The research was planned to investigate the

Judge, Presidency Small Cause Court, Kolkatha, See, Sunday Herald, Dec 2, 1990.

magnitude and impact, and the causes behind eve-teasing. The extent of tolerance among the victims and the after affects of eve-teasing (victims) and finally, opinion and attitudes of members of the society i.e. (passers-by)

The samples were drawn from different colleges and universities of Delhi. However, these were confined to offenders, victims and passer-by from different places. 774 persons from different institutions and offices served as sample of the study.

The findings of the study indicate that the three categories of economic status, i.e., lower, lower-middle, middle and high contributed to the results. The responses of subjects from high economic conditions were different from the subjects of low economic conditions. As a whole 80 per cent of the subjects irrespective of socio-economic background and institutional affiliations disliked eve-teasing. However, 10 per cent girls from high economic group had a liking for teasing.

Another important factor examined was the type of dresses. The middle class and lower middle class group of girls accepted this as a cause of teasing and girls from middle type institutions were more affected by it. Girls between 17-19 and between 20-22 reported that they were teased more frequently and middle and lower middle class girls were affected more. The high income group subjects did not experience much of eve-teasing. This might be because of their limited movements and less contact with others.

A majority of girls suggested that this menace can be stopped through increasing awareness, 25 per cent of them suggested that such acts of the offenders should be ignored. Victims further suggested that the help of police should be taken to curb this shameful practice.

When asked whether they report the matter to their parents, a majority of them agreed that they never discussed it. However, the parents of high income group were least bothered. They neither informed the police nor reported to the college authorities.

According to the study, the highest rate of occurrence of eve-teasing was at bus stops and other crowded places. The findings show that the girls from low and lower-middle class were more subjected to eve-teasing.

Dresses were one of the reasons of attaching the teasers. Most of the offenders were strangers and only a few teased with the feeling of revengeful attitude.

The eve-teasing revealed that it is a common phenomenon with boys. Most of those involved in this practice were from the lower income group and are unable to satisfy themselves in different spheres of the life and teasing provided them as outlet for repressed psychological needs and desires.

In the third phase of the study, the responses of 150 passers-by were recorded. They were drawn from different socio-economic strata of the society in Delhi and most of them belonged to lower-middle income group. 90 per cent of the passers-by agreed that they noticed the incidents. However, 50 per cent of them responded that they could identify the teasers and another 50 per cent did not know them.

According to them, 20 per cent incidents were planned while 80 percent of the cases were situational responses. As for the causes of eve-teasing, majority of them felt that girls themselves were the cause of teasing. A few (35%) felt that girls were the real victims. The attitude of the offenders were aggressive when they stopped them from indulging in the practice. However only 50 per cent of the passers-by said that the victims asked for their help. One typical findings of the study was that a good number of respondents found eve-teasing amusing whereas 37 per cent responded that the eve-teasing was not amusing.

SEXUAL HARASSMENT*

Some Forms of Sexual Harassment

Most people are unaware that certain kinds of behaviour which we have been conditioned to accept as 'normal', do in fact amount to sexually inappropriate behaviour. Given below is a list of some types of behaviour which are sexual harassment.

Gender Harassment: Generalised sexist statements and behaviour that convey insulting or degrading attitudes about women. Examples include insulting remarks, offensive graffiti, and obscene jokes or humour about sex or women in general.

Seductive Behaviour: Unwelcome, inappropriate and offensive sexual advances. Examples include persistent unwanted sexual propositions, repeated requests for dinner, drinks or dates, persistent invitations through letters and phone calls.

Sexual Bribery: Solicitation of sexual activity or other sex-linked behaviour by promise of reward; the proposition may be either overt or subtle.

Sexual Coercion: Coercion into sexual activity or other sex-linked behaviour by threat of punishment; examples include negative performance evaluations, withholding of promotions, threat of termination.

Sexual Imposition: Gross sexual imposition such as forceful touching, feeling, grabbing, or sexual assault.

Of these five types of behaviour, gender harassment is by far the most common, followed by seductive behaviour. The 'classic' forms of sexual harassment (bribery and coercion) are in fact relatively uncommon, while other forms of sexual imposition happen more frequently than most people think. International Law and the recent Supreme Court of India judgement have also recognized that certain types of offensive visual displays in the workplace, such as pornography, can be considered sexual harassment.

The defining characteristic of sexual harassment is that it is unwelcome. It's important to clearly let an offender know that certain actions are unwelcome.

Sexual Harassment: Myths and Facts

MYTH: Sexual harassment is rare.

FACT: Sexual harassment is extremely widespread. It touches the lives of 40 to 60 percent of working women, and similar proportion of female students in colleges and universities.

MYTH: The seriousness of sexual harassment has been exaggerated; most so-called harassment is actually trivial and harmless flirtation.

FACT: Sexual harassment can be devastating. Studies indicate that most harassment has nothing to do with 'flirtation', or sincere sexual or social interest. Rather, it is offensive, often frightening and insulting to women.

Research shows that women are often forced to leave school or jobs to avoid harassment; many experience serious psychological and health-related problems.

MYTH: Many women make up and report stories of sexual harassment to get back at their employers or others who have angered them.

* Source : Note prepared by Satshi (B-67 South Extension, Part-I, New Delhi-110049)

FACT: Research shows that less than one percent of complaints are false. Women rarely file complaints even when there are justified in doing so.

MYTH: Women who are sexually harassed generally provoke harassment by the way they look, dress and behave.

FACT: Harassment does not occur because women dress provocatively or initiate sexual activity in the hope of getting promoted and advancing their careers. Studies have found that victims of sexual harassment vary in physical appearance, type of dress, age, and behaviour. The only 'absolute' is that the overwhelming majority are women.

MYTH: If you ignore harassment, it will go away.

FACT: It will not. Research has shown that simply ignoring the behaviour is ineffective: harassers generally will not stop of their own accord. Ignoring such conduct may even be perceived as condoning or encouraging it.

Do's and Don'ts: Determining what amounts to sexually inappropriate behaviour

DO ...

- ❖ *Give employees the space and time to hold meetings on sexual harassment at the workplace.*
- ❖ *Display your organization's policy on sexual harassment prominently.*
- ❖ *Treat any complaint of sexual harassment with sympathy and sensitivity.*
- ❖ *Take a stand against your colleagues who may use sexually offensive remarks, innuendo, or derogatory statements about other employees.*

DON'T ...

- ❖ *Use language that may be offensive, sexually coloured or derogatory*
- ❖ *Bring up issues of a sexual nature which you might not necessarily perceive as being offensive.*
- ❖ *Touch anyone in genital areas, engage in petting of any sort, touching anything other than hands when extended towards you, intentionally brushing against touching anyone, kissing etc.*
- ❖ *Stare at people or look at their erogenous zones more than very briefly: leering, gawking*
- ❖ *Engage in physical intimacy at work, in any area on corporate property, or in your car in the parking lot at work any kind of sexual intimacy and contact at any time or place that is designated for work*
- ❖ *Help someone at work because you find him/her attractive and want to get close to him/her, or with the intention of using this assistance as a basis for forming a more intimate relationship.*
- ❖ *Assign work to employees in a secretive or poorly controlled way on the basis of friendship, appearance, or other non-professional parameters.*
- ❖ *Assign the most lucrative, high profile accounts/customers/jobs/postings etc. to a select group of employees on the basis of what appears (to other employees) as a non-professional basis.*
- ❖ *Supervise or be supervised by, either directly or indirectly, anyone with whom you have had or are having an intimate friendship or relationship.*

- ❖ *Use any sort of sexual relationship with another person as a basis for hiring, firing, promoting, or not promoting them, or others.*
- ❖ *Allow sex, sexual orientation, sexual attractiveness, or other sexually related issues or stereotypes play any role in business decisions.*
- ❖ *Assign people to work with each other on the basis of perceptions about compatibility related to sexual issues.*
- ❖ *Make any decision about jobs or work based on sexual stereotypes about an individual or a group you think or know he/she/they may be a member of.*

What can you Do If You Are Harassed?

There is no one-way to respond to harassment. Every situation is different and only you can evaluate the problem and decide on the best response.

However, the recent guidelines combined with an effective workplace policy against sexual harassment are required to provide effective complaints mechanism which is both time bound and confidential.

You have a right to know what your workplace policy on sexual harassment is. The Supreme Guidelines make it mandatory for all institutions, both private and public, to draw up and implement a policy prohibiting sexual harassment at the workplace.

The only thing you can be absolutely certain of is that ignoring the situation will not cause it to go away.

Above all, DO NOT BLAME YOURSELF FOR SEXUAL HARASSMENT. It is not your fault. Place the blame where it belongs - on the harasser. Self-blame can cause depression and will not help either you or the situation.

Freedom from sexual harassment is your right. There is a definite need for you to act-tell someone.

SEXISM IN LAW AND JUSTICE*

S.P. SATHE*

Sexism in law and justice is a mere reflection of sexism in life. Despite constitutional provisions guaranteeing gender equality, even judicial decisions and processes are fraught with deep-rooted gender bias. Replete with legal case illustration, this article exposes the sexist bias in judgements, which he says are extremely "subtle and sophisticated" and they constitute the hidden nuances of the patriarchal order of which judges are —

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The legal systems all over the world have displayed a bias in favour of men and against women. This was natural because the laws presupposed the subordinate status of the woman. Therefore, for a long time did we not hear that in law, "he" includes "she" ? in legislations, women came in only in sex related offences such as rape, seduction, adultery or where property relations were defined. Most often women were excluded from inheritance. Conjugal fidelity was often expected from women and not from men, who were free to marry more than one wife. Woman was and is even now considered as a property of man. Even though the Hindu Succession Act of 1956 promises equal share to daughters in the self acquired property of a Hindu, it retained the coparcenary system for the ancestral property, under which only the sons could have a share by birth. Even some of the modern laws providing for ceilings on agricultural land per family refuse to include unmarried daughters as part of a family for the purpose of determining the ceiling limit. Such examples can be many.

The sex bias need not always be against woman. Sometimes it acts in her favour. A good example is the law of maintenance under Section 125 of the Code of Criminal Procedure which imposes liability on the husband to provide maintenance to the wife who is either divorced or not living with him or during covertures. In spite of the fact that the Constitution of India, clearly guarantees the right to equality before the law and equal protection of law (Art 15(1)) and prohibits discrimination on the ground of sex (Art 15(2)), women continue to be the victims of male prejudice inherent in the working of the various legal/political processes. How else could we explain why a rule that 'an IAS probationer who got married must resign her job' could survive till as late as in 1978, until it was struck down by the Supreme Court?

Legislative provisions concerning women fall into following categories :

- (a) those which deal with specific sex related problems such as rape or harassment of women under Section 498A of the IPC.
- (b) Those which deal with property relations like the law of inheritance or the law of maintenance.
- (c) Those which guarantee certain special facilities like maternity benefits or protection against hazardous work or work during night, provision for crèches etc.
- (d) Those which guarantee equal rights to women e.g., The Equal Remuneration act, 1976.
- (e) Those which provide for affirmative action, e.g., provision for reservation of seats for women in zilla parishads or municipal bodies or panchayats. In some of the new legislations women have been given preference for appointment as member of the tribunals. The Family Courts Act, 1984 provides that in selecting persons for appointment as Judges, "preference shall be given to women". The Consumer Protection Act which provides for a three tier system of grievance redressal provides that the District Forum shall consist of one lady social worker, the State Commission shall consist

* Source : *Indian Journal of Social Work*, Vol. III No. 3, July 1992)

of at least one woman among the two members and the National Commission shall consist of at least one woman among 4 members to be appointed, who shall be persons of ability, integrity and standing and possessing adequate knowledge of or experience of problems relating to economics, law, commerce etc.

In recent years, under the pressure of the women's groups, various legislations were made. The Dowry Prohibition Act, 1962 which prohibits the taking of dowry was amended in 1984 to provide greater teeth to it. The Criminal Law Amendment Act, 1983 was enacted specially to make changes in the law of rape. A minimum punishment of 10 years' imprisonment has now been prescribed for those guilty of custodial rape or rape of pregnant woman or rape of a girl below 12 years of age. In the case of custodial rape, absence of consent on the part of the rape victim will now be presumed. Therefore, now the accused in cases of custodial rape has to prove that the victim consented, unlike in case of rape where the prosecution is required to prove that the sexual intercourse took place without the consent of the victim.

However, inspite of all good legislations, gender discrimination and injustices continue to occur. This is mainly because those who enforce the laws or interpret them do not always fully share the philosophy of gender equality. In fact, Baxi feels that unless the patriarchal ideology buried in the idiom of equality of sexes is understood and rejected, much of the endeavour to use the Constitution and the law will merely result in the reinforcing of that very ideology (Baxi, 1984).

It is generally believed that judges merely interpret the laws and there is a myth that they interpret strictly according to pre-determined rules. But, the legal realists have exploded this myth and asserted that the judges make law and in doing so are not uninfluenced by their social philosophy and predilections. Justice Cardozo rightly said: "the great tides and currents which engulf the rest of men do not turn aside in their course and pass the judges by" (1966:186).

The legal profession is dominated by men. It was only in recent years that women became judges of the higher courts. We have one woman judge on the Supreme Court and a couple more in the High Courts. The judicial attitude towards women's problems has been ranging from orthodox to liberal. But even the most liberal of the justices have been entirely free from patriarchal bias. In rape cases, the courts have always given maximum benefit of the doubt to the accused. Since woman's consent is a defence in a rape case, the accused often tries to show that the woman was of easy virtue. But why do judges presume that a woman of easy virtue must give consent to be raped? Even a prostitute has a right, should have a right, to decide whether and with whom she should sleep. How can her being a prostitute lead to the presumption that she consented to the sexual intercourse? The judge's moral opinion about the woman's character influences his judgement about the guilt of the accused. Would the evidence that the male accused was a womanizer lead to the conclusion that he must have committed rape? Obviously not. There the courts would expect evidence about rape independently of the character of the accused. In a rape case the defence counsel's strategy is to unnerve the complainant by asking obscene questions, suggesting sex scandals. The entire court syndrome is so hostile to the rape victim and so much dominated by the patriarchal ideal type of a good woman, that every rape victim is looked down upon as a woman of easy virtue. That defers women from complaining against rape.

In the Mathura case the judges of the Supreme Court were very much prejudiced by the fact that Mathura, a tribal girl, had eloped with her boyfriend and that the medical evidence proved that she had had premarital sex. From this the judges concluded that she was a liar and that she could not be trusted, and therefore, there was no rape. This judicial attitude was severely criticized by Upendra Baxi, Lotika Sarkar,

Raghubir Kelkar and Vasudha Dhagamwar in their letter to the Chief Justice of India (Baxi et al., 1979). In Suman Rani, which was decided under the amended law of rape and which provided higher punishment for custodial rape, the Supreme Court reduced the punishment given by the High Court from 10 years to 5 years. Section 376, Clause (2) of the IPC clearly provides that where a police officer commits rape in a police station, he shall be punished with rigorous imprisonment, which shall not be less than 10 years. However, the court may award lesser punishment for adequate and special reasons". The Supreme Court, while reducing the punishment pointed out that, the "adequate and special reasons" were as follows : (a) the peculiar facts and circumstances of the case : (b) the conduct of the victim.

The court was guided by the fact that the rape victim took time to report the rape to the police and also that she was known to be woman of easy virtue. Although the court on a review petition said that the woman's character did not matter, there could be no other explanation for the reduction of the sentence (Rao, 1992). Where offences against women are concerned, moral conviction of the male judges do come into the picture. Vasudha Dhagamwar shows us that not only in cases of rape but even in cases of murder, the courts show sympathy to the males accused who claim to have committed such acts out of the anger caused by the woman's alleged infidelity (Dhagamwar, 1992).

In cases on maintenance, generally it is observed that the judges are not willing to award high sums as maintenance. Even though the maximum amount that can also be given as maintenance under Section 125 of the Cr.P.C. is Rs. 500/-. Actual sums awarded are much less and are rarely proportionate to the income of the husband. (Sagade, 1992; Law Commission Report, 1991).

According to a study (Gadbois, 1968) the Judges who have occupied positions in the High Courts and the Supreme Court have invariably come from the higher castes and classes of India. The same class and caste composition prevailed in the subordinate judiciary until recently and even now has survived to a great extent in our view. This class is exposed to liberalism and is generally willing to give as much liberty and equality to women as is compatible with the patriarchal order. We therefore find contradictions in their judicial disposition. A subtle male chauvinism is to be seen in almost all judicial decision-making. The judges are either (a) patronizing and self-righteous; or (b) condescending towards women or women issues. They seem to hold fast to the traditional ideal type of a woman and would be willing to concede chivalry to women. In rare cases the bias is in favour of women and against male superiority. In rape cases, we see mostly the discrimination against the rape victim emanating from the male value judgement regarding sex morality. This is to be seen also in cases involving murder of women committed by husbands on account of sex jealousies (Dhagamwar, 1992). On the other hand, we see a patronizing bias in some judges who are willing to believe the testimony of the rape victim and even go to the extent of saying that a bashful woman would not make false allegations of rape, Krishna Iyer observed. :

The inherent bashfulness, the innocent naiveté and the feminine tendency to conceal the outrage of masculine sexual aggression are factors which are relevant to inprobabilise the hypothesis of false implication. The injury on the person of the victim, especially her private parts, has corroborative value. Her complaint to her parents and the presence of blood on her clothes are also testimony which warrants credence.

It is similarly to be observed in decision condoning the murder committed by a woman out of sex jealousy of another woman claiming to share her bed. Both the biases are expressed in a subtle and sophisticated manner, because the judges expressing them come from a class which has had enough intellectual exposure to accept without any hesitation the value of gender equality. But accepting is one thing

and "internalizing" is another. The biases which we see in judgements are very subtle and constitute the hidden nuances of the patriarchal order of which the judges are products. Perhaps one may find such sophistication less as one goes down to the level of the subordinate judiciary.

It is well known that, after the Parliament passed the Hindu Marriage Act 1955, no Hindu could enter into a valid marriage with a woman if his first wife was alive and not divorced. However, sociologically all of us know that people have been taking second or even third wife with impunity. The court in *Bhaurao's* case held that in order to constitute a second marriage for the purpose of bigamy under the IPC, it should have been validly solemnized. This means that all steps of *sapta padi* (seven steps) must be taken. Such an interpretation came as a tool in the hands of those who wanted to establish marital relations with another woman while their first wife was alive or undivorced. They could purposely keep a flaw in the second marriage with a view to avoiding criminal liability for the offence of bigamy. However, when such a woman asked for maintenance on the ground of abandonment or cruelty on the part of such husband, the court turned round and said that her marriage with the man being void, she was not entitled to any maintenance.

Could the courts not have adopted a sociologically more realistic policy of giving maintenance to a Hindu woman, who was duped into a polygamous marriage because of various compulsions including her own ignorance about the law? Since there are no registers of marriages available for easy inspection and many marriages are not registered, how is a woman or her relation to know that the man whom she is marrying is not already married? Since such information is not readily available or chances of misinformation are great, why should she suffer because of such marriage? On one hand, such marriage is not a marriage so as to make the husband liable under Criminal Law and on the other hand, it is also no marriage for the purpose of her entitlement to maintenance. The man benefits both ways (Sagade, 1989). Could one not expect an activist interpretation by the Supreme Court of India in the year 1988, when it had already given many landmark judgements in respect of Bonded labour or Contract labour during previous years? We have examples of such an activist interpretation in *Bai Tahira* and *Shah Banoo* where the Supreme Court extended the benefit of maintenance to a Muslim divorcee whose meher was not sufficient to provide for her sustenance.

In *Sowmitri Vishnu V. India*, Section 497 of the IPC which defines the offence of adultery was under attack on constitutional grounds. Here, the paramour of a woman whose husband had prosecuted her for adultery, filed a writ petition in the Supreme Court alleging that Section 497 of the IPC under which he was being prosecuted was violative of the Constitution, as it discriminated between a man who had sexual relations with an unmarried woman and a man who had sexual relations with a married woman. Section 497 made adultery an offence only in the case of a person who had sexual relations with a married woman. The section is devised on the feudal concept that a married woman is the property of the husband. Therefore, any illicit relationship with a married woman is an offence against the husband who alone can prosecute the wrongdoer. A married man having sex with an unmarried woman or an unmarried man having sex with an unmarried woman, a divorcee or a widow is not an offence. Adultery is also a ground for divorce in matrimonial law but there, it includes essentially all acts of conjugal infidelity. If the husband has sex with an unmarried woman, it is adultery for the purpose of matrimonial law and is a ground for divorce. But it is not an offence under Section 497 of the IPC. The challenge to constitutionality was therefore, quite valid because the section was based on a most outmoded notion of woman's place in society. It was clearly a case of discrimination on the ground of sex forbidden by clause (2) of Art 15 of the Constitution and not protected by clause (3) of that Article. Clause (2) of Art 15 forbids the state to discriminate on the ground of sex. Clause (3) permits the state to make special provisions for women and children.

The counsel who appeared on behalf of the petitioner argued that Section 497 conferred upon the husband, the right to prosecute the adulterer but it did not confer any right upon the wife to prosecute the woman with whom the husband had committed adultery and did not confer any right on the wife to prosecute the husband who had committed adultery with another woman. According to her, Section 497 was a flagrant instance of gender discrimination. It was based on a kind of "romantic paternalism" which stemmed from the assumption that women like chattels, were the property of men.

Why should only the man be held guilty of adultery and not the woman also? While dealing with this, Chief Justice Chandrachud patronizingly said: "It is commonly accepted that it is the man who is the seducer and not the woman."

The judge further said that this might have undergone a transformation in recent years but then it was for the legislature to respond to such a change. He further said:

The contemplation of the law, evidently, is that the wife, who is involved in an illicit relationship with another man, is a victim and not the author of the crime. The offence of adultery, as defined in Section 497, is considered by the legislature as an offence against the sanctity of the matrimonial home, an act which is committed by a man as it generally is. Therefore, those men who defile that sanctity are brought within the net of the law.

Where it was argued that women were no longer mere passive victims of adultery but might also actively seduce men and wreck their families, the Chief Justice said: "The alleged transformation in feminine attitudes, for good or for bad, may justly engage the attention of the law makers when the reform of penal law is undertaken."

In days where the Supreme Court has struck down several provisions of the IPC as unconstitutional, it is strange that the court should refrain from striking down Section 497, which was palpably discriminatory against women. Even its favourable provisions (excluding women from being the objects of prosecution) were based on a notion of gender inequality. The response of Chief Justice Chandrachud that women were inclined to be less promiscuous than men (where he says that man is often the seducer) is again based on male chauvinism. When we pay compliment to a woman, it is for being more loyal to a man which subserves the man's perception of a man-woman relationship.

In *Air India v. Nargesh Meerza*, the service rules of the Air India International were questioned before the Supreme Court. There was a good deal of disparity between the pay scales and promotional avenues of the male cabin crew consisting of flight pursers (FP), additional flight pursers (AFP) and inflight pursers (IFP) on the one hand and the air hostesses (AH), chief air hostesses, deputy chief air hostesses, additional chief air hostesses, and chief air hostesses on the other. The two cadres of pursers and air hostesses were different in respect of qualifications, starting salaries and the number of posts. There were, however, provisions affecting air hostesses which did not apply to men stewards who did the same type of job. An air hostesses' service could continue upto 35 years of age or upto her marriage. If contracted within four years since recruitment or till first pregnancy.

The court upheld the provision regarding marriage within four years as a bar to future service. The regulation permitted an air hostess to marry at the age of 23 if she had joined the service at 19, which, according to the court was "a sound and salutary provision". In the opinion of Fazal Ali J, "apart from improving the health of the employee, it helps a great deal in the promotion and boosting up of our family planning programme." Secondly, if a woman married near about the age of 20 to 23 years, she became fully mature

and there was every chance of such a marriage proving a success. Further, if this bar was removed, Air India International would have to incur huge expenditure or recruiting additional air hostesses either on a temporary or on an ad hoc basis to replace the working air hostesses who conceived. Any period shorter than four years according to the Court would be too short for the corporation to provide for such replacement.

We feel that any discrimination against women in the name of family planning programme ought to be avoided. If family planning programme could be the justification for a bar on the air hostesses getting married with four years, it should have equally applied to the male employees also. There was no necessity to prescribe this requirement only for the air hostesses. Further, if a bar like this could be justified on the ground that a huge expenditure would have to be incurred by the corporation for appointing additional air hostesses to work during the maternity leave of the working air hostesses, then it could apply to all women employees in general. Such an approach would nullify the principle of equality between a man and a woman. Neither family planning nor the costs of maternity leave could be the arguments to uphold the provisions, which imposed a ban on marriage by an air hostess. The Air India was not supposed to legislate for age of marriage of girls in general. Then what business did it have to impose such a ban on the air hostesses? The bar against continued employment of an air hostess after the first pregnancy was not approved by the Court. However, the Court suggested that such a bar should operate after the third pregnancy. Again we have to ask the same question : Why should such a bar operate only against women? Why should such a bar exist only against the women employees?

This case shows how our public sector organizations treat their women employees. The judges of the Supreme Court, while condemning their blatantly sexist attitude, however, do not acquit themselves well on that count. They also revealed their own hidden sexist biases.

A more blatantly sexist attitude of a leading public corporation, the Life Insurance Corporation of India came to light in Neera Mathur v. LIC. The Supreme Court was compelled to say:

When we are moving forward to achieve the constitutional guarantee of equal rights for women the Life Insurance Corporation of India seems to be not moving beyond the status quo. The case on hand illustrates this typical attitude of the Corporation.

The petitioner has applied for a post in the LIC. She was appointed after successfully going through an interview and a medical examination and a short term training course. She was to be on probation for 6 months. She was given appointment letter dated September 25, 1989. On December 9, 1989 till March 8, 1990, she took leave. She applied for maternity leave on December 27, 1989. On February 13, 1990, the petitioner was discharged from service. She challenged the decision of service before the High Court. The LIC pleaded that her services were not satisfactory and therefore they had to be terminated. This convinced the High Court, which rejected her petition. On appeal, it was stated that she had deliberately failed to mention that she was in the family away at the time of her appointment. It was also alleged that she had given a false declaration which every female candidate was required to file at the time of her medical examination. The questions which a female candidate was required to answer in a declaration were as follows:

- a) Are you married - Yes/No
- b) If so, please state
 - (i) Your husband's name in full and occupation
 - (ii) State the number of children, if any, and their present ages
 - (iii) Have the menstrual periods always been regular and painless, and are they so now?

- (iv) How many conceptions have taken place? How many have gone full-term?
- (v) State the date of last menstruation.
- (vi) Are you pregnant now?
- (vii) State the date of last delivery
- (viii) Have you had any abortion or miscarriage?

The Supreme Court observed that there was nothing on record to indicate that the petitioner's services were unsatisfactory. The Court said:

The particulars to be furnished under columns (iii) to (viii) in the declaration are indeed embarrassing if not humiliating. The modesty and self-respect may perhaps preclude the disclosure of such personal problems like whether her menstrual period is regular or painless, the number of conceptions taken place; how many have gone full term etc. The Corporation would do well to delete such columns in the declaration.

The Corporation obviously wanted to avoid employing pregnant women, lest it be saved the liability of giving maternity leave. It is shocking that a public sector corporation which is a part of the Indian State, adopts a policy so manifestly sexist in total derogation of the constitutional prescription of gender equality. The court advised that if the purpose was to deny the maternity leave and benefits to a lady candidate who is pregnant at the time of entering the service (on the legality of which the court chose not to express any opinion as it had not been raised; the corporation could subject her to medical examination, including the pregnancy test. The Supreme Court ultimately revealed its own hidden bias rather crudely. The court could have clearly stated that such a policy could not be adopted by any public corporation which was "state" for the purpose of Art 12 of the Constitution because such sex discrimination was totally forbidden by the Constitution. Should the court wait for such a declaration until the issue is raised before it in an adversary proceeding? It has several times been said by the Court, that the adversary procedure (where one has to deny and the court has to merely umpire) is totally unsuited to Indian conditions and it has shown its ingenuity in adding innovative inputs to mitigate the harshness of such procedures. What was the justification for such judicial restraint in this case? Was it not merely sexism under the guise of legalism?

Sexism in law and justice is mere reflection of sexism in life. Although the Constitution of India visualizes a society based on equality and specially provides for gender equality, gender bias is too deep rooted to go away so easily. It keeps on intruding into the decisions of authorities whether they be vested in male or female persons. In judicial decisions, it appears in a very subtle way. It appears even in the deliberations of the highest court, whose judges belong to higher classes/castes and claim to have accepted liberal/egalitarian thought. This merely strengthens the hypothesis that it must be much more strongly reflected at the lower levels, where even commitment on paper to these ideals are nonexistent.

NOTES

1. See Section 13 of the General Clauses Act which says that in all Central Acts and Regulations, words imparting the masculine gender shall be taken to include females.
2. See Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973. This was upheld by the Supreme Court of India in *B. Bapi Raju V. A.P.* AR 1983 SC 1073.
3. *C.B. Muthamms v. India* AIR 1979 SC 1868.
4. *Tukaram v. Maharashtra* Air 1979 SC 185.

5. Prem Chand and Another v Haryana AIR 1989 SC 937.
6. Krishna Lal v. Haryana AIR 1980 SC 1251, 1253
7. Ediga Anamma v. A.P. AIR 1974 SC 799.
8. Bhaurao v. Maharashtra AIR 1965 SC 1564
9. Yamunabai Anantrao Adhav v. Anantrao Shivram Adhav (1988) 1 SCC 530.
10. Bandhu Mukti Morcha v. Bihar AIR 1984 SC 804: (1984) 3 SC 161
11. PUDD v. India AIR 1982 SC 1473.
12. AIR 1979 SC 362 (1979) 2 SC 316.
13. AIR 1985 SC 945.
14. AIR 1985 SC 1618.
15. See Mithu v. Punjab AIR 1983 SC 473. Section 303 of the IPC which provided the death sentence as the only sentence for murder committed by a person undergoing life imprisonment for murder was held to be unconstitutional. Similarly see Maruti Sripat Dibal v. Maharashtra (1986) Maharashtra Law Jour. 913 where section 309 of the IPC which make attempt to commit suicide an offence was declared unconstitutional and void by the Bombay High Court
16. AIR 1981 SC 1825 : (1981) 4 SC 335.
17. (1992) 1 SC 286 : AIR 1992 SC 392.
18. See Bandhu Mukti Morcha v. Bihar AIR 1984 SC 804.

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ABBREVIATIONS

AIR	-	All India Reporter
IPC	-	Indian Penal Code
JICI	-	Journal of the Indian Law Institute
L&S	-	Law and Society Review
PUDD	-	Peoples Union for Democratic Rights
SCC	-	Supreme Court Cases

GENDER BIAS IN LAW ENFORCEMENT*

There is discrimination by gender in culture and institutions of almost every country. Many of the world's great religions give an inferior status to women and place them in positions which give men rights over them. Discrimination has become a part of society's values spilling into other fields and activities. In India the ancient Indian scriptures had an important role to play in lowering the image of woman in Indian society.

In Victorian England, under law the woman came directly under the authority of the father or husband, but in case of married woman, "her body, earnings, children and domestic services belonged to her husband." In America also, in the 19th century law once recognised husbands as titular heads of their households with a right to dispense corporal punishment to disobedient wives. (J. David Hirschel & Ira W. Hutchinson III) Female Spouse and the Police Response 3 (National Institute of Justice, 1983). Only now in industrially and technologically developed and advanced societies old attitudes of gender discrimination are changing and the need for ensuring equal opportunities for both men and women is being realised.

Unfortunately, discrimination and disadvantage against women had become institutionalised. It had spread throughout the legal and political systems and was perpetuated by education and the employment market. The report of the World Conference of the UN Decade for Women, July, 1980, reads: "While women represent 50% of adult population and a third of official labour force, they perform nearly two thirds of all working hours, receive only a tenth of world income and less than 1 per cent of world property." This is more or less true about India also.

A survey done by the London Metropolitan Police shows that in the United Kingdom women are very much under-represented in politics and the judiciary and it is in the area of employment that discrimination against women in society can be very clearly seen. The society has stereotyped women and discouraged them from doing certain jobs. Though women have equal rights to enter most occupations, they are concentrated in low-paid jobs. In high-paid jobs like that of surgeons, bank managers, electrical engineers their representation is barely 1 per cent while in low-paid categories like telephone operators, nurses, typists, secretaries, office-cleaners, shop assistants, their representation is more than 90 per cent. Sex Discrimination Act of 1975 in U.K. prohibited direct or indirect discrimination on grounds of sex and allowed civil remedies for any breaches. But despite the legislation to redress the balance, man's earnings and occupational status in society are considerably greater than those of women and their overall dominance in society remains. The police service, as a reflection of the society, is no exception and in the year 1990 the strength of the Metropolitan Police Service in terms of Police Officers was 28,364. Of those, only 3551 or 12.5% were women.

In India out of the total strength of 8,77,308 policemen, the number of women police personnel is 7,706, almost less than 1 per cent. In the Indian Police Service out of the present strength of 2,805, so far the number of women officers is 54.

In police service it is some times argued that women are more effective only in some specialist wings and they are better suited to roles which match the traditional stereotypes of women. They can do better in jobs dealing with children, fallen women, etc. This kind of approach is not justified. There is no evidence to suggest that women are not as good as men in all the roles male officers perform. In the National Police

* Source : *Indian Police Today*, See, *Reading Material prepared by SUPNPA*.

Academy, I have seen many of the women probationers doing better than their male counterparts in athletics, horse riding etc.,

Crime against Women

One of the tests prescribed by our ancient law-givers for law and order is that the situation is fine if a young beautiful girl laden with ornaments can walk alone at night on the roads without being robbed or molested. By this test, the present situation in India is quite grim. Crimes against women are fast rising. This will become clear from the following statistics:-

	1987	1991	% age increase
- Rape	7767	9793	26.1
- Molestation	16292	20611	26.5
- Kidnapping and abduction	9016	12300	36.4
- Eve Teasing	7270	10283	41.4
- Dowry Deaths	1912	5157	169.7
- Cruelty by Husband and his relatives	11603	15949	37.5
- All crimes	53860	74093	37.6

The figures are furnished based on statistics furnished by the National Crime Records Bureau.

The six states/ UTs of Madhya Pradesh (17.6%); Uttar Pradesh (15.7%); Maharashtra (13.9%); Andhra Pradesh (7.9%) Rajasthan (7.5%); and Union Territory of Delhi (5.7%) alone account for 68.3% of the total crimes against women in the country while the rest account for only 31.7% during 1991. A publication of Department of Women and Child Development, Government of India has projected the figures in a more telling manner by mentioning that in the country now there is one rape in every 54 minutes, one molestation in every 26 minutes, one kidnapping/abduction in every 43 minutes, one act of eve-teasing in every 51 minutes, one dowry death in every one hour 42 minutes, one act of cruelty in every 33 minutes and one criminal offence against women in every 7 minutes.

Non-registration of cases:

It is a fact that a large number of these cases is not registered. Non-registration of cases is the malady afflicting the police operations in India (on a conservative estimate 25% of the cases are not registered) and this is more so where offences against women are concerned. In an experiment carried out by a senior police officer in U.P. in 1960's the Deputy Superintendents of Police in plain-clothes lodged imaginary F.I.Rs. at police stations. It was found only about one third of the cases were registered and the lowest registration rate was for F.I.Rs. involving crimes against women. The position has not improved since then. Unscrupulous officers find it easy to refuse registration of cases lodged by women. A study done in Madras has shown that many cases of reported deaths by suicide by unmarried young women were cases of rape which ended in suicide and this fact came to light during post-mortem examinations of the cases.

Perfunctory Investigation

Again investigation of offences against women is perfunctorily done and the cases end in acquittal in courts of law. Again, because of non-submission of final forms in three months, in many cases the courts bail out the culprits who then create problems for the harassed victim and her relatives. Crimes against women require extra sympathetic handling of the victim. Investigators have to empathise with the traumatized victim.

It is necessary in each State to have special squads of investigating officers not only known for their skill in investigation, but also for human qualities. They have to be sensitive and always imaginative in handling women victims. If for investigating offences under the Suppression of Immoral Traffic Act, 1956 and Prevention of Corruption Act, 1947, special investigating officers of senior rank and status could be thought of, there is no reason as to why specially qualified officers should not be appointed to investigate offences which of late have assumed serious dimensions.

Unfortunately, the number of women police personnel in our country is inadequate and they are available only in big cities and in special wings of the C.I.D. I recollect a violent dacoity case in Rajgangpur in Sundargarh District in Orissa where the rape of the womenfolk in the house came to light only because of the proper interrogation of the victims by the woman Sub-Inspector who was brought from Rourkela. It is necessary to substantially increase the strength of women investigating officers in State Police forces and to give them adequate training for sympathetically handling women victims of ghastly crimes. In some cases it may even be necessary and desirable to associate female psychiatrists. The Supreme Court in the case *Shri Bhagwan Vs. Commissioner of Delhi*, 1983 (commonly known as Delhi bride burning case), has recommended that a female police officer of sufficient rank and status in police force should be associated with investigation of such a case from its very inception.

Delay in Disposal of Cases

There is very often unfortunate delay in disposal of cases involving crimes against women in courts of law. From a sample study of 100 cases of rape, kidnapping and abduction done by a Study Group of BPR&D, it has been found that only in 34 per cent of the cases trials were completed in 6 months, in 48.9 per cent of the cases in 6 to 12 months 17 per cent of the cases it took more than a year. There should be an earnest endeavour by the courts to reduce the time taken for disposal of cases in view of the trying and agonizing situation through which the victim and her family members pass during the trial stage.

Sometimes courts also on very technical and flimsy grounds order acquittal in cases of offences against women where severe punishment would have had a deterrent effect. As D.I.G. C.I.D., in Orissa I had supervised investigation of a case in which a woman was brutally raped and murdered by some hoodlums in Cuttack district. This created a sensation and was widely covered in the press. The Crime Branch investigated the case. After investigation by the Crime Branch the case was charge-sheeted, the sessions judge convicted all the accused persons, but on a technical ground they were acquitted by the High Court.

I have seen that gruesome rape cases, though charge-sheeted by the police, are ending in acquittal because of various factors like delayed reporting, unfavourable medical opinion, reluctance of the victims to depose in the court, etc. Sexual assault cases are unique in that the police investigator must rely on the physical evidence to collect the best evidence of the case - the evidence from the body of the victims. It has been noticed that lady doctors in government hospitals hesitate to give frank medical opinion in rape cases for fear of being cited as prosecution witnesses and then subjected to embarrassing cross examination in courts of law.

Deterrent punishment of the criminals is also called for. In a study by J. David Hirschel and IRA W. Hutchison III (*Female Spouse Abuse and the Police Response*), it has been found that 69.4 per cent of male offenders in their sample have previous criminal histories. They have no interest in protecting the reputations or arrest histories. Arrest alone thus may not constitute a strong societal response; it is more an inconvenience than a traumatic behaviour-altering deterrent. For these offenders genuinely harsh sanctions such as lengthy prison sentences may have some deterrent values.

Recent Changes in Law

In India criminal laws have been amended to provide more stringent punishment for offences against women. The Criminal Law (Amendment) Act, 1983 (Act 43 of 1983) prescribes a minimum punishment of 7 years for the offence of rape (Section 376 I.P.C.) in general and 10 years for police officer, public servant or by hospital staff, etc. The Criminal Law (Second Amendment) Act, 1983 (Act 46 of 1983) has further created a new offence of cruelty by husband or relatives of husband (Section 498 A I.P.C.) to tackle the ever-growing problem of wife-battering with a view to extracting dowry after marriage or goading her to commit suicide. By the same Criminal Law (Amendment) Act, 1983, a new presumption as to abetment of suicide by a married woman has been created in the Indian Evidence Act as under Section 113 A which lays down that if a woman has committed suicide within a period of 7 years from the date of her marriage and it is shown that her husband or relative of husband had subjected her to cruelty, the court may presume that such suicide had been abetted by her husband or by such relatives of her husband.

However, it is to be kept in mind that these draconian laws alone do not constitute the answer to the problem of offences against women. The Prohibition of Dowry Act of 1961 was amended by several States in 1975 and 1976 to give it more teeth. But the amendments are as dead as the original Act. In Bihar during the days of the Emergency, the Dowry Prohibition Act with all its teeth became a good money-spinner for local Station House Officers. Parents of many brides had to pay a fixed sum to the Station House Officers over and above the dowry. Unless vigorous investigation and deterrent punishment of the offenders takes place, mere existence of laws in the statute-books will not improve the situation.

Training

Attitude sensitization of police personnel through appropriate training at all levels is necessary. Police officers must be sensitized to issues of violence against women and encouraged to adopt a victim-centred approach to the investigation of such crimes. It has to be seen that such crimes are not trivialized. The seriousness of crimes against women must be acknowledged by each police officer through force norms and through a formal force policy.

At present in U.K., London Metropolitan Police is taking energetic steps to train police officers to ensure that no trace of discrimination on grounds of race or sex is permitted to affect their judgment. Equal opportunities training is provided to all police personnel so that an entirely non-discriminatory working environment is created. Sir Peter Imbert, the present Commissioner of London metropolitan Police feels, "Training in this area is an essential influence which must continue to go across the whole spectrum from recruits to more experienced constables, line managers and senior officers".

The Criminal Procedure Code and Police Regulations of different States contain provisions to regulate the conduct of police officers in the course of enquiry and investigation of cases. It is the responsibility of senior officers to see that these instructions are implemented and stern punishment is meted out to the defaulters. D.G. of Police, Orissa, in a circular, ordered all Superintendents and D.I.G.s of Police to maintain a list of officers and women who have come to adverse notice for involving in objectionable activities against women, but escaped legal consequences because of inadequate evidence. The circular enjoined that such officers should not be posted to tribal areas or in police-stations where they will have better opportunities and scope for dealing with women.

INTERNATIONAL MILESTONES ADDRESSING VIOLENCE AGAINST WOMEN*

UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

This Guarantees women equal rights with men in all spheres of life, including education, employment, health care, the vote, nationality and marriage. The Committee on the Elimination of All Forms of Discrimination Against Women will review reports to be submitted by all countries that are signatory to the Convention must submit on women's status. ALL SAARC Countries are signatories to the Convention.

About 30 UN member-countries have not signed CEDAW. Nearly one-third of the signatory governments have lodged substantive reservations, signaling widespread and deep-rooted resistance to the concept of full equality for women, Malaysia, Maldives, Morocco, Pakistan and Tunisia oppose sections that conflict with existing national, customary or religious laws. Twenty-four nations have lodged reservations against Article 16, a core provision that guarantees equality between men and women in marriage and family life.

World Conference on Human Rights, Vienna, 1993

The Vienna Declaration refuted the distinction, sometimes made in human rights discourse, between public and private spheres, declaring for the first time that women's human rights must be protected not only in courts, prisons and other areas of public life but also in the privacy of the home.

UN International Conference on Population and Development (ICPD), Cairo, 1994

The ICPD Programme of Action affirmed that women's rights were an integral part of all human rights. It stressed that population and development programmes are most effective when steps have simultaneously been taken to improve the status of women. ICPD was the first international forum to acknowledge that enjoyment of sexual health is an integral part of reproductive rights. Men's rights and responsibilities towards their partners were noted.

UN Fourth World Conference on Women, Beijing, 1995

The Platform for Action adopted at the conference recognized that "all governments, irrespective of their political, economic and cultural systems, are responsible for the promotion and protection of women's human rights". The document also specifically stated that violence is an obstacle to the achievement of women's human rights.

THE DECLARATION ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN

THE GENERAL ASSEMBLY

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 and Degrading Treatment or Punishment.

* Unifem/Unicef Cedaw Kit.

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 constitute a violence 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 1190/15 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 the 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.

Article 4

States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of elimination of violence against women and, to this end, should:

- i) Consider, where they have not yet done so, ratifying or acceding to the Convention on the Elimination of All Forms of Discrimination against Women or withdrawing reservations to that Convention;
- ii) Refrain from engaging in violence against women;
- iii) Exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons;

- iv) Develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrong caused to women who are subjected to violence; women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered; States should also inform women of their rights in seeking redress through such mechanisms;
- v) Consider the possibility of developing national plans of action to promote the protection of women against any form of violence, or to include provisions for that purpose in plans already existing, taking into account, as appropriate, such cooperation as can be provided by nongovernmental organizations, particularly those concerned with the issue of violence against women;
- vi) Develop, in a comprehensive way, preventive approaches and all those measures of a legal, political, civil and social for the protection of women against any form of violence, and ensure that the re-victimization of women does not occur because of laws insensitive to gender considerations, enforcement practices or other intervention;
- vii) Work to ensure, to the maximum extent feasible in the light of their available resources and, where needed within the framework of international cooperation, that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counseling, and health and social services, facilities and programmes, as well as support structures, and should take all other appropriate measures to promote their safety physical and psychological rehabilitation;
- viii) Include in government budgets adequate resources for their activities related to the elimination of violence against women;
- ix) Take measures to ensure that law enforcement officers and public officials responsible for implementing policies to prevent, investigate and punish violence against women receive training to sensitize them to the needs of women;
- x) Adopt all appropriate measures, especially in the field of education, to modify the social and cultural pattern of conduct of men and women and to eliminate prejudices customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women.
- xi) Promote research, collect data compile statistics, especially concerning domestic violence, to the prevalence of different forms of violence against women and encourage research on the causes, seriousness and consequences of violence against women and on the effectiveness of measures implemented to prevent and redress violence against women; those statistic and findings of the research will be made public
- xii) Adopt measures directed towards the elimination of violence against women who are especially vulnerable to violence;
- xiii) Include, in submitting reports as required under relevant human rights instruments of the United Nations information pertaining to violence against women and measures taken to implement the present Declaration;
- xiv) Encourage the development of appropriate guidelines to assist in the implementation of the principles set forth in the present Declaration;

- xv) Recognize the important role of the women's movement and non-governmental organizations worldwide in raising awareness and alleviating the problem of violence against women;
- xvi) Facilitate and enhance the work of the women's movement and non-governmental organizations and cooperate with them at local, national and regional levels;
- xvii) Encourage intergovernmental regional organization of activities on violence against women in their programmes, as appropriate.

Article 5

The organs and specialized agencies of the United Nations system should, within their respective fields of competence, contribute to the recognition and realization of the rights and the principles set forth in the present Declaration and, to this end, should, inter alia:

- (i) Foster international and regional cooperation with a view to defining regional strategies for combating violence, exchanging experiences and financing programmes relating to the elimination of violence against women;
- (ii) Promote meetings and seminars with the aim of creating and raising awareness among all persons of the issues of the elimination of violence against women;
- (iii) Foster coordination and exchange within the United Nations system between human rights treaty bodies to address the issue of violence against women effectively.
- (iv) Include in analyses prepared by organizations and bodies of the United Nations system of social trends and problems, such as the periodic reports on the world social situation, examination of trends in violence against women;
- (v) Encourage coordination between organizations and bodies of the United Nations system to incorporate the issue of violence against women into ongoing programmes, especially with reference to groups of women particularly vulnerable to violence;
- (vi) Promote the formulation of guidelines or manuals relating to violence against women, taking into account the measures referred to in the present Declaration;
- (vii) Consider the issue of the elimination of violence against women, as appropriate, in fulfilling their mandates with respect to the implementation of human rights instruments;
- (viii) Cooperate with non-governmental organizations in addressing the issue of violence against women.

Article 6

Nothing in the present Declaration shall affect any provision that is more conducive to the elimination of violence against women that may be contained in the legislation of a State or in any International convention, treaty or other instrument in force in a state.

The 85th Plenary Meeting, 20 December, 1993

GENDER VIOLENCE THROUGHOUT THE LIFE CYCLE

Prenatal	Sex-selective abortion (China, India, Republic Korea); Battering during pregnancy (emotional and physical effects on the woman; effects on birth outcome); Coerced pregnancy (For example, mass rape in war)
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Infancy	Female infanticide; Emotional and Physical abuse; Differential access to food and medical care for girl infants.
Childhood	Child marriage; Genital mutilation; Sexual abuse by family members and strangers; Differential access to food and medical care; Child prostitution.
Adolescence	Dating and courtship violence (acid-throwing in Bangladesh, date rape in the United States); Economically-coerced sex (African schoolgirls having to take up with "sugar daddies" to afford school fees, teenage prostitution due to economic reasons); Sexual abuse in the workplace; rape; Sexual harassment; Forced Prostitution; Trafficking in women.
Reproductive	Abuse of women by intimate male partners; Marital rape; Dowry abuse and murders; Partner homicide; Psychological abuse; Sexual abuse in the workplace; Sexual harassment, Rape; abuse of women with disabilities.
Old Age	Abuse of widows; Elder abuse (United States is the only country where these data are now available though this violence affects elder women in all countries, including in South Asia) Elder abuse affects women more than men.

WOMEN, CULTURE, AND 'TRADITIONAL PRACTICES'

In both industrialized and developing countries, women and girls suffer the effects of harmful and sometimes life-threatening traditional practices, rooted in long-held cultural assumptions and/or religious beliefs.

The International Convention on the Elimination of All Forms of Discrimination against Women proceeds from the assumption that all practices that harm women, no matter how deeply they are embedded in culture, must be eradicated. CEDAW calls upon governments to work toward transforming not only law, but also culture, in order to achieve gender equity. CEDAW provides a framework for change, supplying guidelines for ending those traditional practices that continue to harm and stereo-type women under the guise of social conformism, economic necessity or cultural survival.

These practices include but are not limited to :

Female Genital Mutilation (FGM) : Recent estimates indicate that from 85 to 114 million girls and women have undergone genital mutilation - the ritual removal of all or part of the clitoris and other external genitalia. Most of these cases have occurred in eastern and western Africa. In a number of countries, such as Djibouti, Mali, Sierra Leone, Somalia and large areas of Ethiopia and the Sudan, nearly all women are affected. Female genital mutilation can lead to death or infertility; during childbirth, it doubles the risk of maternal death. Practitioners claim that to question the ritual is to insult community elders, who sanction and often administer it, and to deny young women the sense of identity and initiation they need to join their culture as adults. In some areas, traditional practitioners are being replaced by medical personnel, who reduce the procedure's risk and thus offer the potential for further legitimacy.

Female Infanticide, Selective Abortion : In parts of China, India, and the Republic of Korea, despite sporadic legislation to prevent it, foeticide is routinely performed using amniocentesis and ultrasound procedures to preselect boys and abort female fetuses. One study showed that of 8,000 abortions performed at a particular Bombay clinic in 1984, 7,999 were of female fetuses. In parts of India, large numbers of female deaths, usually within seven days of birth, are attributed to infanticide based on son preference and the low value, even dread, associated with the birth daughters.

Son Preference: Scarcity and tradition continue to encourage the preferential treatment of boys, who are regarded as potential earners and family supports and thus receive preferential nourishment and the high regard of their families. Meanwhile girls are neglected, malnourished and often forced into early marriage.

Dowry: While India has legally abolished the institution of dowry, the practice and its cultural force persist. There are increasing reports of husbands and mothers-in-law clandestinely murdering or injuring brides whose families fail to satisfy their financial demands.

Eating Disorders: In western industrialized societies and Japan, the desire to conform to cultural standard of physical beauty causes many young girls and women to compromise their health. Studies suggest that roughly one of every 100 to 200 young women in these societies suffers from anorexia, a psychological disorder characterized by self-starvation, sometimes leading to death. Bulimia, a related disorder, is characterized by binge eating accompanied by purging.

In 1990, the Committee established by CEDAW specifically recommended that states parties act effectively to eliminate female genital mutilation "and other traditional practices harmful to the health of women," charging the Convention's ratifying states to report on the measures taken to eliminate them. The CEDAW recommendation observes that "there are continuing cultural, traditional and economic pressures which help to perpetuate harmful practices," thus calling for state accountability for behaviour that is socially tolerated whether or not it is prohibited by law (CEDAW, General Recommendation NO. 14, 1990).

The recommendation affirms CEDAW's Article 5, which calls on governments to eliminate "prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men or women." CEDAW acknowledges that criminalizing such practices is not enough; eradicating them requires a broad-based recognition that societies can relinquish or alter long-held traditions without sacrificing their identity or stability.

Advocates of gender equity must recognize and challenge the social acceptance and perpetuation of harmful traditional practices in all cultures. Historically, religion and culture have proven extraordinarily adaptive: most belief systems have been revised over time to accommodate new understandings and new values that emerge in human society. As an African observer recently wrote, "Traditions are highly sacrosanct and untouchable where women are concerned. Still, I have seen traditions change during my lifetime. The change was so easy and smooth when the men took the initiative. Change, however, requires a lot of pain and hard work when it is initiated by women."

Numerous cultures offer examples of traditions - including customs harmful to women - that have changed or died out. For generations, women (and some men) in Sudan endured mutilation to acquire face marks, a traditional sign of beauty as well as an indicator of tribal affiliation. In recent years, this tradition has rapidly disappeared. The binding of women's feet in China is another example of a nearly universal custom that is no longer practiced.

Harmful traditional practices, including violence against women, often masquerade as bearing witness of culture; in reality, they are the ruins of an unsustainable past. By moving toward universal ratification of CEDAW and strengthening its enforcement mechanisms, advocates of women's human rights can support women as planners of the programmes and behaviours that will replace harmful customs with new practices that respond to current needs.

LOCUS AND MANIFESTATIONS OF GENDER VIOLENCE

LOCUS & AGENT	THE FAMILY	THE "COMMUNITY"	THE STATE
<p>FORMS OF GENDER VIOLENCE</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Physical Aggression ● Murder (dowry/other) ● Battering ● Genital mutilation ● Foeticide ● Infanticide ● Deprivation of food ● Deprivation of medical care ● Reproductive coercion/control <input type="checkbox"/> Sexual Abuse ● Rape ● Incest <input type="checkbox"/> Emotional Abuse ● Confinement ● Forced marriage ● Threats of reprisals 	<p>Social Reference Group (cultural, religious etc.)</p> <ul style="list-style-type: none"> ● Violence directed or outside the group <input type="checkbox"/> Physical Abuse ● Battery ● Physical chastisement ● Reproductive coercion/control ● Witch burning ● Sati <input type="checkbox"/> Sexual Assault ● Rape <p>Work Place</p> <ul style="list-style-type: none"> <input type="checkbox"/> Sexual Aggression ● Harassment ● Intimidation <input type="checkbox"/> Commercialized Violence ● Trafficking ● Forced prostitution <p>Media</p> <ul style="list-style-type: none"> ● Pornography ● Commercialization of women's bodies 	<p>Political Violence (Policies, laws, etc.)</p> <ul style="list-style-type: none"> ● Illegitimate detention ● Forced pregnancies ● Tolerating gender violence by nonstate agents <p>Custodial Violence (Military/police, etc)</p> <ul style="list-style-type: none"> ● Rape ● Torture

LEGISLATION RELATING TO WOMEN*

The struggle for legal equality has been one of the major concerns of the women's movement all over the world. Whether in the internal situation of her position in the parental or matrimonial home or in the external situation of acquiring education, skills, professions, employment etc. - all these involve the law.

It is, however, necessary to realize that there are limits to the extent to which changes can be effected by law. Attempts at bringing about changes in the status of women through either legislation or judicial activism can achieve little success without a simultaneous movement to change the social and economic structures and the culture (values, ideologies and attitudes) of society.

In India, the first movement for women's rights centred round the three major problems of infant marriages, enforced widowhood and property rights for women. The concern of social reformers at this stage was primarily a concern for the women as a part of the patriarchal Hindu joint family. The endeavours were to ensure that women were better equipped socially to undertake the roles of mothers and wives in the new social conditions which were emerging. On the other hand, the concerns of women activists such as Pandita Ramabai were to focus attention on the gender based oppression of women.

The second major debate took place during the freedom struggle and discussions on the Indian Constitution. These mainly centered around the Hindu Code Bill and the debate is largely within a framework which recognizes that women are not accepted as men's social, economic or political equal/and that these discriminations can be effectively reduced, if not eliminated, by passing appropriate laws and evolving an effective machinery to implement those laws. And so, after independence, we have the phase of legal reform progressive, bold, legislative initiatives, which translated constitutional commitments and guarantees into laws to help improve women's legal status.

The latest phase of the debate on women and the law started in the seventies. In 1971 the Government set up a committee which presented the Report of the Committee on the Status of Women in India "Towards Equality" with a chapter on laws relating to women. The debate was far more sharp this time, focusing on the gender bias in the law and making society aware of the oppression of women within the home and how widespread domestic violence is, resulting in several important amendments to existing as well as fresh legislations.

Constitutional Rights

All Indian laws get their sanction from the Indian Constitution which guarantees justice, liberty and equality to all citizen of India. The Preamble speaks of equality of status of opportunity for all citizens. Article 14 states that "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India." It not only prohibits discrimination but makes various provisions for the protection of women. Articles 14,15 specially 15 (3), 16, 39 and 51 A (e) deserve special mention in this regard. Rights guaranteed under articles 14,15 and 16 are fundamental rights and if they are violated by the State, a citizen can move the High Court or even the Supreme Court. There have, however, been relatively few cases in which women have asserted their right to equality by moving the courts.

Violence Against Women

A central theme of the women's movement has been violence against women, both in their homes and outside, and directly linking it to their unequal positions in a patriarchal society, and cutting across both class

* National Perspective Plan for Women 1998-2000.

and community. The first categories of violence focused on were rape, and murder of young bride for dowry. It was realized that these were the most brutal expressions of a wide spread phenomenon of domestic violence, which included wife beating, cruelty, torture and humiliation. This experience made the women's groups demand that wife abuse be treated as an offence.

Parliament responded with the Criminal Law (second Amendment) Act, 1983, which for the first time gave legal recognition to domestic violence by making cruelty inflicted by the husband or his relative an offence (chapter XX A of the Indian Penal Code. Section 498 A). Further, the Law of Evidence was also amended to provide that if a married women commits suicide within seven years of her marriage the presumption in the law will be that her husband or his relatives abetted the suicide (Section 113 A of the Indian Evidence Act, 1872).

Although these new sections have gone a long way in bringing some legal remedy to women victims of domestic violence in their marital homes, it has been found that women can be victims of cruelty and violence in their parental homes as well. One study of the girls/women who die of burns shows that in Greater Bombay, 61.3 percent women who die of burns were in the age group of 15 to 19 years and were never married.

In many cities special police cells have been set up to deal with complaints under the new provisions. While this is an important step towards dealing with domestic violence, experience shows that these police cells are not aware of the changes in the law and are operating, more or less, like counseling units, counseling being done by police personnel, who are neither trained in professional counseling nor have the attitudes which are conducive to understanding of the problems. The woman is often told to adjust to her problems. She is not seen as a victim of gender oppression and it charged with not adjusting to demands made on her by the husband or his family.

The Committee on the Status of Women in India had pointed out that certain "penal provisions in the law are definitely influenced by the established patriarchal system, the dominant position of the husband and the social and economic backwardness of women." The future of women's status will depend on a clearer understanding, by larger sections of women, of the Constitution and their willingness to utilize laws and legal processes towards fulfillment of constitutional promises.

Rape

The Law Commission had in its 84th Report on Rape and Allied offences proposed certain changes in the Indian Penal Code, the Code of Criminal Procedure and the Indian Evidence Act. On the basis of these recommendations, the Government amended the law on the rape and introduced the Criminal Law (Amendment) Bill in 1980 which was ultimately passed as an Act in 1983. These changes include protection of the victim from the glare of publicity during investigation, and trial change in the definition of rape to remove the element of consent, addition of the crime of 'custodial rape', enhancement of punishment for the crime and the shifting of the onus of proof on the accused, and are steps forward in recognizing that the women victim of rape deserves a different kind of treatment.

Adultery

The report of the Committee on the status of Women in India recommended that "Adultery should be regarded only as a matrimonial offence, the remedy for which may be sought in divorce or separation continuing to regard adultery as a criminal offence is against the dignity of an individual and should be removed from the Penal Code."

Since the recommendation has not been given affect to the Supreme Court, upheld section 497 of the Indian Penal Code which confers upon the husband and right to prosecute the adulterer of his wife though it does not confer anyright upon the wife to prosecute the women with whom her husband has committed adultery. This has resulted in giving husband legal rights which are denied to their wives. The Court had started that the "policy underlying the provisions of section 497 may no doubt stand inconsistent with the modern notions of the status of women and of the mutual rights and obligations under marriage.. That, however, is the question of policy with which the courts are not concerned." The policy in this regard needs to be re-examined.

Sati

The most recent case of Law being enacted to protect the woman victim is the law against the practice of widow burning or Sati. The law was passed by Parliament in response to a national demand following the burning of the young educated Roop Kanwar on the funeral pyre of her husband in Deorala, Rajasthan. There has been some debate on Section 3 of the commission of Sati (Prevention) Act, 1987, which states :

"Notwithstanding anything contained in the Indian Penal Code, whoever attempts to commit Sati and does any act towards such commission shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.."

The section appeared necessary as, in any case, section 309 of the Indian Penal Code penalizes "whoever attempts to commit suicide or does any (Act) towards the commission of such offence..." whatever the circumstances may be. Women's groups have however protested against the provision in the belief that no attempt at committing sati would be spontaneous or voluntary. To some extent, this point was sought to be taken care of by specifying in the act that "the Special Court Shall.. take into consideration the circumstances leading to the commission of the offence, the act committed, the state of mind of the person charged of the offence at the time of the commission of the act and all other relevant factors."

The Act also prescribes the maximum punishment for the abatement of the commission of Sati, to equate it with murder rather than with abatement of suicide under section 306 of the Indian Penal Code, as had been done in earlier cases of commission of Sati. The Act also makes glorification of the practice of Sati an offence and goes a long way in refuting the myth that Sati is a manifestation of the glory of Hindu Women.

Prostitution

The 64th Law Commission report stated that prostitution could not be banned, totally.. "Law in every country has tried to regulate it so that it may be kept within its legitimate bound without unduly encroaching upon institution of marriage and family". However, all studies of prostitutes have shown that the girls or women and also boys were either raped or sexually molested and then sold or lured into the business. They are sexually exploited for commercial purposes and have few alternatives to enable them to be released from the trade.

The basic objective of the Suppression of Immoral Traffic in Women and Girls Act, 1956 was to punish brothel keepers, procures and pimps and prevent prostitution in or in the vicinity of public places. The Act was amended in 1978 and, more recently, in 1986 now titled "the Immoral Traffic (Prevention) Act." It is applicable to both men and women. It provides more stringent penalties particularly with reference to offences against children and minors. It provides that the special police officer/trafficking police officer making a search shall be accompanied by a at least two women police officers, and that a woman/girl would be interrogated only by a women police officer and in their non-availability, in the presence of a woman social worker. The

bonafides of those coming forward to take custody of the rescued victim, must now be investigated by a recognized welfare institution or organisation before she is released. Provision is made for Police Officers to deal with offences of interstate ramifications when dealing with Trafficking Compulsory medical examination of these rescued and their rehabilitation are also provided for.

The State protective homes or corrective institutions in which the rescued persons are kept are known for their poor living conditions with no rehabilitation programmes except marriage, which is treated as their ultimate destiny. This requires sympathetic effort and care by the state Governments which could involve voluntary organisations in running or supervising these institutions and linking up with available training and rehabilitation programmes.

Dowry

The Dowry Prohibition Act, 1961 was amended in 1984 and again in 1986 to make the provisions of this law more stringent and to plug the loopholes which had made it ineffective. The period of limitation for filing complaints was removed. The Court now has powers to act on its own knowledge or on a complaint by a recognized welfare organisation. The offence has been made cognizable for the purpose of investigation. Protection is extended to the 'complainant'. A new section on "dowry murder" has been introduced in the Indian Penal Code. The Indian Evidence act amended to shift the burden of proof, to the husband and his family where dowry is demanded and the bride dies within 7 years of the marriage otherwise than under normal circumstances, to the husband and his family. Provision for appointment of Dowry prohibition Officers and Advisory Committees has also been made. Advertisements offering consideration for marriage are now punishable.

The recommendation of the Committee on the Status of Women for banning the taking or giving of dowry in the government Servants Conduct Rules, had been accepted in 1976 and Clause 13 A was introduced in the Central Service Rules for the purpose. The demand for dowry needs to be made a ground for divorce in all relevant acts.

The amended law and the active involvement of women's organizations had led to social awareness of this crime and an increase in the number of cases recorded. The Voluntary Action Bureau of the Social Welfare Boards and the Legal Aid and Counselling Centres run by voluntary groups with Government funding have been rendering valuable services in this field. However, there has been no significant reversal of the trend nor any visible change in attitudes even among the educated urban elite.

Abortion

In India, abortion is legal and the Medical Termination of Pregnancy act, 1971 is one of the better pieces of legislation. But decades after infanticide was banned, a new crime against the female child in the womb, in the name of prenatal sex determination tests, is being committed. The Maharashtra Government has made these illegal (to check the killing of unborn female children) by passing the Maharashtra Regulation of Use of Prenatal Diagnostic Techniques Act, 1988. A uniform Central Legislation along these lines has become an urgent necessity.

Indecent Representation

The Indecent Representation of Women (Prohibition) Act, 1986 which focussed attention on sexist advertisements and boardings was passed by Parliament in response to public protests against the way the media was projecting the image of women in degrading and undignified ways. The new law seeks to ban

"indecent representation of women" by which is meant "the depiction in any manner of the figure of a woman, her form or body of any part thereof in such a way as to have the effect of being indecent, or derogatory to, or denigrating women or is likely to deprave, corrupt or injure the public morality or morals." There has been criticism at the lack of more precise definition of what is derogatory to or denigrating women. The definition however would have to depend on the context or milieu in which the act has taken place and the judiciary would need to taken into account all circumstances which would vary from place to place or time to time. The implementation of the Act would have to be observed for a while to see if any changes are required.

Marriage and Divorce

Historically, Hindu marriage was not a contract between two consenting persons and there was a religious requirement that the two people getting marriage must agree, even formally, to living together as husband and wife. The courts in fact held that Hindu marriage was a "sacrament". The position is similar in Christian law. Even now, the law makes it virtually impossible for Christians to get a divorce and so they continue to be husband and wife by religious and social coercion. The Muslim Law makes marriage a contract by two consenting parties. While as a concept this is far in advance of Hindu and Christian Law, the element of "consent" is in most cases a mere formality.

Hindu law was substantially reformed in the fifties. Further changes came when the major recommendations of the Committee on the Status of Women were implemented by the Marriage Laws (Amendment) Act, 1976. But the marriage laws of Muslims and Christians has not been reformed. Even the recent feminist movement has been ambiguous about demanding changes in the law affecting women belonging to minority communities.

Under all the personal laws relating to marriage, there is a provision for restitution of conjugal rights. Although this provision is available to both the husband and the wife it is most often used by the husband against the wife in ways that are against the fundamental right to dignity and personal liberty. The Committee on the Status of Women had also noted that :

"Whenever conjugal rights have come into open conflict with the woman's right of equal opportunity in education or employment, the attitude of the judiciary has often been rather ambiguous."

Further, the law allows for double standards of sexual morality. Under Muslim Law the husband has the legal right to have four wives, while bigamy among Hindus became a criminal offence in the 1950s. The Committee on the Status of Women has, however, noted that it was widespread among Hindus. The Committee also pointed out that since under the present law only an aggrieved person (husband or wife) can initiate proceedings for bigamy most of these 'marriages' continue. Further the existing penal provisions against bigamy is defeated in a considerable number of cases because of the technical construction placed on section 17 of the Hindu Marriage act. The Committee recommended that even if essential ceremonies had not been performed, if the ceremony had given rise to a de-facto relationship of husband and wife, the offence of bigamy should be considered to have been committed. Significantly, despite the fact that the Committee's other recommendations were incorporated in the 1976 amendments, these were left out.

Although the law of divorce is different under each personal law, common to all is the fact that it is far easier for the man to get a divorce. The Muslim man can unilaterally proclaim divorce on the woman; the Christian man can get divorce on the ground of adultery, but the Christian woman has to prove adultery with incest, or with bigamy, or with rape, sodomy or bestiality. There is no provision of divorce by mutual consent

in either Muslim or Christian Law. The Hindu Law has been reformed and the husband and wife have the same grounds for divorce, in addition to the option of divorce by mutual consent. By the recent amendment the Parsi Marriage and Divorce Law has also been brought on the lines of Hindu Law. Though women and men of all communities have the choice of getting married under the Special Marriage Act 1954 which has more equitable provisions for marriage and divorce, society still looks down upon a divorced woman as the 'culprit' while the man is able to remarry without a stigma. Moreover, most women suffer lack of education and economic independence and are left in a desperate situation after divorce.

Right to Children

Under all the personal laws and under the Guardians and Wards Act, 1890 the father is the natural guardian of the children. The Hindu Minority and Guardianship Act, 1956 provides that the natural guardian for both boys and unmarried girls is first the father and after him the mother. Even this right of the mother is recognized only with respect to custody in the case of children below five years and that too has been diluted by prefixing the word "ordinarily". The Act has however taken away the right of the father, which he used to enjoy under the classical Hindu Law, of appointing a testamentary guardian and thereby depriving the mother of the right. Under the act the mother has a better claim than the father in regard to the guardianship of the illegitimate children.

In this respect, the courts time and again have observed that the welfare of the child is the paramount consideration and any decision in respect of custody of a minor child should be decided with reference to the facts of a particular case and also taking into consideration the welfare of the child. While interpreting the provisions of the Hindu Minority and Guardianship Act, 1956 and the Guardians and Wards act, 1890, the courts have progressively observed that the paramount interest of the child will be taken into consideration while deciding the guardianship and custody of the minor child.

There is another glaring discrimination in the law relating to children. Only Hindus are legally allowed to adopt. Men and women of other communities do not have this right. They can at best be appointed guardians of their 'adopted' children. But the Hindu Law of Adoption has given equal rights to men and women to adopt and the husband can no longer adopt a child without the consent of his wife.

Right to Property

Neither the personal laws based on religion, nor the secular laws relating to property rights, give women equal rights to property. The question of providing equal rights to woman vis-à-vis man had been the subject matter of controversy and had been taken note of specifically while drafting the Constitution of India.

The Hindu Succession act, 1956 provides equal share to women in the properties of their father. Section 14 of the Act gives women the right to acquire absolute ownership of property. Under this section, woman has now been given absolute power to dispose of her property as she thinks fit. The act further lays down certain rules for succession to such property, independently of the general rules of succession given under section 8 of the Hindu Succession Act. Though the amended Hindu law has given the woman many new rights she cannot be a member of the coparcenary and cannot ask for a partition.

Muslim and Parsi women have some property rights but not equal rights with their brothers. Under their respective laws, the son gets twice the share of his sister. They Syrian Christian women were till recently governed by the Travancore and Cochin Succession Acts under which they got almost no property. However, recently the Supreme Court has ruled otherwise and these Christian women are now governed by the Indian Succession Act, 1956 which ensures to them equal rights to property.

Neither the personal nor the civil laws recognize the value of woman's work in the house. Therefore, on divorce the property is not shared by the husband and wife. Instead she is left without a home, income or any other economic security. If the husband throws out his wife she is left with out any source of income, and is often deprived of even her "Sridhan". However, in a recent judgement, the Supreme Court has held that the Sridhan property of a married woman is only placed in the custody of her husband or in-laws as trustees and they are bound to return the same, if and when demanded by her.

Maintenance

The husband is under a legal liability to maintain his wife whether before judicial separation or after. The secular law of maintenance contained in section 125 of the C.R.P.C., 1973 provides for payment of a limited amount of maintenance even to a divorced wife. Specific provisions are contained for grant of maintenance under sections 24 and 25 of the Hindu Marriage act, 1955 and section 18 of the Hindu Adoptions and Maintenance Act, 1956. Provisions for maintenance are also available under the Parsi Marriage and Divorce Act, 1936 (sections 39 and 40) and the Indian Divorce Act, 1869 (sections 36 and 37). Provisions have been made in a the Muslim Women (Protection of Rights on Divorce) act 1986 in relation to maintenance of the Muslim Women. This latter Act has aroused a great deal of controversy.

Uniform Civil Code

Article 44 of the Indian Constitution directs that the state shall endeavour to secure for the citizens a Uniform Civil Code throughout the territory of India. The Committee on the Status of Women in India had emphasized that the absence of a Uniform Civil Code and the "continuance of various personal laws which accept discrimination between men and women, violate the fundamental rights and preamble of the Constitution which promises to secure to all citizens 'equality of status', and is against the spirit of national integration and secularism. The continuance of different personal laws having different provisions in relation to women's rights leads to inequalities against women vis-à-vis men as well as women vis-a- vis women. There is, therefore, an urgent need to have a uniform Civil Code which guarantees equal rights to all Indian women and men. The adoption of a Uniform Civil Code would not only lead to gender justice, but would also ensure parity for people of different denominations.

Family Courts

Parliament passed the Family Courts Act in 1984 in order to provide a forum in which family would be resolved in an atmosphere of reconciliation and understanding, keep the advocates out and provide for counsellors to assist the judge. Unfortunately only three States have set up these Courts till this date and women are still compelled to seek justice in the normal courts where they are always at a disadvantage.

Rights at Place of Work

The Equal Remuneration Act was passed in 1976. This Act provides for equal pay for men and women doing the same or similar, work. It also forbids discrimination on the basis of sex at the time of recruitment and after. This act is, however, not applicable to the unorganized sector where the bulk of the women work. In the agricultural sector, there is a provision for fixing a statutory minimum wage. Labour laws often treat the male headed family as a unit even if the husband, wife and children are all contributing their labour. For instance under the Bonded Labour System (Abolition) Act, 1976 when the government gives relief, it is given to the 'head' of each family.

The maternity Benefit act of 1961, provides for maternity leave to women working in factories, mines and plantation, including government establishments. The Employees state Insurance act, 1948 also provides

for maternity leave for low paid workers, but neither in the unorganized nor in the agricultural sectors are there any such legal rights for women.

The Contract Labour (Regulation and Abolition) Act, 1970 and the Inter-State Migrant Workmen Regulation of Employment and Conditions of Service Act 1979 have made provisions for crèches to care for the children of women working as contract labourers. This provision needs to be extended to other industries and establishments and made available in all establishment and made available in all establishment employing more than 30 persons (instead of women).

Changes need to be made in the existing labour legislation with a view to widening the definition of a "worker" and with a view to providing decent working conditions and other benefits to all those working in home-based piece-rate situations. Similarly, provision needs to be made the compulsory skills retraining programmes by the employers for women workers likely to be affected by the introduction of mechanisation and technology. The Nairobi Report has pointed out that "while women's input of labour in the formal and informal sector will surpass that of men by the year 2000, they will receive an unequal share of the world's assets and income". Employment legislation should ensure equality and provide benefits for women not only in the conventional and formal labour force but also in the informal sector, particularly with regard to migrant and service workers by providing minimum wage standards, insurance benefits, safe working conditions, etc. these benefits should also pertain to women self-employed women. The National Commission on Self-employed Women and Women in the Informal Sector has recently made a detailed study in this regard.

Citizenship

The recommendation of the Committee on the Status of Women that the citizenship Act should be amended to ensure that a person born outside India shall be a citizen of India by descent if his father or mother is a citizen of India, is still to be implemented. At present only the children of an Indian father (not mother), are automatically Indian children. This requires early rectification.

Awareness and Legal Literacy

Legislation is important but the implementing machinery at all levels has to be sensitized and made responsive to women's needs. Awareness and knowledge of women's rights to equality has to be created not only among women but in the society at large. Women must themselves be involved in a much bigger way in the judicial and the law enforcement process whether as judicial officers, lawyers, or police. The constitutional vision of gender justice can be realized only by a set of multiple strategies which include more affirmative action.

The Committee on the Status of Women in India had referred to the need to educate women regarding legal rights and duties. In spite of illiteracy and the problems of communication, legal literacy, para legal training and free legal aid programmes for women have become popular and widespread. The Scheme for Prevention of Atrocities Against Women of the Department of Women and Child development to the Ministry of Human Resource Development, has helped to focus on women's problems vis-à-vis law and legal processes. Support to legal literacy has come from the judiciary, the Bar, the Law Faculties/Colleges, Adult and Continuing Education Departments, Centres for Women Studies, the Committee for Implementation Legal Aid Schemes (CILAS) and the Voluntary Action Bureau of the Central Social Welfare Board. But there is a need for a massive programme of legal literacy which would help to generate a greater degree of social activism and mobilization of women. The power of public opinion represented by the mass media must be utilized in a much more dynamic way in this task.

Legal Aid and Use of Legal Processes

The Committee for Implementing Legal Aid Schemes and the State Legal Aid and Advice Boards have been providing legal aid to citizens belonging to certain prescribed levels of income. There is a need to make specific provision for free legal aid to women. The traditional legal service programme, which consists of providing legal assistance to the poor seeking judicial redress, is not adequate to meet the specific need and special problems of women in our country. The success of the traditional legal service programme depends upon at least two factors.

- (i) The person affected should be able to realize that the problem she faces is a legal-problem and that a lawyer can help her, and
- (ii) She must know where she can get such legal help. These two preconditions are markedly absent among women and would, therefore, render any traditional legal service programme ineffective and without meaning.

Legal aid programmes for women have to be developed which are not litigation oriented. These must consist of :

- (i) Creating legal awareness amongst the people and especially women by making them aware of the rights/duties conferred upon them by various legal aid programmes.
- (ii) Holding Legal Aid Camps where lawyers go to different centers and give them free advice.
- (iii) Conducting para-legal training, programmes for social workers and voluntary agencies and mobilizing them for supportive action.
- (iv) Supporting public interest litigation, by which social workers can participate and carry forward the legal aid programmes for women.

Rules and Procedures

Certain laws and the rules prescribed there under, as well as other rules, procedures and formalities, maintain the concept of inequality of the sexes, requiring the father or husband's name as measure of identification of the applicant e.g forms for admission to schools, opening of bank accounts, etc. These should be substituted by names of both or either parent if at all required. Women should be able to have ration cards in their names, operate bank accounts, get loans without having to give the father or husband's name. If, for purpose of identification, a relative's name has to be given, a person should have the option of giving a mother's, wife's or guardian's name.

Effective Implementation of Legislation

There is often a wide gap between the legislative intent and the use of laws and legal processes in reality. While Parliament and state Legislatures respond to public opinion by enacting legislation conducive to the attainment of equality, considerable time is lost in framing rules, appointment of functionaries, setting up legal institutions, etc. The case of the Family Court Act and the Consumer Protection act are readily available examples.

The personnel of the legal system can influence the progress of the law. Though more women are getting into the judicial and police administration, there is always the danger that they would be absorbed into the traditional side of justice administration bringing little change in the situation. This calls for a greater,

more widespread, and planned interaction between functionaries of justice administration on the one hand and social activists and researchers on the other.

The process of effective implementation should also include orientation, training and re-training of personnel engaged directly or indirectly in administration of justice.

Monitoring of Legislation Processes

India, in the mid 1980s, presents the picture of a society which aspires to achieve an egalitarian social order assuring the dignity of the individual, while striving to maintain its pluralist character and rich cultural heritage.

Continuation of certain outdated provisions/procedures in our laws which bear little relationship either to the constitutional directives or the emerging social realities, create problems for the law enforcement agencies. There is also a marked absence of adequate enforcement mechanisms which has made many of the laws ineffective.

A process of social audit of each legislation must be organized through governmental or non-governmental organisations with the specific objectives of diagnosing problems encountered in effective implementation and identifying suitable remedial measures.

Women, like other disadvantaged sections in Indian society, have not fully realized the potential power that laws and legal processes hold for them in matters of development. They are ignorant of their own rights or are afraid or unable to enforce them due to expensive, complicated and long drawn out proceedings. Thus they do not have easy access to justice. There is an urgent need for organized articulation, on the part of women and for all those who support women's development with equity and justice, for expert legal advocacy seeking interpretations promotive of gender and social justice.

The Women's Studies Centres could undertake work relating to research documentation and dissemination of such information to governmental and non-governmental functionaries engaged in the field.

An independent agency at the Centre to follow up implementation of laws for women and coordinate with State Governments is urgently called for. What we need is the will and the courage to enforce the laws which have been brought on the Statute Book.

Source : National Perspective Plan for Women (1988-2000)

RECOMMENDATIONS

1. Constitutional guarantees and various laws have, upto a point provided but have not entirely extended equality and justice to women. To change this situation, law drafting technologies, and enforcement mechanisms including police, Judiciary and other components need to be reviewed, sensitized and strengthened. There is also the need to create a multidisciplinary group to monitor draft legislation, judicial decisions and other procedural matters affecting women at Central and State levels.
2. State Government and the Department of Public Grievances in the government of India should set up special cells for the enforcement of laws to ensure women's rights and protection. A special division under a Commissioner for women's rights may be created in the nodal department to liaise with such special cells.

3. Women's guidance centers in every district should be organized by voluntary organizations with qualified social workers, lawyers, doctors and family counsellors. Free legal aid services should be initiated wherever possible.
4. Larger number of women judges must be appointed to the judiciary and more so in the family courts.
5. A large number of women police stations or women's cells' in police station should be set up and wider recruitment of women police officers made, women constabulary etc. The approach of these cells should be redressal of grievances on the merit of each case and not merely 'return to the family approach'.
6. Police stations should maintain a list of social workers to assist in cases related to women. Identity cards may be issued to such persons.
7. Since the Court culture so far has, by and large, been technical rather than imbued by concern for women or societal good (except in the case of certain landmark judgements), a massive programme for educating women on their legal rights as well as to create awareness, understanding and sensitivity in the personnel concerned with the investigation and judicial process needs to be undertaken. Para-legal training programmes for social workers, voluntary agencies are also essential. This may be taken up by the proposed resource Centre.
8. A Uniform civil Code for all citizens should be adopted by the year 2000 AD.
9. Both spouses should have joint title to all property acquired by either spouse during the subsistence of a marriage and they should hold such properties and tenants in common, in equal shares. But properties acquired by either spouse by means of gifts or testamentary or interstate succession, should be excluded from this principle.
10. It should be mandatory by law that daughters/widows have equal share in the properties of their parents/husband and the sons and daughters should have an equal share in property. The right by birth of the son as copartner should be abolished and all heirs should be treated as equal as in the case of self acquired property of the father.
11. Further, it should be provided that no one shall have the right to will away more than 25 per cent of the property. The Hindi Succession Act or similar Acts should be amended to provide that no partition of a dwelling house should be affected without the consent in writing of the widow and widowed daughter-in-law if any, and they shall have right of residence in the dwelling house.
12. Demand for dowry should be made a ground for divorce.
13. Steps to ensure the legal validity of a dying declaration in cases of suspected murder of a woman are needed.
14. Legal measures to deter husband and in-laws from falsely certifying a woman as a lunatic and placing her in an asylum should be initiated.
15. State protection shall be offered by law to women battered in their own homes and employers given authority to pay at least the salary of the employee in cases of drunkenness, negligence of family etc.
16. All matrimonial suits against women should be filed in the district courts where women are residing. In the meanwhile, family courts scheme should be extended to all states.

Maintenance etc.

17. Necessary amendments in procedure must be brought about for maintenance to be paid through courts or arrangements made by the courts to ensure timely and correct payment.
18. The minimum amount of maintenance should be calculated on the basis of basic needs of the woman and on the basis of the earnings of the spouse.
19. Government/employers should have the power to order maintenance to aggrieved wives/dependents of employees on an application by the woman and following an inquiry, the amount may be paid directly to the wife/dependents.
20. In case of irretrievable breakdown of marriage for causes other than enumerated, divorce should be granted with a provision for maintenance for the wife (No fault divorce).
21. Adultery should not be a penal offence but a ground for divorce.
22. In the case of an unmarried man and woman residing together irrespective of their religion and claiming marriage, marriage should be presumed for all purposes including the rights of children.
23. Laws should be ensured women's rights to motherhood and maternity benefits, irrespective of their marital status.
24. The exclusion of the wife and dependents from Provident Fund benefits should be prohibited.
25. A uniform central legislation along the lines of the Maharashtra Regulation of Use of Diagnostic Techniques Act, 1988 is called for.
26. Religion should not be made a criterion for adoption of children. A secular act to enable all to adopt without reference to religion is desirable.
27. State Governments should pay special attention to the improvement of protective homes and corrective institutions. Social workers should be actively involved as visitors.
28. The available services of counseling, legal help, homes etc. should be widely published through the mass media, so that all women in crisis are made aware of their availability.

Rules and Procedures

29. Furnishing the name of the father should not be insisted upon by schools, institutions and banks. If identification is necessary, either parent's name should be acceptable. Mothers should have equal rights to operate minor children's accounts.

Labour

30. Criteria for fixation and revision of minimum wages should be evolved without impinging on the rights of parties to negotiate wage agreements.
31. Legal safeguards/facilities available under various existing laws, such as the Minimum Wages Act, Equal Remuneration Act, Employees State Insurance Act, Provident Fund Act, and Maternity Benefits Act are not extended to the unorganized sectors. Particular attention must be paid to providing decent working and living conditions to home-based and piece-rate workers. It should be examined to what extent and how these can be extended to these sectors. In this context, the recommendations of the National Commission on Self-employed Women may be studied.

32. Trade unions and other organizations should undertake the responsibility of developing consciousness among women workers about these legislative provisions. Legal aid centers, lok adalats should also help workers in sorting out their problems in this and other contexts.
33. Efforts should be made to bring together the dispersed and unorganized sections of the labour force into an organized entity so as to provide them with necessary bargaining strength. The trade unions have a critical role in this regard.
34. There is a strong need to eliminate all forms of discrimination in employment especially to eliminate wage differentials between women and men.
35. Working conditions should be improved in both formal and informal sectors. Protective measures against work-related health hazards should be effectively implemented. Employment of women in hazardous jobs should be forbidden and suitable steps should be taken through legislative measures.
36. The government of India is the largest employer of women. It should ensure that regulations regarding maternity benefits, provision of crèches at its work sites and wage fixations are adhered to.
37. The Contract Labour Act 1970 and Inter-State Migrant Workman Act 1979 provision for crèches to contract labour must be extended to other industries and establishments employing 30 persons.
38. The Maternity Benefit act of 1961 and Employees State Insurance Act, 1948 should be examined and wherever possible extended to the unorganized and agricultural sectors.

Citizenship

39. Children of Indian mothers born elsewhere should be automatically be assured Indian citizenship as in the case of children of Indian men.

GENDER SENSITISATION IN LAW ENFORCEMENT

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Distinction between Gender and Sex

'Sex' is a biological category, while 'gender' a social construction. Sex of the human species is biologically determined (male/female) while gender is socially and culturally constructed. The simple physical differences between man and woman are mediated by culture, rituals and structure and through a complex process of socialisation, internalization and institutionalisation generate stereotypes of gender roles at various levels - stereotypes of specific feminine personality and gender identity, of allocation of inferior and degrading productive activities to women and of control of material resources to men and of an ideology that defines women as inherently weak and emotionally dependent on men.¹ Thus gender becomes an aspect of social inequality and unequal power like class, race, ethnicity and is frequently interwoven with each of them.

Gender and Criminal Justice: Paternalism - Sexism Debate

The disposition of the criminal justice system towards women shows two contradictory trends: one of the paternalism/chivalry (preferential treatment) and the other of sexism/penalism (discriminatory treatment), both underscored by the unity of a gendered world view and sex role stereotyping. The paternalism thesis postulates that women are protected from the full rigors of criminal law and sentence and are dealt with leniently by the agents of law. However, by attempting to protect women from themselves or from the harshness of law, agents of law can actually be more punitive to women through kindly coercion because, they thereby keep the women in their place and in appropriate feminine roles - mothering and domestic work and reinforce the dual assumption of criminal law about women as virgin and whole, with and wife etc.²

The sexism thesis postulates that agents of law are inconsistent and selective in their paternalism; they reinforce sexually stereotyped role behaviour and are overtly punitive and retributive towards the women who repudiate their perceived notion of femininity and family life like prostitutes, who are neither ladies nor nice girls. The bottomline in paternalism - sexism debate is that women are treated leniently or harshly by the criminal justice system, not because they are women, but because they conform to or deviate from the appropriate feminine behaviour and demeanour.

Cult of Masculinity

Policing has traditionally been a male bastion. Policemen's perception of policing is that it involves strength, danger and action, it is a masculine pursuit.³ Their self-image is that of a crime-fighter rather than a problem solver, they find non-violent, service and non-enforcement aspects of police work less exciting. This cohesive, macho-culture can be summed up as follows:

Remaining dominant, in any encounter and not losing face, the emphasis placed on masculine solidarity and on backing up other men in the group especially when they are in the wrong, the stress on drinking as a test of manliness and a basis for good fellowship, the importance given to physical courage and glamour attached to violence.⁴

Acceptance into peer group requires endorsement of this masculine value system. So powerful and entrenched is the masculine syndrome that women who enter police profession either have to undergo a

* Assistant Superintendent of Police, Khurda, Orissa; See : SUPNPA Journal, July-Dec., 1994.

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process of defeminisation (imitating male standards of behaviour with a strong law enforcement orientation) or de-professionalization (maintaining feminine perspective and concentrating on social service aspect of policing) to resolve the role dilemma between gender and occupational roles.⁵ This masculinist subculture of rank and file is most resistant to any institutional change in policing by policies of gender sensitization from the top.

Stereotypes of Violence Against Women and the Police Responses

The social stereotypes about sexual violence/harassment can be listed out as under:

1. Rape is victim-precipitated; women ask for rape/sexual violence by provocative mode of dress and behaviour or by going out after dark or going to shady or lonely places.
2. Women subconsciously desire rape and cry rape only when caught.
3. Rape cannot occur if the woman resists and it happens to women of loose morals and in lower class settings.
4. Male sexuality is an uncontrollable force; women are responsible for their own protection and should not arouse it.
5. Women's place is at home; if she goes out, she must take what comes her way.
6. Sexual harassment at work place and eve teasing (which amount to psychological rape) are fun and women enjoy it. It is trivial and unimportant.

Misinformed by these stereotypes, police response to victims of sexual violence/harassment follows a standard pattern as under:

1. Initial complaint is disbelieved and action is contemplated only on proper verification and after a value judgment as to whether the woman is deserving of appropriate police response (Has she stuck to the sex role stereotypes? - prejudging of guilt).
2. Discouraged from pursuing complaint.
3. Intensive, bullying and callous interrogation and aggressive and sexist questioning.
4. Succession of officers interviewing the victim.
5. Medical examination delayed and conducted in unpleasant or threatening surroundings.
6. Women not supplied with basic information about her legitimate rights and support services available.

Thus, it is the sexually violated woman and not the male violator who is put on the trial. Rape results in quadruple victimization: the actual assault and then psychological assaults by the police, medical profession and criminal justice system.⁶

The set of stereotypes governing domestic violence is as follows:

1. Home is a men's castle. Family is a private place where men have certain legitimate powers and physical punishment is an acceptable hazard for women.⁷
2. Husband has a marital right to discipline his wife.

3. Women are irrational, liars, nagging and provoke men.
4. One the poor. uneducated/alcoholic/lower class males are violent towards their women folk.
5. Women who complain against their family are home-breakers.
6. Women are fickle; they go back on their complaints, do not cooperate in investigation and the case fails.
7. Women who deviate from feminine roles of mother and wife warrant harsh treatment.
8. Violent men are simply reacting to a cluster of social and financial stressors.

Such stereotypes result in trivialization, decriminalization and legitimization of domestic violence and predispose a police response of non-intervention. The police advise the victim to seek civil remedies in court, forget and forgive or at best act as peace-maker and mediator with mild, informal threats to the male offender.

Victim-less crimes like prostitution and pornography are looked upon by policemen as inevitable and intervention in it as a part of social work and not of police work. Same logic inherits in the doubt over enforceability of social legislation and low priority accorded to it. The aggregate effect of this stereotype-guided police response towards crime and violence against women is non-registration of cases (large-scale burking and minimization), faulty and perfunctory investigation and undue procedural delays, all ensuring that the case fails in the court and the victim is denied justice.

Gender Sensitisation in Law Enforcement - A Rationale

Gender sensitization, involves a higher responsiveness to the inequity and unequal power equation of gender relations, heightened receptivity to a gender - value framework that challenges the patriarchal stereotypes in order to ensure gender justice. It denotes a process of resocialisation - a process of unlearning the gender bias, both societal and organizational.

The rationale for gender sensitization in law-enforcement can be summed up as follows:

1. Police are the gate-keepers of the criminal justice system and enjoy wide discretion. Differential law enforcement, indifferent police response and fear of police deny women the access to justice.
2. It is in dealing with women that police are accused of inadequate rather than aggressive policing.
3. Callous police response generates reluctance among women to turn to police for help. Such reluctance is potentially damaging to their role as protectors in society.⁸
4. In India, now there is one rape every 54 minutes, one molestation every 26 minutes, one kidnapping/abduction every 43 minutes, one act of eve-teasing every 51 minutes, one dowry death every one hour 42 minutes, one act of cruelty every 33 minutes and one criminal offence against women every 7 minutes.⁹ In addition, the protectors of law and justice are themselves becoming perpetrators of crime against women; there are many instances of police involvement in gang rape, custodial rape, molestation, running of protection rackets in prostitution, conniving with offenders in dowry death and other atrocities against women. All this amounts to a total abdication of moral authority of police and there is an urgent need to reaffirm such authority.
5. Women are more afraid of crimes than men and fear of crime extends well beyond the women who themselves have been victims. This level of fear restricts the activities, including work and

social opportunities like going out at night or to lonely places and it affects the quality of their lives.¹⁰

6. Women victims are differentially placed than their male counterparts. The victims of sexual violence suffer from a sense of shame, self-guilt, fear and is humiliated, abandoned, traumatized and stigmatised. In case of domestic violence, offence is committed in the privacy of the home, by a person on whom she is emotionally and economically dependent and she develops a learned helplessness to live with the assaulter as she has no alternative. In such cases, police role is not one of interrogator but of facilitator and empathiser.

Police Contact Situations and Gender Sensitisation

Police contact situations and categories of women who come into such contact can be broadly summarized under the following heads:

1. Women as victims: As explained above, police response to victims is characterized by sexism, bias, victim-culpability and social stereotypes regarding crimes against women. A gender sensitive police response would be patient and empathetic listening, identification with the women's view-point, communication skills to make the women feel at ease and not feel intimidated, initial counseling and referring to other support services, prompt and proper registration and investigation of the case and follow up at the trial stage.
2. Women as offenders: Female criminality offends the social conscience more severely because it challenges the ideological constructs regarding gender roles. Police response to female offenders/suspects is very often sexist; not only are they straight-jacketed as loose and disreputed police custody and restraint contribute to their further powerlessness and they are subjected to indecent and obscene behaviour, even custodial rape. A gender sensitive police response to women offenders shall include observance of due regard to their dignity and modesty and the procedural norms in all aspects of investigation, search, seizure, arrest, confinement in police lock up, interrogation and forwarding in custody.
3. Marginal Women: Police response to women who are on the margin of the society, whom they perceive as unrespectable and thus undeserving of protection - prostitutes, women in the slums, women labour, widows, single women, divorcees-ranges from indifference to intimidation, exploitation, hostility and violence. In India maid servants, widows with young children, political activists or their relatives, tribals and dalits migrant labour in metropolitan cities are some of the women who have been victims of custodial rape.¹¹ In Britain, black women and lesbians experience coercive policing. These marginal women, as they are subject to not just gender bias but multiple biases of caste, class and race, are not less but more deserving of the protective arm of law and gender sensitive policing should ensure their fullest access to legal help.
4. Voluntary Women Groups: Pressure for gender sensitization in police comes not as much from above - the new laws which are again differentially enforced as from below-the feminist voluntary groups who have launched an organized campaign to seek justice on women issues like sati, dowry death, custodial rape etc. Their relationship with police is one of mutual distrust and confrontation. Police perceive them as home-breakers who corrupt the women and champion fake complaints and resent their interference in police work Women-group activists complain of police inaction, harassment and victimization. While, at times these groups exaggerate and distort facts

and are unfair in their appreciation of constraints and good work of police which provoke police-reactionism, gender sensitive policing would accept them as equal partners in the common fight for gender justice.

Modes of Gender Sensitisation in Law Enforcement: An Agenda

In India, the State response to increasing violence against women has been threefold: legal reform, gender sensitization programmes for all levels of bureaucracy and giving the police new powers.¹² Law is a powerful instrument of social change to diminish the power of unfair social ideologies towards women. But primary role in this process has to be played by the police force, because differential and improper law enforcement defeats the very purpose and spirit of law. Gender sensitization effort in police organization may be conceived at three levels: in the process of recruitment, in training and the administrative measures for greater gender equality and gender-sensitive policing.

Recruitment: At the level of induction into police force, some psychological tools should be employed to test the character, social sensitivity, responsibility and commitment of the candidates. As crimes against women are mostly personal and intimate in nature, there should be larger representation of women in the force who can inspire confidence of the victims and better appreciate and investigate cases of sexual and domestic violence. Induction of women also can obviate complaints of indignity and mis-behaviour to female victims/offenders, help tackle the women demonstrators and ensure better coordination with women groups. However, their specialisation in service aspects of police work dealing with children and females only reproduces the sex role stereotyping and is counterproductive. Again, the induction of women should not only be in basic grades but in managerial positions and not simply as police women, but as police surgeons, psychologists and forensic scientists. Their representation should be proportionate, otherwise the women in uniform run the risk of accepting and perpetuating the masculine culture and practices. However, in the present structure of male intensive policing, the long term goal should be to sensitise the individual, man or woman, to the gender issues and specialisation in police work relating to women should be encouraged on the basis of individual talents and not sex. For better integration and involvement in police mainstream and providing equal opportunities, National Police Commission has recommended recruitment of women in vacancies in general duty posts and not against women specific vacancies.

Training: Training as a continuous process (induction, pre-promotion, refresher, reorientation) is a vital tool for unlearning the male bias and learning to deal with the needs, concerns and priorities of women more sensitively. In this process, training in the induction stage is the pace-setter because it shapes the policemen of the future and given the level of integrity and idealism at this level, receptivity to gender - fair suggestions and values is high. Unfortunately, the basic/institutional training for policemen at all levels is grooved in a law and order, crime and security frame work. Proper perceptions of gender and behaviour, critical understanding of laws for women, social investigation and role of police need to be built into the training content.

Field realities and role socialization in police sub-culture build up a certain cynicism that provides mental blocks to new ideas at a later stage. To overcome this resistance, continued gender sensitization programmes at various levels starting from cutting edge level - constables and sub-inspectors to middle and top leadership should be conducted on a priority basis. Training content and methodology being designed to suit the need and job requirement at each level.

Training methodology, in general, should be participative and help the participants to confront their own values, attitudes, biases and assumptions on gender justice and facilitate self introspection rethinking and

analysis and readjustment of values so that attitude and value change is spontaneous and internalized and not imposed nor conformed to.

Faculty should be inter disciplinary-women activists, academicians, lawyers, judges, senior police officers, courageous women victims who have dared to fight-so that learning is objective and includes a cross section of view points and not just the police view point.

The training should emphasise change in attitudes/values and knowledge/technique/skills. The need and rationale of gender sensitization training should be impressed upon the appreciated. Otherwise, there will be resistance, subtle and reactionary, to the acceptance of the training input such as categorizing it as trendy, unrealistic and unnecessary.

Administrative Measures: This mode, may consist of the following measures:

1. Special, officer-intensive units to deal with crimes against women with an appropriate mix of sex in investigation cadre and not a parallel force of women investigators¹³ which will lead to sexual division of labour.
2. Screening of personnel to be posted in these special units and non-posting of officers who have come to adverse notice for involvement in objectionable activities against women.
3. Relative fixity of tenure of these personnel and a scheme of incentives and disincentives.
4. Posting of women duty officers even during night especially at railway stations and market places to record women's complaints and to look into cases of harassment of women.
5. Appointment of a fixed number of women constables/officers per police station instead of all-female police station which promotes segregation and is rendered ineffective.
6. Women under-trials/suspects not to be kept at police station but at women crisis/support centers in voluntary sector under police guard. Alternatively such temporary detention and support centers can be establishment at district police headquarters with women staff and community help. The present women cell in the district office can run such centers on a preliminary basis if provision is made for resources, accommodation and staff.
7. Regular reporting of women's complaints treated as non-cognizable enquiry and assigning reasons there of by the PS to the SDPO/SP's office and monitoring the justification of such reasons.
8. Periodical meetings with voluntary agencies at the PS and higher levels to brief about the action taken against the offenders against women, discuss provision of support and sort out complaints and grievances.
9. Constitution of an apex body at the state level consisting of representatives of police, judiciary, administration, prison, prosecution, women activists, lawyers, civil liberty activists, legislators, academicians and media to spell out a formal policy and code of conduct on gender sensitive policy, monitor the implementation of such policy at regular intervals and effect modifications in the light of new expert
10. Lateral entry of professional psychologists and community workers into police to supplement the amateurish effort of police in these fields.

Conclusion

A gender sensitive police is ultimately, the product of a gender sensitive society. Segmented police reform in this direction may be token (without undermining the sub-cultural resistance), divisive (selective application to upper class, educated, urban women, counter-production (the other side of police protection is increasing social control on the movement and opportunities for women) and isolationist (the other wings of criminal justice system maintain gender bias). However, the crucial issue is the perspective on role of police in society as a defender of status quo or an agent of social change. David H. Bayley contends. The police, themselves are formative elements in society. They may reinforce existing beliefs and values or they can help to transform popular culture.¹⁴

Police action, by itself, cannot stop male violence or crimes against women, but it can help to step perpetuation and reproduction of this violence and create a social context of belief/expectations in which there is a certainty for setting the criminal justice system into motion in order to bring the offender to book and provide some comfort to the victim, thus having both a deterrent and positive effect.

International perspective on pattern of policing of male violence and treating women as offenders, victims, marginal women and women groups, shows remarkable similarity across the country with minor country-specific variations. The reason is that gender bias is cross-cultural and cross-societal. At the same time, actions are afoot internationally to gender-sensitise the police by legal, structural, personnel and procedural reforms like rape shield laws, rape crisis centers, victim examination suites, family crisis intervention training, victim support schemes, attitude/value change programmes etc. Professional work that reaches a high standard always treats the client with respect, knowing that her involvement and understanding of the situation is the basis for professional intervention. This is as true for doctors, as it is for accountants, lawyers and the police.¹⁵ Considering the fact that half of the police clientele comprises of the women species, the ultimate sanction for gender sensitization in law enforcement is professionalism.

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LAW ENFORCER'S PERSPECTIVE ON GENDER ISSUES

*Renuka Mishra**

It would be appropriate to approach the issue of gender in relation to a law enforcement officer in the following four fold path.

1. What are the mechanics that operate inside a law enforcement officer's mind as an effect of his own socialisation process as an individual. We could term them as biases based on his or her own personal perception of the issue.
2. What are the mechanics operating within the hierarchical structure as in sensitivity or lack thereof towards colleagues, work performed by women officers and other ranks, policies upgrading or otherwise to the changing times with more and more influx of women into the mainstream, customising of jobs or housing requirements to suit women positively so as to provide a conducive work and domestic environment and finally attitudes become guiding forces in gender related issues within the department.
3. Having overcome personal prejudices a law enforcer would now be in a position to impartially examine the plight of a women victim and be sensitised towards how to deal with crimes against women, why investigation will differ and how a victim has to be handled.
4. Deviating from the letter and keeping with the spirit of the law, when to take what kind of action is another area that requires examination so as to ensure that in cases of arbitration who are the agencies who can supplement the police, who are the expert counsellors, and in cases of legal action assisting women victims, their families and women witnesses through the rigours of trial and ensuring that the perpetrator of injustice and violence gets his due and that his punishment serves as a deterrent to other such perpetrators standing in line.

Dealing with gender issues as a law enforcer or as a trainer would necessarily have to follow the path given above so as to be effective and long lasting, so any training programme must start with the law enforcer as an individual prone to the prejudices that exist in a biased society and not with false assumptions that the uniform would automatically erase all that the individual has learnt in his own socialisation process through no fault of his or hers for that matter. After aiding the law enforcer through the process of appreciating objectively where he needs to unlearn what society has taught him, one can then even begin to sensitise him. The policy makers and the higher echelons of hierarchy should be simultaneously tackled at the first stage so that both are now ready for their respective tasks in this area. The lower echelons deal with the public and crime and are concerned with actual policing as well as have a first hand experience of intra departmental gender biases, whereas the higher echelons need to relook into the policies, job requirements, preparation of a gender biasless conducive environment which they can do only if step one is successfully applied and there is a hierarchy less vertical interaction between the users and the policy makers.

Finally the most important objective of all, of delivering the society from its prejudices, helping women victims get justice and ideally ensuring that women as a whole and individually enjoy a crimeless society or at least a society where women are not victimised due to their sex

To that goal let my country awake

* SUPNPA, Hyderabad.

MAINSTREAMING GENDER IN THE POLICE – MAHARASHTRA EXPERIENCE

*S. Chakravarty**

Introduction

1. The author is working in Maharashtra Police for the past twenty five years. From a police officer, who has handled a number of cases of various forms of violence against women and interacted with a number of women's organizations, observing how the growing impact of these organizations had helped in moulding the nature of interventions by the State, this is an account of the process of mainstreaming gender in Maharashtra police, as a consequence of the larger intervention to control violence against women.
2. Violence against women has been a matter of growing concern to the Govt. in the recent years. This was largely due to the efforts of the women activists and women's organizations taking up the sensational cases of violence against women, receiving adequate support in the media and in many cases, even successfully following up the prosecution of these cases in the court of law. This helped in creating a climate to build up public opinion about the urgent need for adequate State intervention not only for action against such offenders but also to sensitize the police forces in the country to prioritize such cases and to handle the victims compassionately.
3. In a progressive state like Maharashtra, gradually, a number of women's organizations came up even at the district level and started taking up the local issues concerning women, making their presence felt. Govt. of Maharashtra, realizing the significance and importance of the role these groups could play, formed Vigilance Committees at the district level, comprising the representatives of women's organizations/women activists and the officials of the district administration/police. These committees had the authority to scrutinize the cases of violence registered in the district and to be informed about the progress of the investigation. While this coordination at the district level was a welcome beginning, it was still not enough to tackle the enormity of the problem, which started emerging as a major social issue, as more and more women started becoming more aware of their rights due to the changed social environment and reporting in the media of a large number of instances of atrocities on women. As a consequence, a large number of cases of crimes of different kind started getting reported, which would not have been reported due to social pressures etc.
4. Realizing that mere attempts to enlist the cooperation of women's groups by forming district-level committees, was not adequate, the state gov. decided to enlist more women in to the police force, hoping that presence of women at the police station would encourage the women to come forward to report freely. It was also necessary because in the departmental priorities, crimes against women came at a lower level than other serious crime, only Rape being an exception. It was for this reason that a overworked and highly stretched police force which was almost all male at the station level also internally disliked the inference by the women activists into their traditional field of investigation of cases relating to the crimes against women.

Gender Segregation of the Police Force:

5. In 1993, while many other states were experimenting with different options of induction of more women into the police force, like opening special cells of women police to handle the cases of domestic violence,

Spl. IGP, Mumbai; See : SUPNPA Journal, Jan-June, 1998.

setting up all women police stations, etc. three interesting developments were taking place in Maharashtra (a) Govt. of Maharashtra was working out a comprehensive Policy on Women, on the eve of the ensuing general elections scheduled next year, (b) a departmental committee set up earlier, headed by the IGP, Training, known as the Malhotra Committee, to delineate the role and duties of women police in the State, was reactivated to expedite its report and (c) an IPS officer of over 20 years service in the police organization (myself) was sent for gender training to the IDS Sussex, as a part of a team selected under a project known as gender planning training project, to work on the theme violence against women to develop a training module for gender sensitizing the police officers. The combination of these three developments led to the remarkable achievement of ushering in an era of mainstream policing for women in Maharashtra, within a span of next year.

6. The gender analytical framework (Kabeer and Subrahmanyam, 1996) acquired by me at the IDS, which focuses attention to various aspects of organizations, such as their rules, practices, access to resources, formal and informal inclusions and exclusions, and history, in order to get to the roots of gender inequality in different institutional arenas, gave me a greater insight into the prevailing gender relations in the police.
7. In terms of the history of the entry and growth of women police, it was perhaps the realization that certain duties are better performed by women that the use of women police was started in Greater Bombay in 1939 and subsequently extended to some of the important districts in the state. Thus, functions like helping in the recovery of abducted women, attending to the security and complaints of female passengers at important railway stations, apprehending and searching female offenders, helping in the administration of the Children Act, manning police telephone exchanges, keeping vigil at places of workshop/entertainment, were initially assigned women police. Subsequently, duties like frisking of female passengers at the airports, handling of women agitators, etc. were also entrusted to the women police. Thus, it is clear that women were recruited into the police force for certain specific duties only and they were not expected to perform the general law enforcement duties. In 1993, there were only about 2% women in the state police.
8. It is necessary to mention at this stage that entry into the police forces in India is at three levels, viz., at the constabulary level, the sub-inspector level and at the Deputy/Asstt. Superintendent level. The elite Indian Police Service (IPS) officers join at the Asstt. Superintendent level and quickly move upto become superintendents of police, incharge of district units having a police force of over a thousand under their control. They further go up usually to reach the levels of the Director General, i.e. the Chief of State Police. A constable on the other hand usually goes up by two ranks, to become Asstt. Sub-inspector of police, with only the exceptional few going up to sub-inspectors and inspectors. Those recruited as sub-inspectors are usually posted as incharge of police stations in the rural area and on promotion as Inspectors. They can hold charge of bigger urban police stations. They normally aspire to reach the rank of the deputy superintendent of police. Those who join as deputy superintendent of police directly, usually reach almost the same level as the IPS officers.
9. No regular recruitment of women police had been resorted to in the past. Women were recruited in twos and threes as and when the need arose. Similarly, since the women police were inducted for specific duties, their training was restricted to 4 months in case of constabulary and 6 months in case of sub-inspectors as compared to 9 months for male constabulary and 1 year for male sub-inspectors. Women constabulary were getting their training at the unit headquarters where they were recruited, while their

male counterparts were trained at the regional police training schools and it is only recently that directly recruited women sub-inspectors were being imparted training at the police academy like their male counterparts. Otherwise, these ranks were filled on promotion from women constabulary.

10. Besides the differential in recruitment and training, women police also had the handicap of being considered a separate cadre for the purpose of seniority, placement and promotion. A woman officer would always have the prefix W attached to her and would get promoted only when woman senior in rank to her retired.

This was thus the classic case of vertical and horizontal segregation.

11. Since women were recruited only for certain specific duties, their placement policy was also formulated accordingly. They were mainly confined to the soft sector of policing. Mainstream policing was perceived as a masculine job, having a command and control profile, unsuitable for women. This was due to lack of gender awareness in the policy making echelons of the department.
12. The consequences of the secondary status given to the women were low self esteem of the women police, sexual harassment, ostracism, reduced job expectation and frustrations due to lack of proper promotion prospects, etc. It may be mentioned here that although the mainstream policing was opened for the women in the elite IPS, since 1972, even then some of the women IPS officers still nursed a feeling that gender was an inhibitor to gaining access to prestigious/specialized postings and carried an impression that they are less likely to achieve their career aspirations than their male colleagues.
13. Although the Govt. started increasing the induction of women into the police, this was initially grudgingly tolerated by its male members, as it was embedded in many male officers belief that women were unsuitable for the rough and dirty jobs required to be done by the police. It may be noted here that even in the UK, initially there was considerable resistance shown by the police to be included within the provisions of the Sex Discrimination Act, 1975. It is also pertinent to note that research has shown that certain organizational factors., viz., less than 20% of women in an organization, solo presence of women in the work location, presence of sexually explicit material at the work place, horizontal and vertical segregation of women, tolerance of profane/obscene language at work increases the likelihood of gender stereotyping and harassing behaviour. The police represents an organisational in which all these features are present. These factors had resulted in many police women taking (a) a purposefully aggressive stand, to become one of the boys (b) or decide to suffer in silence (c) or to give in to the overtures. As is usual, since it is against the police culture to blow the whistle on a colleague, very few complaints of sexual harassment actually came into light.

Policy Interventions:

14. This institutional analysis of Police discussed above, gave me a greater insight into the prevailing gender relations in the police, and made it clear to me that police women have to be brought into the mainstream. It was also obvious that it was not an easy job in the male dominated set up, particularly in the traditional society of our country. I knew, however, that we have to do it and that it could be done in a progressive society like Maharashtra, which was quite unlike the more conservative and orthodox northern states. It was also encouraging to see that some women IPS officers, fighting against the odds mentioned earlier, were doing well in their profession, handling district charges and were well accepted as leaders, both by their men and their colleagues. It was, therefore necessary first to conduct informal sample surveys, to gauge the feelings of the police officers of various ranks (particularly of the sub-

inspectors and inspectors) regarding the idea of mainstreaming women police officers and then to create a climate conducive bringing about these structural changes.

15. On return from the IDS, I used all possible opportunities of interaction with groups of police personnel, to have informal debates on this theme. It was extremely encouraging to see that once they were explained the situation from the gender perspective, most of the officers and constabulary gave a positive response.
16. To provoke detailed discussions and to analyze the likely impediments to this project, I wrote an article proposing equal opportunities to women in police and put it through group discussions during the gender sensitization training programmes were conducting for the police officers of different ranks. The response from the participants after they were put through the gender relation analysis of the police force, was very positive to the need to induct women into mainstream of the police force. In fact, they came up with the suggestions not only to overcome some of the likely problems that they foresaw, but also mentioned how to go about the implementation of the process.
17. Meanwhile, I got co-opted as a member of the Malhotra committee. It was possible for me, with the insight and perspective acquired, to make the members see the need for bringing our police women into the mainstream (by putting the role of women in the proper perspective, as acknowledged by the chairman in his report), I also drafted the report of the committee.
18. We felt that as long as we continued conventional ways of doing things, we present no challenge to gender inequalities. It is only by changing the practices and ideology underlying them, through purposeful interventions, that we can ensure a transformation towards greater equality.
19. While acknowledging that crimes against women has so far been rather low on our priority and not much was done to induct more women into the police stations to give it representative look of the society comprising equal numbers of men and women. We expressed that induction of more numbers of educated, and socially aware women in the police, significant numbers, to create an impact, could be also a step to make the police force more humane. We also made it clear that mere increased induction of women into the police, would not have the desired effect, if it is limited to the soft sectors. To improve the status of women and to provide equal opportunity to them within the department and to act as a catalyst to the much needed social change, we must provide women access to all the sectors of policing. We also hoped that seeing women in police work in the challenging field of mainstream police, would give the young women in the society courage and inspiration to assume control of their own lives and rewrite the roles the male dominated society has scripted for them.
20. We, however, decided to adopt a cautious and gradual approach to mainstreaming women police. We recommended that it would be more prudent to first do it at the officers level, because it would be easier to get mentally tough, courageous and educated women to come forward to join the police as sub-inspectors and after these women officers make a mark in the newly opened avenues, it would be easier to have the members of the department accept the induction of police women into the mainstream at the level of the constabulary, in due course. We, therefore, recommended a common cadre for men and women at the officers level to begin with, suggesting that women sub-inspectors be initially posted to urban police stations as junior officers, so that they can gain field experience and then to post them as in charge of smaller rural police stations, where they would have no difficulty to be on their own. We anticipated some teething troubles, but were sure that women sub-inspectors would soon be accepted

by the policemen as in charge of police stations, like they have accepted the women IPS Officers as in charge of districts.

21. While recommending an unified cadre for men and women officers, at the sub-inspector/inspector level and gradual induction of women into all spheres of mainstream policing, starting from the police stations, since this necessitated certain structural changes in the departmental rules and policies, we recommended same recruitment conditions as regards age, education, similar physical tests, common written tests and interviews. We also recommended same training, both at the police academy and at the field level for the male and female officers. For promotions, we recommended that women officers should be promoted as per their overall seniority in the unified cadre like the male officers.
22. We felt that while it was necessary to enlist more and more women into the police, it would not be advisable to reserve 25% of the vacancies for women as the Govt. was keen to at that stage. We recommended a gradual expansion and to reserve only 10% in the officers cadre and 5% in the constabulary cadre to begin with (there were only 1.82% women officers and 2.08% women constabulary in the State at that stage)
23. We also took note of the likely impediments to the implementation of this process, which had emerged in the various group discussions with the participant officers in the gender training programmes and their comments on how to sort these out. These were briefly, as under:
 - (A) Non cooperation from male subordinates: It was felt that this could be overcome by strong disciplinary support from the unit commanders and by posting the young women sub-inspectors to carefully chosen police stations (it also implied that the unit commanders would have to be gender sensitized).
 - (B) Separation from family: It was felt that the new entrants and those already in service who opt for the mainstream should be mentally prepared (perhaps during training) for periodic separation from their families. Providing residential quarters at the place of posting on a priority would be help we suggested, besides suggesting flexibility of taking a break in the service for 2 to 3 years during the career.
 - (C) Difficulty in carrying out night rounds, raids on the criminals dens, etc: The general view was that these would not pose much of a problem to the women officers as always a team of well equipped police personnel are sent for such duties and the team would be there for their support
 - (D) Possibility of harassment by the local aggressive political elements: It was thought that the women officers would not have much difficulty in handling them by enlisting support of the local women social workers and in fact it was said that it might lead to a more respectable police public relationship.
 - (E) Acceptance into the existing practices of the police system: It was the view of the majority that women being quite adaptable by nature, would not find difficult to adapt to any system, this would probably help in bringing down the undesirable practices.
 - (F) Character assassination by mischievous elements: It was felt that it was an occupational hazard, about which they have to caution their family members. The support from the departmental higher ups would also help.

(G) Sexual harassment: It was felt that once a large number of women officers are inducted, they would have peer group support in this regard. Besides, women joining at this level would be aware of their rights and the legal safeguards available to them. As regards voluntary illicit relations developing between male and female officers at the work place, it was felt that we should leave the personal lives of the officers to themselves, as long as it does not affect their professional capability.

24. While this was on, the erstwhile Police Commissioner of Bombay, after interacting with some of the women participants attending a gender sensitization training programme, and appreciating their feelings, decided to post some of the women sub-inspectors to the police stations to give them a feel of the mainstream policing. Meanwhile, the secretary to the Govt. of Maharashtra, in the women and child welfare department, with whom I was in direct contact on this issue and who was drafting the Govt.'s policy on women, had meetings with a cross section of women police officers. The points made by the women officers were the same as has been brought out in the preceding paragraphs, feeling of inferiority due to secondary status, separate cadre affecting upward mobility, very little training compared to male officers which affected their professional competence, etc. Even those women officers posted to the police stations recently, mentioned that some of their senior inspectors told them to handle the crimes against women only. Remarkably, they also wanted a change in their working uniform, from the traditional sari which has a restrictive effect on the physical movement, to slacks and shirts, as worn by the male officers.
25. The recommendations of the Malhotra committee, were by and large, accepted by the Govt. after a number of informal and formal meetings between the senior police officers and the Govt. An entire chapter (chapter 6) on violence against women was included in the policy document released in 1994. The Govt. policy focused on (a) the need to restructuring the police cadre and creating a single cadre for men and women in police with identical recruitment and training, (b) induction of more women into the police force, (c) mainstreaming of women police and ensuring that they are given equal and interchangeable responsibilities with their male counterparts.
26. The significant aspect of the Govt. policy was that it brought the women constabulary too within the ambit of mainstream of the police force, although we had suggested to defer this by a few years, in the report of the Malhotra committee. The policy also made a point that in the next 5 years, twenty five per cent of the police stations in the state would be headed by women officers and that the recruitment and promotion policy should be geared to this end. We had to, subsequently, make it clear that under the existing rules of promotions based on seniority-cum-fitness, this was not possible as the women officers would not acquire the desired level of seniority by then, although it should be possible to have relatively smaller police stations headed by women officers in rural/semi-urban areas. It may be mentioned here that the proposals made from time to time in the past, to provide a quicker channel of promotion, through departmental tests, has not found acceptance in the policy making echelons of the department in view of the prevailing work culture in the department (perhaps for the right reasons, which has nothing to do with gender).
27. We could also successfully reason with the Govt. and some of the women's organizations, who were demanding setting up of all women police stations, that this would amount to creating another women only enclave and continue to limit the growth opportunity for women officers.
28. In the discussions with the Govt., the need to sensitize the senior police officers, particularly the unit commanders, was stressed and found acceptance. In pursuance of this conduct a number of gender

sensitization training programmes with the help of some of my colleagues who had undergone gender training with me at the IDS, and this helped in preparing the unit commanders to appreciate the need for mainstreaming women police personnel and to implement the policy declared by the Govt.

29. The Government's policy document also mentioned that gender orientation should be made a compulsory part of all training courses of all Govt. departments. It advocated a systematic in-service (gender) training for policemen at all levels, if necessary, though the use of open universities and distance learning methods. In another chapter, the need to review the entire employment policy to encourage easier re-entry for women has been recommended, to enable women to re-enter the same job market, after taking time off from work for personal/domestic reasons. This too had been recommended by us in the report of the Malhotra committee, as it would remove a significant impediment to the career prospects of women inducted into the mainstream police.
30. Executive orders of the Govt. soon followed the declaration of the policy. These included (a) directive to reorganize the police force to form a common cadre for men and women at each rank, with same recruitment and training for them, (b) directives to give the same status to women police as their male counterparts and to give them same work, responsibilities and posting as given to male police officers, (c) directives to reserve 20% of the training time in each police training course on issues pertaining to women, so that it gives a new outlook to the policemen (d) to put all the women constabulary and officers, who had been earlier though the differential, shorter training through special re-orientation training at the same institutes, where the men are trained.
31. An action committee was formed by the State Police, in which I was taken as a member. We studied the existing rules and procedures and recommended detailed revised recruitment rules common for men and women, both for the constabulary and the sub-inspector levels. Unit commanders were instructed to make preparatory arrangements to giving effect to posting women police to the mainstream. Special reorientation courses for women police personnel started getting organized and it was targeted to have a woman police sub-inspector at each police station at the end of next five years.
32. The code of conduct enforced by the election commission from December 1994 and the preoccupation of the police with the preparations for the maintenance of law and order for the elections, suddenly put a stop to this process for some time. Thereafter, the change of Govt. after the elections, did not help in the process either, as the new Govt. had to find its bearings first and address itself to the various other pressing commitments. The successive changes of police leadership in the state also had an effect on the prioritization of this issue. The gender sensitization training programmes, which have helped in creating a climate conducive to the implementation of the process of mainstreaming, has also not been pursued. Thus, the process has received set back temporarily, in some ways, by perhaps a slump was inevitable after rather quick progress and remarkable achievement in a very short time span.
33. On the positive side, a lot has been achieved, specially considering the conservative, patriarchal social set up and the fact that there is no legislation like the Sex Discrimination Act, in India. Women police sub-inspectors, who have been posted to police stations in the mainstream police duties, are working very well. Some have excelled in handling sensitive and dangerous assignments and have found acceptance not only amongst their colleagues, but also among the members of public. One young officer, a mother of two, has recently won the highest, extremely coveted and rare award (medal) for bravery and gallantry from the President of India. This received a lot of attention and projection in the Media, which has been very favourable to projecting similar acts of courage and dedication to duty by the women police officers. All this has done a lot of good to the image of the women police.

34. Common recruitment and training of police officers is also going on properly. Mixed batches of men and women sub-inspectors undergo training at the Maharashtra Police Academy, Nasik. A police training school has been earmarked by the Govt. for imparting the same training to the women constabulary, where a number of batches of women constabulary have been put through the same basic training given to the male constabulary. I have got the gender training module drafted by us at the IDS translated into the local vernacular language, Marathi, so that it can be used for training the police officers conveniently.

Conclusion:

35. A perusal of the available literature on the subject and informal interaction with the police officers in the UK, to study the comparable experiences, shows that prior to the enactment of the SD Act, the gender relations in the various police forces in the UK, were similarly to what we had in 1993. Women in police were restricted to only certain sectors of policing. There existed women only enclaves like the women police departments. Even after the SD Act came into being, there was considerable resistance from police to keep it out of the purview of the Act. The traditional attitudes at the supervisory level persisted for a long time that (a) women are not suitable for the police service, (b) it was uneconomical to recruit women, as they have no commitment to make it a career, most of them leaving it to settle down in family life, (c) women should not exceed a certain percentage of the police force, etc. Such beliefs, have the invisible effect of restricting the entry, deployment (postings) and promotional avenues for women.
36. It is thus, clear that creating a climate conducive to bringing the gender re-distributive changes, is of utmost importance for the successful implementation of the policy of bringing the women into the mainstream. Unless the attitudinal biases like some of those mentioned above, which are very often held deep inside and not spoken about, are cleared by rational discussions, these will impede the process. Therefore, it is necessary to resume the gender sensitization training programmes in full vigour immediately. Officers already trained can be associated with regular gender trainers, to help them acquire the special training skills, so that they can carry on the training by themselves in future. Distance learning packages need to be developed to take the message to the large number (nearly one hundred thousand) of constabulary. This process would also keep the subject alive, a sit would be talked about, perhaps even critically, but would not be buried in the files and circulars.
37. Statements and gestures by the chief of police, making it clear that getting police women into the mainstream was one of the top priorities, would have the desired effect on the majority of the members of the police force. This can be supplemented by clear circulars, laying down the executive instructions.
38. Women's organizations have to be motivated to take up the issue of enactment of law similar to the SD Act of the UK, to give teeth to Govt. policy of equal opportunity to women. Such groups, in view of their natural concern about violence against women arising due to sexual discrimination, can also take up the mainstreaming issues with the Govt.
39. Media have been favourably disposed, towards the process of mainstreaming women police. Effective projection in the media would not help in going publicity to women officers achievements, but also to draw enthusiastic and adventurous young women into the police force.

EMPOWERMENT OF WOMEN AND DEVELOPMENT OF CHILDREN*

INTRODUCTION

Women and children, who represent more than two third (67.7 per cent) of the country's total population, constitute the most important target groups in the context of the present day developmental planning. Therefore, their concerns are placed on the priority list of the country's developmental agenda. Needless to say, they have the strength and support of the Constitution.

EMPOWERMENT OF WOMEN

Women, as a separate target group, account for 407.8 million (including girl children) as per the 1991 census and constitute 48.1 per cent of the country's total population. Depending upon the developmental needs of the individual age groups, the entire female population has been categorized into five distinct sub-groups, viz. i) girls children in the age-group 0-14 years, who account for 153.85 million (37.8%) and deserve special attention because of the gender bias and discrimination they suffer from at such a tender age; ii) adolescent girls in the age group 15-18 years, who account for 38.70 million (9.5%) and are very sensitive from the view point of planning because of the preparatory stage for their future productive and reproductive roles in the family and society; iii) women in the reproductive age group of 15-44 years, numbering 183.67 million (45.1%) who need special care and attention because of their reproductive needs; iv) women in the economically active age group of 15-59 years, who account for 226.04 million (55.5%) and have different demands like those of education/training, employment, income generation and participation in the developmental process, decision making etc; and v) the elderly women in the age group 60+, numbering 27.17 million (6.7%) who have limited needs mainly relating to health, emotional and financial support

The principles of gender equality and equity and protection of women's rights have been the prime concerns in Indian thinking right from the days of Independence. Accordingly, the country's concern in safeguarding the rights and privileges of women found its best expression in the Constitution of India. While Article 14 confers equal rights and opportunities on men and women in the political, economic and social spheres, Article 15 prohibits discrimination against any citizen on the grounds of sex, religion, race, caste etc; and Article 15(3) empowers the State to make affirmative discrimination in favour of women. Similarly, Article 16 provides for equality of opportunities in the matter of public appointments for all citizens. Yet, another Article 39 mentions that the State shall direct its policy towards providing to men and women equally the right to means of livelihood and equal pay for equal work. Article 42 directs the State to make provisions for ensuring just and humane conditions of work and maternity relief. Article 51(A) (e) imposes a fundamental duty on every citizen to renounce the practices derogatory to the dignity of women. To make this de-jure equality into a de-facto one, special legislations have been enacted from time to time in support of women.

In the earlier phase of developmental planning, the concept of women's development was mainly 'welfare' oriented. During the Sixties, women's education received priority along with the measures to improve maternal and child health and nutrition services. During the Seventies, there was a definite shift in the approach from 'welfare' to development which started recognizing women as participants of development. The Eighties adopted a multi-disciplinary approach with a special thrust on the three core sectors of health, education and

* Source : Chapter 3, Ninth Five Year Plan, Government of India, New Delhi.

employment. Accordingly, priority was given to implementation of programmes for women under different sectors of agriculture and its allied activities of dairying, poultry, small animal husbandry, handlooms, handicrafts, small scale industries etc. Recognizing the role and contribution of women in development, the early Nineties made a beginning in concentrating on training-cum-employment cum-income generation programmes for women with the ultimate objective of making them economically independent and self-reliant.

THE CURRENT SITUATION

Developmental policies and programmes, both in the women-specific and women-related sectors, put into action through various Five Year Plans, have brought forth a perceptible improvement in the socio-economic status of women in the country. The following paragraphs give an account of important achievements along with the problems and gaps that are existing and requiring attention of the Government in the core Sectors of health and demography, education, employment, decision-making, political participation etc.

In the field of health and demography, significant gains in respect of women's health status have been recorded. Expectation of Life at Birth for females has risen steadily from 31.7 years in 1951 to 59.7 years in 1989-93 and finally overtaken the male life expectancy of 59.0 years during the same period, as detailed in Table below:

Table		
Life Expectancy at Birth (1951-1991)		
(in years)		
Year	Female	Male
1951	31.7	48.9
1961	40.6	48.9
1971	44.7	46.4
1981-85	55.7	55.4
1987-91*	58.6	58.1
1989-93)	59.7	59.0

● Based on the SRS Estimates
 Source : Census of India, 1991 - Final Population Totals, Paper 2 of 1992, Government of India, New Delhi, 1993

Similarly, the Mean Age at Marriage for females has also increased from 15.6 years in 1951 to 18.3 years in 1981, while the effective age at marriage stood at 19.4 years in 1995. The Child Marriage Restraint Act of 1976 which raised the age of marriage for girls from 15 to 18 years has helped prevent child/early marriages amongst girls and the consequent early pregnancies and birth of premature babies. Acquiring higher/continuing education and greater employment by women has also played a role in raising their age at marriage as per the details given below Table:

Table Mean Age at Marriage during 1951-1955 (in years)		
Year	Female	Male
1951	15.6	19.9
1961	15.5	21.3
1971	17.2	22.4
1981	18.3	23.3
1991	19.5*	NA
1995	19.4*	NA

● Mean age at effective marriage
Source : - SRS - Fertility and Mortality Indicators for respective years, Registrar General of India, New Delhi

Further, while the Crude Birth Rate (CBR) has declined from 40.8 in 1951 to 27.5 in 1996, the Crude Death Rate (CDR) has gone down from 15.6 in 1970 to 8.9 in 1996. Similarly, the Total Fertility Rate (TFR) has also declined from about 6 in the early 1950's to 3.5 in 1994. For further details, refer the Chapter on Family Welfare. The maternal mortality which stood at a very high rate of 437 per one lakh live births in 1993, as per the National Health and Family Survey, is a matter of great concern. This high rate of maternal mortality is attributable to the following major causes, as indicated in Table below which are both treatable/preventable through effective health and nutrition interventions:

Table Percentage Distribution of Cause - Specific Maternal Deaths - 1995	
Cause	Percentage
- Bleeding of pregnancy & Puerperium	28.9
- Abortion	17.6
- Anaemia	17.0
- Toxaemia	9.9
- Puerperium Sepsis	8.5
- Malposition of Child	4.0
- Non Classifiable	14.1
Total	100.0

Source : Survey of Causes of Death (Rural), India, Annual Report (1995), Office of the Registrar Gen. Of India, New Delhi

As could be seen above, the highest number of maternal deaths in 1995 were due to bleeding of pregnancy and puerperium which are preventable through better reproductive health care. Abortion which is the second high accounted for 17.6 per cent of total maternal deaths in 1995, although abortion was legalized as early as in 1972 as a health measure through the Medical Termination of Pregnancy (MTP) Act, 1971.

Despite this special sanction, illegal abortions still continue to be performed by the unauthorized persons like the local quacks and untrained persons under unhygienic and unsafe conditions because of the non-availability of MTP services within the easy reach of most of the rural population. Further, about 47.5 per cent of deliveries were performed by untrained persons during 1995-96. While the Reproductive Tract Infections (RTI) and Sexually Transmitted Infections (STIs) are already very high, cases of HIV/AIDS have also been increasing amongst women. Of the total 3161 cases of AIDS reported by the end of 1996, 749 were women.

The Sex Ratio which illustrates the survival scene of women, has been exceptionally unfavourable to women, besides being on a declining trend right from the beginning of this country, except for a marginal rise in 1951 and 1981. The sexratio which was 946 females per 1000 males in 1951 has declined further to 927 in 1991, as shown in Table below:

Table Sex Ratio (1951-1991)	
Year	Sex Ratio
1951	946
1961	941
1971	930
1981	934
1991	927

Source : Census of India, 1991 - Final Population Totals. Paper 2 of 1992, GOI, New Delhi, 1993.

According to the National Institute of Nutrition, Hyderabad, 49.3 per cent females were suffering from varying degrees of Chronic Energy Deficiency (CED) and 87.5 per cent of pregnant women were anemic of various degrees during 1989-90. These deficiencies, as stated earlier, are easily preventable by providing better nutrition to women through their adolescence period and more specifically during pregnancy. For more details, see 'Nutrition' under Chapter Food and Nutrition Security.

The gains in the women's education, has been reflected in the increase of female literacy rate from 7.9 per cent in 1951 to 39.3 per cent in 1991, which is twice the increase over the male literacy rate during the same period, as indicated in Table given below:

Table Literacy Rates (1951-1991)		
Year	Female	Male
1951	8.86	27.16
1961	15.34	40.40
1971	21.97	45.95
1981	29.85	56.50
1991	39.19	64.13

Source : Census of India of respective years; Office of the Registrar General of India, GOI, New Delhi.

The enrolment of girls at the primary level has also increased from 5.4 million in 1950-51 to 47.9 million (provisional) in 1996-97, representing a nine-fold increase. Correspondingly, the enrolment of girls at the middle level has also increased from 0.5 million to 16.3 million and at the higher secondary level from 0.2 million to 9.8 million, indicating an increase by more than 32 times and 49 times, respectively during the same period, as per the details given in the later part of this Chapter under 'Development of Children'.

Similarly, the number of women/girls in the higher education which includes colleges, universities, professional colleges of Engineering, Medicine and Technology, has also increased from 13.60 lakh (33.2%) in 1990 to 21.39 lakh (35.5%) in 1997, as per the details given in Table below:

Table				
Enrolment of Girls at Graduate/Post Graduate/Professional Courses during 1990-91 & 1996-97				
(Figures in lakhs)				
Levels	1990-91		1996-97	
	Girls	Total	Girls	Total
Graduate (B.A./B.SC./B.Com)	11.40 (34.7)	32.87	18.20 (37.4)	48.72
Post Graduate (M.A./M.SC/M.COM.)	1.16 (32.8)	3.54	1.65 (30.5)	5.41
B.ED/B.T.	0.40 (44.2)	0.92	0.50 (43.1)	1.16
B.E./B.SC(Eng)/B.Arch	0.26 (10.9)	2.41	0.49 (14.9)	3.28
M.B.B.B.S	0.28 (34.3)	0.84	0.43 (35.4)	1.21
Ph.D/D.Sc./D.Phil	0.10 (26.2)	0.33	0.12 (29.2)	0.41
Total	13.60	40.91	21.39	60.19
Note : Figures within the parenthesis indicate percentage to total.				
Source : Selected Educational Statistics - 1990-91 and 1996-97 Department of Education.				

The drop-out rates, which have a direct bearing on the school retention rates, have also shown a definite declining trend both in the case of boys and girls at all levels of school education during the last decade 1986 to 1996 as per the details given in the later part of the Chapter under 'Development of Children'. However, the drop-out rates in the case of girls have always remained higher than those of boys. This was further compounded by the highly pronounced regional and rural-urban differentials, besides sex differentials which continue to persist. Though the gains in the educational status of women have been impressive, gender justice in education still continues to be a distant goal, with 60.7 per cent of women being illiterate as per the 1991 Census.

According to the 1991 Census, the female Work Participation Rate (WPR) registered an increase from 14.2 per cent in 1971 to 22.3 per cent in 1991. But, at the same time, it was much lower than the male work

participation rate with both urban and rural differentials and with much wider regional variations ranging from as high as 34 per cent as low as 4 per cent amongst the major States. Data on the subject is given table below:

Table				
Work Participation Rates (1971-91)				
Years	T/R/U	Females	Males	Persons
1971	Total	14.22	52.75	34.17
	Rural	5.92	53.78	35.33
	Urban	7.18	48.88	29.61
1981	Total	19.67	52.62	36.70
	Rural	23.06	53.77	38.79
	Urban	8.31	49.06	29.99
1991	Total	22.27	51.61	37.50
	Rural	26.79	52.58	40.09
	Urban	9.19	48.92	30.16

Note : 1 Excludes Assam and J&K
2 1971 figures are totals of workers and non-workers with secondary work whereas, 1981 and 1991 figures are totals of main and marginal workers.
Source : Census of India, Series-I, Registrar General of India, New Delhi

The below Table attempts to give the distribution of women workforce in the organized and unorganized sectors in comparison to their male counterparts

Table						
Labour Force in the Organized and Unorganized Sectors in 1991						
Sector	Female		Male		Total	
	Actual	%	Actual	%	Actual	%
- Organized	3.78	4.2	22.95	10.2	26.73	8.5
- Unorganized	85.99	95.8	201.41	89.8	287.40	91.5
Total	89.77	100.0	224.36	100.0	314.13	100.0

Note : Computed based on the Census data and of the DGE&T, GOI, New Delhi

Of the total women workforce of 89.77 million (28.6%) in 1991, their share in the organized sector is only 4.2 per cent, while rest of the 95.8 per cent are in the unorganized sector where there are no legislative safeguards even to claim either minimum or equal wages along with their male counterparts, leave aside the other benefits that the women in the organized sector enjoy.

According to the Director General of Employment and Training (DGE&T), New Delhi, women's share in the organized sector has steadily increased from 11.0 per cent in 1971 to 15.9 per cent in 1997, but it still stands very low when compared to men, as per the data given in Table below:

Table Women in Organized Sector (1971-1997)						
(Figures in Lakhs)						
Year	Public Sector		Private Sector		Total	
	Women	Men	Women	Men	Women	Men
1971	8.6 (8.0)	98.7 (92.0)	10.8 (16.0)	56.8 (84.0)	19.3 (11.0)	155.6 (89.0)
1981	14.99 (9.7)	139.85 (90.3)	12.95 (17.5)	61.01 (82.5)	27.93 (12.2)	200.52 (87.8)
1991	23.47 (12.3)	167.1 (87.7)	14.34 (18.7)	62.43 (81.3)	37.81 (14.1)	229.52 (85.9)
1997	26.11 (13.8)	162.57 (86.2)	16.77 (20.4)	69.20 (79.6)	43.88 (15.9)	231.77 (84.1)

Note : Figures in parenthesis are percentages
Source : DGE&T, Ministry of Labour, GOI, New Delhi.

Similarly, while representation of women in the Government account for only 13.7 per cent, their representation at the decision-making levels through the three Premier Services in the country viz. Indian Administrative Service (IAS), Indian Police Service (IPS) and Indian Foreign Service (IFS) has accounted for only 5.8 per cent in 1987. Although, the same has been increased marginally to 7.5 in 1997, yet it stood at a very low ebb as per the data given below, requiring both affirmative action and special interventions to help raise the number of women at various decision-making levels.

Table Representation of Women in Premier Services (1987-1997)						
Service	1987			1997		
	Total	Female	%	Total	Female	%
IAS	4204	339	7.5	4991	512	10.2
IPS	2418	21	0.9	3045	67	2.2
IFS	480	53	10.0	575	71	12.3
Total	7102	413	5.8	8611	650	7.5

Source : Ministry of Home Affairs; Ministry of External Affairs; Department of Personnel, GOI, New Delhi

The problem of unemployment, especially among the educated women, has become a matter of great concern in the recent past. The rate of unemployment amongst urban females which stood at 5.4 per cent in 1990-91 has become very significant when compared to 0.4 per cent amongst rural females during the same year. The same trend is visible even in the NSSO data based on the current weekly status of unemployment, which stood at 5.3 per cent for urban females and 2.1 per cent for rural females in 1990-91. While the number of women on the Live Registers of Employment Exchanges has increased from 5.5 million in 1988 to 8.4 million in 1996, the educated unemployed women (Matriculates and above) in 1992 stood at 5.4 million.

The landmark achievement of both 73rd and 74th Constitutional Amendments in 1993 brought forth a definite impact on the participation of women in the grass-root democracy through the Panchayati Raj Institutions (PRIs) and Local Bodies. In the recent elections of PRIs held during 1993-95, women have achieved participation even beyond the mandatory requirement of 1/3rd of total seats in States like West Bengal (35.1%), Kerala (36.4%) and Karnataka (43.4%). In fact, these amendments are expected to achieve effective participation of women in grass-root democratic institutions and its processes, both as individuals and as representatives of interest groups.

In the State Legislative Assemblies, although the number of women has increased from 102 (2.5%) in 1977 to 162 (3.9%) in 1997, the same stands at a very low ebb. Similarly, the number of women in the Lok Sabha has also increased from 22 (4.4%) in 1952 to 41 (7.5%) in 1998 as shown in Table, but the same continued to be very low.

Table					
Representation of Women in Parliament (1952-1998)					
Year	Lok Sabha		Year	Rajya Sabha	
	Females	Males		Females	Males
1951	22	475	1952	15	201
1980	28	514	1984	24	209
1991	39	486	1990	24	221
1996*	39	501	1996	19	219
1998	41	543	1998	18	219

● Provisional as on 20.8.1996.
Source : Election Commission of India

The status-quo, referred to above, can only change when women's concerns gain political prominence and a fairly representative number of women are in position not only at grass-roots level, but also at the state and national levels to convert them into a political will. This calls for affirmative action on the part of the Government.

Efforts of both governmental and non-governmental women's organizations and women's activists to contain violence against women have not been able to meet much success, as the incidence of atrocities against women has been increasing. The problems of dowry/dowry deaths continue unabated despite the existence of legislation prohibiting dowry and prescribing stringent measures for violating the law. Similarly, the legislation of Immoral Traffic (Prevention) Act, 1956 (as amended and renamed in 1986) could not curb the age-long social evil of prostitution as it started spreading even amongst children.

Violence against women, both domestic and at work place, continues its existence as is evident from the increasing incidence of rape, dowry-related cruelty and murders. As per the data published by the National Crimes Record Bureau, New Delhi, out of the total 1,15,723 cases related to women and registered under IPC in 1996, rape accounted for 14,849 (12.8%), dowry deaths 5513 (4.8%) and cases of torture 35,246 (30.5%). The media, particularly the TV and Cinema, has been perpetuating gender stereo-types, with visuals becoming more and more sex and violence oriented. Through selective and biased messages, women's role is projected as passive and victimized wives/mothers/sisters. This, in fact, has been rendering invisibility to many aspects of women's contribution to society.

THE STRATEGY FOR THE NINTH PLAN

'Empowerment of Women' being one of the nine primary objectives of the Ninth Plan, every effort will be made to create an enabling environment where women can freely exercise their rights both within and outside home, as equal partners along with men. This will be realized through early finalisation and adoption of the 'National Policy for Empowerment of Women' which laid down definite goals, targets and policy prescriptions along with a well defined Gender Development Index to monitor the impact of its implementation in raising the status of women from time to time

Commitments of the Ninth Plan (1997-2002)

Objective

- Empowering Women As The Agents Of Social Change And Development.

Strategies

- To create an enabling environment for women to exercise their rights, both within and outside home, as equal partners along with men through early finalisation and adoption of "national Policy for Empowerment of Women"
- To expedite action to legislate reservation of not less than 1/3 seats for women in the Parliament and in the State Legislative Assemblies and thus ensure adequate representation of women in decision making.
- To adopt an integrated approach towards empowering women through effective convergence of existing services, resources, infrastructure and manpower in both women specific and women related sectors.
- To adopt a special strategy of "Women's Component Plan" to ensure that not less than 30 per cent of funds/benefits flow to women from other developmental sectors.
- To organize women into self help group and thus mark the beginning of a major process of empowering women.
- To accord high priority to reproductive child health care
- To universalize the on-going supplementary feeding programme - Special Nutrition Programme (SNP) and Mid Day Meals (MDM)
- To ensure easy and equal access to education for women and girls through the commitments of the Special Action Plan of 1998.
- To initiate steps to eliminate gender bias in all educational programmes.
- To institute plans for free education for girls upto college level, including professional courses.
- To equip women with necessary skills in the modern upcoming trades which could keep them gainfully engaged besides making them economically independent and self-reliant.
- To increase access to credit through setting up of a 'Development Bank for Women Entrepreneurs' in small and tiny sectors.

An integrated approach will be adopted towards empowering women through convergence of existing services, resources, infrastructure and manpower available in both women-specific and women-related sectors with the ultimate objective of achieving the set goal. To this effect, the Ninth Plan directs both the Centre and the States to adopt a special strategy of 'Women's Component Plan' through which, not less than 30 per cent of funds/benefits are earmarked in all the women-related sectors. It also suggests a special vigil to be kept on the flow of the earmarked funds/benefits through an effective mechanism to ensure that the proposed strategy brings forth a holistic approach towards empowering women.

While organizing women into Self-Help Groups marks the beginning of a major process of empowering women, the institutions thus developed would provide a permanent forum for articulating their needs and contributing their perspectives to development. Recognizing the fact that women have been socialized only to take a back seat in public life, affirmative action through deliberate strategies will be initiated to provide equal access to and control over factors contributing to such empowerment, particularly in the areas of health, education, information, life-long learning for self development, vocational skills, employment and income generating opportunities, land and other forms of property including through inheritance, common property, resources, credit, technology and markets etc. to this effect, the newly elected women members and the women Chairpersons of Panchayats and the Local Bodies will be sensitized through the recently launched special training package to take the lead in ensuring that adequate funds/benefits flow towards the empowerment of women and the girl child.

Health and Family Welfare

The Ninth Plan recognizes the special health needs of women and the girl child and the importance of enhancing easy access to primary health care. There are many indicators to point out that the neglect of health needs of women especially that of the pregnant women, adolescent girls and girl-babies, is responsible for the present high rates of IMR/CMR/MMR. Therefore, a holistic approach with Reproductive Child Health (RCH) measures will be adopted in improving the health status of women by focusing on their age-specific needs.

Taking into account their multiple roles including the physical labour that women in the lower strata of the society living in the backward rural areas and urban slums have to carry on, efforts will be made to ensure that the health services become more responsive towards women-specific health problems. In this direction, the major strategy will be to increase women's access to appropriate, affordable and user-friendly health care services. Special attention will also be paid to occupational health hazards. The present strategy extending primary health care services for all through the special action plan of 1998 is expected to fill the critical gaps in the existing primary health care infrastructure and make it more effective to reach 'health Care Services for All' with a priority to the rural and urban poor living below the poverty line.

To achieve the expected level of 50/1000 of IMR and 3/1000 of MMR by 2002 AD, if current trend continues, the Ninth Plan accords high priority to reproductive child health care and proposes an integrated approach with ante-natal, natal and post-natal care and child health services. In this context, the Ninth Plan identifies the long-standing gap of non-availability of data on maternal mortality and suggest that the Office of the Registrar General and Census Commissioner, New Delhi should initiate action in making the data on the maternal mortality available on a regular basis like that of IMR, as the same is a pre-requisite for planning both need-based and area-based strategies to reduce the existing high rate of maternal mortality.

The other effective measures proposed in this direction include identification and management of high-risk mothers, appropriate management of anemia, hyper-tension disorders and provision for emergency obstetric care. Further, steps will also be taken to close the gender gaps in the existing rates of both mortality and

morbidity. Also, considering the fact that more than 50% of the deliveries and a large number of illegal abortions are being performed by unqualified persons, particularly in the rural areas, special efforts will be made to promote ready access to medical termination of pregnancy and intra-partum care at Primary Health Centres. In areas where institutional delivery rates are low, focused TBA Training will be undertaken.

Prevention/control of the misuse of medical technologies for commercial purposes will be taken up on a priority basis as the incidence of female foeticide has been on an increase due to misuse of the medical technology of Amniocentesis for sex determination, which is generally followed by illegal and harmful practices of female foeticide. Action in this direction will include effective enforcement of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 with stringent measures of punishment of both the parties. Efforts will also be made to create an enabling environment for women to exercise their reproductive rights and choices freely, so as to contain the population growth.

Under RCH care, steps for prevention and treatment of gynaecological problems including infertility, menstrual disorders, screening and treatment of cancers especially that of breast and uterine cervix etc will also be taken up. Also, the traditional health care, especially practiced by women, will be encouraged through programmes of Indian Systems of Medicine. Gender-sensitive initiatives that address the sexually transmitted infections/diseases (STDs), HIV/AIDS and other sexual and reproductive health issues, will be attended to on a priority basis. The health education material, being brought out as part of IEC material for family planning, will be made gender sensitive for both men and women. Special efforts will be made to disseminate information to women, especially in rural and tribal areas on the available reproductive health services. Efforts to promote participation of men in planned parenthood in increasing acceptance of vasectomy and active cooperation of men in STD/RTI Prevention Control, will receive priority attention.

Nutrition

To tackle the problems of micro-nutrient deficiencies and protein energy malnutrition (PEM), the primary focus will be on the 'at-risk groups' who are living below the poverty line and also on those who are nutritionally vulnerable, particularly, the women/mothers and children. In this direction, special efforts will be made through the Special Action Plan of 1998 to universalize the on-going supplementary feeding programmes viz., Special Nutrition Programme (SNP) for pre-school children and expectant and nursing mothers and Mid-Day Meals (MDM) for school going children. These feeding programmes will also be reinforced with necessary support services like health check-up, immunization, ante-natal care, health and nutrition education and awareness etc.

The Ninth Plan will also incorporate a special package of service to prevent/control the micro-nutrient deficiencies of Vitamin A, iron and Iodine, which are extremely important from the point of view the health consequences on women/mothers and children. Further details are available under the Chapter on Food and Nutrition Security.

Education and Training

Education, being the most powerful instrument for empowering women, assumes special priority in the Ninth Plan. Efforts in the Ninth Plan will, therefore, be target-oriented in fulfilling the goal of 'Education for Women's Equality' as laid down in the National Policy on Education (NPE), 1986 and revised in 1992. Towards this, special attention will be paid to the already identified low female literacy pockets and to the women and the girl children belonging to the socially disadvantaged groups viz., SC, STs, OBCs, Minorities, Disabled, etc. as they still lag behind the rest of the population with the lowest literacy rates ranging between 5 and 10 percent, while the national average of female literacy stands at 39.3 per cent in 1991.

While the Universal Primary Education continues to be a priority area in the Ninth Plan, all out efforts will be made to ensure both easy and equal access to education for women and girls through the commitments of the Special Action Plan (1998) to achieve total eradication of illiteracy. Besides, steps will be initiated to eliminate gender discrimination in the admissions; remove gender bias and stereo-types in the curricula, text books and learning material; create a gender - sensitive educational system; promote gender sensitization of teachers on a regular basis; appoint more women teachers at primary level (at least 50%); reduce drop-out rates and increase enrolment and retention rates of girl children through special incentives like free supply of uniforms and text books, midday meals, scholarships, flexible school timings and attached hostels and crèches; and improve the quality of education, facilitating life-long learning through the correspondence courses, distance learning and self-study programmes for women and girls who fall out of the formal system of schooling. The special package announced for the Girl Child on 15 August, 1997 also revolves around the very same theme of educating and empowering the girl child living below the poverty line with adequate financial support till she completes higher/secondary education or gets equipped with necessary skills to earn her livelihood. More details are given in the later part of this Chapter under the Section 'Child Development'.

Vocationalization of secondary education and vocational training for women will receive high priority as one of the ultimate goals of empowering women is to make them economically independent and self-reliant. In this context, the existing network of National Vocational Training Centre (NVTC), Regional Vocational Training Centres (RVTCs), Pre-Vocational Training Centres (PVTCs), Industrial Training Institutes (ITIs) and Craft Training Centres (CTCs) will be further strengthened with necessary improvements in the infra-structural facilities for introduction of up-coming trades, hostels etc. Efforts will also be made to encourage eligible women/girls with suitable incentives to join vocational education/training so that the facilities available at these exclusive Training Institutions will be utilized optimally. Introduction of part-time and short-term courses will also be considered to meet the special needs and timings of working women/girls. Efforts will be made to encourage women and girls with necessary incentives to opt for the emerging areas of technical education such as electronics, computer systems and applications, bio-engineering, bio-technology, food processing, fabric designing, beauty culture, communications, media etc., which have high employment.

Further, to encourage more and more girls to enter into the mainstream of higher education and thus ensure fulfillment of the commitment of 'Education for Women's Equality', the Ninth Plan envisages to institute plans for providing free education for girls upto college levels, including professional courses, so as to better empower women.

Work and Employment

There is an urgent need to revive the special project of 'Gender Sensitization of 1991 Census' to capture women's work in the informal sector in a more substantial way in the coming Census of 2001 AD. In this regard, there is a need to consider redefining the concept of work and provide conceptual clarity to the 'definition of work by the Census and NSSO. The Ninth Plan also envisages the preparation of Satellite Accounts to highlight Women's Work through appropriate methodologies, consistent with the National Accounts.

Keeping in view the ultimate objective of fulfilling the 'Right to work for every citizen', special efforts will be made to generate gainful employment through promotion/expansion of both wage and self employment opportunities for women so as to make all potential women economically independent and self-reliant. In this context, the ongoing training-cum-employment-cum-income-generation programmes viz. Integrated Rural Development Programme (IRDP), Training of Rural Youth for Self-Employment (TRYSEM), Nehru Rozgar Yojana (NRY), Jawahar Rozgar Yojana (JRY), Prime Minister's Rozgar Yojana (PMRY), Development of Women and Children in Rural Areas (DWCR), Indira Mahila Yojana (IMY), Support for Training and Employment (STEP),

NORAD-assisted Training-cum-Production Centres (popularly known as NORAD), Socio-Economic Programme (SEP) etc. will be expanded to create more and more of employment-cum-income generation opportunities and cover as many women as possible living below the poverty line. In these efforts, priority will be given to female-headed households and women in extreme/abject poverty.

As in the past, there will be a special focus on women in agriculture and its allied sectors as they are in majority (89.5%) and form the major stock of all the agricultural operations. The programmes for training women in soil conservation, social forestry, dairy development and other occupations allied to agriculture like horticulture, livestock including small animal husbandry, poultry, fisheries, etc., need to be expanded to reach the benefits to women workers in proportion to their number. Simultaneously, the extension services will be strengthened to cover a larger number of women, keeping in mind women's role as producers. The number of women extension workers, especially the Farm Extension Workers, will be increased to assist rural women to take advantage of various training programmes.

Efforts will also be made to identify the traditional sectors that are shrinking due to advancement of technology, market shifts and changes in the economic policies; introduce programmes to re-train/upgrade the skills of the displaced women to take up jobs in the new and expanding areas of employment and formulate appropriate policies and programmes to promote opportunities for wage/self-employment in traditional sectors like khadi and village industries, handicrafts, handlooms, sericulture, small scale and cottage industries and absorb those displaced women. Flexibility in the labour/employment market for women will be given adequate weightage through various Structural Adjustment Programmes (SAP)

Women in the Informal Sector, who account for more than 90 percent, will receive special attention during the Ninth Plan especially with regard to their working conditions, as the same continued to be precarious without any legislative safeguards. Attempts will, therefore, be made to extend important labour legislations to the informal sector so as to ensure basic minimum working conditions for women. In this direction, special efforts will be made to ensure that laws relating to both minimum and 'equal pay for equal work for women, shall be strictly implemented. While formulating policies and programmes for the betterment of women in the informal sector, the un-attended recommendations of the National Commission on Self-employed Women and Women in the Informal Sector (1988) and also the findings/results of the Fourth Economic Census (now in progress), revealing the latest trends and patterns of women's employment in the Informal Sector, will be taken into consideration.

The Ninth Plan recognizes the need for a conducive Credit Policy to increase the access for women to credit through appropriate institutional mechanisms like Rashtriya Mahila Kosh (RMK), National Agricultural Bank for Rural Development (NABARD), Council for Advancement of People's Action and Rural Technology (CAPART), Women Co-operative/SHGs and the other financial institutions. In this context, expansion of the activities of Rashtriya Mahila Kosh (RMK) needs special attention. Efforts will also be made to learn lessons from the success stories of various voluntary organizations who have already established their credentials in the field of credit and encourage them to expand their activities both within and outside their States. The Ninth Plan also envisages all States/UTs to be equipped with Women's Development Corporations (EDCs) to provide both forward' and 'backward' linkages of credit and marketing facilities to women entrepreneurs, besides being catalysts. In this context, the Ninth Plan also envisages to set up a 'Development Bank of Women Entrepreneurs' in the small scale and tiny sectors.

To increase the share of women in factories and industrial establishments, efforts will be made to remove the existing traditional bias that women are good only in stereotype/feminine jobs and encourage women to

equip themselves with necessary professional/vocational skills and compete with men to make an entry into such areas. Simultaneously, efforts will be put into effect to ensure that the employers fulfil their legal obligations towards their women workers in extending child care facilities, maternity benefits, special leave, protection from occupational hazards, allowing formation of women workers, associations/ unions, legal protection / aid etc. In this context, efforts will also be made to gender sensitize the Trade Unions to play the role of a watch-dog with regard to protection of women's rights/interests.

With regard to Women in Services, the Ninth Plan recognizes the need to initiate affirmative action to ensure at least a minimum of 30 per cent of reservation for women in services in the Public Sector as against the present low representation of 13.8 per cent in 1997. Efforts will also be made to ensure up-ward mobility for women in services. To encourage women, special concessions and relaxations, like multiple entries, enhancement of upper age limit, need to be extended to ensure adequate representation of women in services in the public sector. For women to join the Services in a big way, support services like child care facilities viz. crèches/day care centers at the work places/educational institutions and homes for the aged and the disabled will be expanded with improved facilities. Also, Hostels for working women will be expanded to promote their mobility in the employment market.

As the representation of women in the decision-making levels has a direct bearing on all the affirmative actions directed towards their well-being and empowerment, every effort will be made to ensure that women are in adequate numbers at the decision-making levels. To this effect, women will be encouraged with special coaching facilities to compete in the competitive examinations which provide them a direct entry into the path of decision-making levels. Similarly, there is also a need for women to be active in public life and take part in the political decision-making process, as political decisions/political will in favour of women can influence a lot in creating an enabling environment for women to empower themselves. Towards this, efforts will be made to expedite action to legislate reservation of not less than 1/3 of the total seats for women both in Parliament and State Legislative Assemblies.

As economic empowerment of women is mainly related to their participation in decision-making with regard to raising and distribution of resources i.e. income, investments and expenditures at all levels, special efforts will be made to enhance their capacity to earn besides enlarging their access to and control/ownership of family/community assets. With access to economic assets, women will be encouraged to take up self-employment through various entrepreneurial ventures which are more convenient and allow them to play their dual role, within and outside home, effectively.

Poverty Alleviation

As women are critical to the process of moving their families out of poverty, the present policies and programmes of poverty alleviation will be redesigned, if called for, to make them more responsive to the special needs of women in abject/extreme poverty. As a first step in this direction, the Ninth Plan proposes to revamp TRYSEM in its design, curriculum and method of training and thus improve the training and employment opportunities for women in poverty. Further, a special mechanism will be evolved to bring forth a closer integration amongst DWCRA, IRDP and TRYSEM to extend greater access to financial assistance and training to Women's Groups under DWCRA. Further, as the woman's capacity to work, her health, knowledge and skill endowment are often the only resources for the poor households to fall back upon for their survival, efforts will be made to ensure that a minimum of 30 to 40 per cent of the benefits flow to women from all the existing poverty alleviation programmes, both rural and urban. Further, the social security programmes launched in 1995 will give a special focus on women so that the social assistance thus received will form the survival base for women in extreme poverty.

Care and Protection

Welfare and rehabilitative services will continue to be extended for women in need of care and protection viz. the disabled/deserted/widowed/destitute and women in difficult circumstances etc. Special programmes will be designed for both social and economic rehabilitation of Devadasis, Basavis, Jogins, Sex-workers, Beggars etc. The plight of those young women and girls, who migrate to the cities in search of jobs and later become victims of various circumstances and social/moral danger, will receive special attention during the Ninth Plan.

Environment

Considering the strong impact of environmental factors on the sustenance and livelihood of women, special efforts will be made to ensure/encourage participation of women in the conservation of environment and the control of environmental degradation through programmes of social forestry, afforestation and wasteland development etc. Accordingly, necessary provisions will be made to reflect women's perspectives in the policies and programmes for the management of eco-system and natural resources. Further, emphasis will be laid on the use of science and technology to solve environment related problems like energy and fuel conservation along with their water conservation to ease women's work in and outside the home. Efforts will also be made for gender sensitization of forest staff and local communities to involve women's groups in the planning and management of forest conservation and utilization of forest produce.

Science and Technology

Application of Science and Technology (S&T) is vital for the advancement of women as it reduces household drudgery and provides better working conditions for women, particularly, in rural areas. Therefore, participation of women/women scientists in S&T activities will be encouraged in the Ninth Plan at all stages viz. - design development/ adaptation of alternative technologies, including upgradation of traditional technologies and identification of those activities for which improved technologies would be of greater benefit. The criteria for selection of technology for women will include relief from drudgery - associated tasks, time saving, increased output and productivity, improved hygiene, energy efficiency etc. The Ninth Plan, therefore, accords high priority to research and development (R&D) for exploitation of locally available indigenous alternative sources of energy for use in the women-related household activities. To undertake these types of R&D activities, more and more girl students will be encouraged to get into science streams with attractive incentives.

Media and Communication

The strategy for Media in the Ninth Plan will be a combination of efforts to confront/put an end to the negative and stereotyped portrayal and depiction of women and girls, besides using all types of mass media and communication resources to change the mindset of the people and the attitudes/behavioural patterns of people through information, advocacy and analysis. To this effect, there is an urgent need for adopting a Media Policy with laid down prescriptions of 'dos' and 'don'ts' in support of the constitutional guarantee of upholding women's dignity.

Violence against Women

To deal with the increasing problem of violence against women and the girl child within and outside the family, a comprehensive approach will be adopted through a review of all the existing women-specific legislations and remove the weak links through necessary amendments; effective implementation of the existing legislation with strong punitive measures; gender-sensitization of the enforcement machinery to be prompt and strict in handling the perpetrators of such violence; involvement of community and the voluntary organizations

to act as the informants; and rehabilitation of, and compensation for, the victims of such violence. Towards this, efforts will be made to encourage all the States/UTs to initiate annual reviews on the situation of violence against women both at the State and District levels, on the lines of the annual reviews at the national level. Setting-up/strengthening of Women's Cells in the approved Police Stations, family courts, mahila courts, counseling centers, legal aid centers and nyaya panchayats will be attempted as part of the intensive efforts to curb violence against women. Along with these, there will be widespread dissemination of information on women's rights, human rights and other legal entitlements for women, through the specially designed Legal Literacy Manuals brought out in 1992. Efforts will also be made to include legal literacy in the curriculum of schools, colleges, and other Training Institutes.

The other measures include strengthening of National/State level Commissions for Women; appointment of a Commissioner for Women's Rights who would act as a Public Defender on behalf of women; mobilization of voluntary action for gathering public support for the victims of violence including counseling, relief and rehabilitation; and building up of such an environment where women and girls can come forward to report to the police about the acts of violence against them, without any fear of reprisal.

Gender Sensitization

Keeping in view the Ninth Plan commitment of empowering women, vigorous efforts will be made to accelerate the process of societal reorientation towards creating a gender-just society. The focus in this regard will be on both men and women within the family and within the community to change their negative attitudes and eliminate all types of discrimination against women and the girl child. In this process, both governmental and non-governmental organizations are expected to play a big role in utilizing both mass media and other traditional means. Gender sensitization will be institutionalized within the government training systems through induction as well as refresher courses. Specially designed gender sensitization programmes will be conducted on a regular basis with special focus on the state functionaries viz., the executive, legislative, judicial and enforcement wings of all governmental agencies. Other initiatives in this direction include generating societal awareness to gender issues; review of curriculum and educational materials leading to the removal of all references derogatory to the dignity of women; use of different forms of mass media to communicate special messages relating to women's equality and empowerment.

Legislative Support

Special efforts will be made to enforce the existing legislations effectively to safeguard the interests of women and girls as the Ninth Plan identifies laxity in the implementation of various legislations, especially the women-specific, viz.,- The Dowry Prohibition Act, 1961 (as amended upto 1986); the Immoral Traffic Prevention Act, 1956 (as amended and retitled in 1986); Indecent Representation of Women (Prevention) Act, 1986 etc. The findings of the recent review of all the existing legislations, both women-specific and women-related, undertaken by the National Commission for Women will be examined to plug the existing loopholes through necessary amendments and enact new legislations, if necessary, to make the legislations as effective instruments in safeguarding the rights of women and the girl-child and ensuring gender justice.

POLICIES AND PROGRAMMES : A REVIEW

Human Development being the major thrust in the Eighth Five Year Plan (1992-97), it sought to ensure that the flow of benefits from other developmental sectors did not bypass women and the same was monitored with a special vigil in the three core sectors of health, education and employment. To this effect, the special mechanism of Monitoring the 27 Beneficiary Oriented Programmes for Women was continued in the Eighth

Plan. It envisaged that the women must be enabled to function as equal partners and participants in the country's developmental process. This approach of the Eighth Plan marked a shift from development to empowerment of women. Achievements in both the women-related and the women-specific sectors during the Eighth Plan are listed below:

Improvement in the health status of women received high priority during the Eighth Plan. The erstwhile programme of Maternal and Child Health services was recast as the Child Survival and Safe Motherhood (CSSM) programme and launched in 72 districts during 1992-93. The same was further expanded to cover 466 districts by the end of the Eighth Plan. Under the Universal Immunization Programme (UIP), the TT vaccination coverage of pregnant women increased from 40% in 1985-86 to 76.4% in 1996-97 and 80.93% in 1997-98. Under the Prophylaxis scheme, 119.59 lakh pregnant women were provided with Iron and Folic Acid (IFA) tablets during 1996-97 and 83.59 lakh women during 1997-98. Around 2.11 lakh Dais were trained during 1996-97. Under CSSM Training, 22715 medical officers and 92365 para medical workers were trained till September, 1996. As many as 1022 First Referral Units (FRUs) were identified for Emergency Obstetric Care in 5 states viz. - Assam, Bihar, Madhya Pradesh, Uttar Pradesh and Rajasthan till 1997. These services of child survival and safe motherhood, as revealed by various evaluation studies, have contributed significantly to the reduction of Infant Mortality Rate from 79 to 72; Crude Birth Rate from 29.2 to 27.5 and Crude Death Rate from 10 to 9.0 during 1992 to 1996. An extensive network of 2424 Community Health Centers, 22,962 Primary Health Centres and 1,36,815 village level Sub-Centres was in actual operation by 1997 to extend primary health care services including safe motherhood and other family planning services to women in rural areas.

The National Nutrition Policy (NNP), adopted in 1993, made a commitment to reduce the iron deficiency anemia amongst pregnant women, nutritional blindness due to Vitamin A deficiency and iodine deficiency disorders. To reduce prevalence of anemia in pregnancy, the National Anemia Prophylaxis programmes of iron and folic acid tablets distribution to all the pregnant women was initiated in 1972. Alternative strategies to control anemia in pregnancy are being taken up as part of the RCH Initiative. To combat the problem of blindness due to Vitamin A deficiency in children, administration of a massive dose of Vitamin A once in 6 months to all children between 1-5 years of age was included in the National Prophylaxis Programmes against Nutritional Blindness. In order to achieve further improvement in Vitamin A status of children, a two-pronged initiative of improving the coverage of massive dose of Vitamin A administration and nutrition education for improving the intake of Vitamin A rich foods, is being taken.

The National Goitre Control Programme, initiated in 1962, makes available good quality iodised salt in areas of high Iodine deficiency disorders (IDD). The implementation of the programme in the initial three decades was sub-optimal and IDD prevalence remained essentially unattended to. Further, supplementary nutrition to the expectant and nursing mothers continued through the universalized ICDS programme and about 3 million mothers were receiving supplementary nutrition by the end of the Eighth Plan. Special efforts were also made to impart nutrition education to mothers and women through the programmes of ICDS and Integrated Nutrition Education and thus create nutritional awareness amongst women/mothers. Above all, the emphasis has been on the removal of the iniquitous distribution of food and discriminatory feeding practices against women and the girl child.

In the field of Education, emphasis was laid on increasing the participation of women in the educational process. Accordingly, efforts were made towards Universalisation of Elementary Education (UEE) which resulted in significant improvement in the enrolment of girls in schools and reduction in the drop-out rates at all levels.

Under the Total Literacy Campaign (TLC), 422 districts have been covered by the end of March, 1998 with a total coverage of 68.57 lakh beneficiaries, of whom 41.14 lakh were women. Another programme, viz., Non-formal Education (NFE), which provided education comparable to formal schooling to those who remained outside the formal schooling system, benefited 24.81 lakh girls at one lakh exclusive NFE, which provided education comparable to formal schooling to those who remained outside the formal schooling system, benefited 24.81 lakh girls at one lakh exclusive NFE Centres for girls by the end of 1995-96. The same has increased to 29.80 lakh girls by March, 1998.

Mahila Samakhya, a programme for women's equality and empowerment, operated in 35 districts of 7 states viz. Uttar Pradesh, Karnataka, Gujarat, Andhra Pradesh, Bihar, Madhya Pradesh and Assam. This programme addressed many issues like drinking water, health services, managing non-formal education provision of pre-school centres/crèche facilities etc. The village women of Mahila Samakhya were managing 529 NFE Centres and 241 ECCE Centres also.

The programme of Nutritional Support to Primary Education which was launched in 1995 in 40 Low Female Literacy Blocks, provided a special boost to enrolment, retention and attendance of girls besides leaving an impact on the nutritional status of the girl children in primary classes. To extend support for SC/ST girls to continue their education beyond the middle school level, the number and the intake capacity of the girls' hostels were increased during the Eighth Plan by opening 602 additional hostels for 51299 SC girls and 261 hostels for 10440 ST girls. During 1997-98, 78 more SC hostels for 12857 girls and 102 ST hostels for the benefit of 10200 girls were sanctioned.

In line with the Eighth Plan strategy of achieving near full employment, efforts were made to enhance employment and income generation activities for women under various sectors viz., agriculture, dairying, animal husbandry, khadi and village industries, small scale industries, handlooms, handicrafts etc. Since 89.5% of rural women were engaged in the agriculture sector, efforts were made to enhance their skills in agricultural operations and extension work.

Special programmes like 'Women in Agriculture' were launched in 1993 to train women farmers having small and marginal holdings in agriculture and its allied programmes like animal husbandry, dairying, horticulture, fisheries, bee-keeping etc. Since inception of the scheme, 210 Farm Women's Groups were constituted and training was provided to 4200 Farm Women in 7 selected States. Another programme called Training of Women in Agriculture with DANIDA and DUTCH assistance imparted training to 1.89 lakh women. To assist women in agro-based industries, 6866 Women's Cooperatives were formed with 100% financial assistance from the Government. Under the programme of Operation Flood, rural women involved in dairy development on cooperative lines were given training in various activities relating to milk production, preservation and cooperative group formation. By the end of the Eighth Five Year Plan, 74,300 Dairy Cooperative Societies were organized. The percentage of women members has risen from about 14%, a decade ago, to about 20% in 1997 (approx 19 lakh women members). By the end of 1996, there were 8,171 exclusive Women Cooperative Societies (non-credit) with a total membership of 6.93 lakh women. Women Milk Co-operative were leading in many states especially in Haryana, Punjab, Uttar Pradesh, Rajasthan and Karnataka.

The Khadi and Village Industries Commission (KVIC) took several measures to generate more employment opportunities for women and thus increase their capacity to earn. Of the total 60.75 lakh persons employed under various programmes of KVIC, 46% beneficiaries were women. An exclusive national level Training Institute of Women was also set up at Pune during the Eighth Plan. Two schemes viz., Prime

Minister's Rojgar Yojana (PMRY) and Entrepreneurship Development Programme (EDP) in the Small Scale Industries sector, were designed to help women to develop entrepreneurial skills and ventures of small scale enterprises for self-employment. Under PMRY, 85012 projects during the Eighth Plan period and 28,467 projects during 1997-98 were sanctioned exclusively for women. Under EDP, 8828 women during Eighth Plan and 3714 women during 1997-98 received training.

Training and upgradation of skills for women in the most modern and upcoming trades received high priority. The National Vocational Training Institute at NOIDA (UP) and the 10 Regional Vocational Training Institutes for women imparted basic and advanced level vocational training with an annual turnover of 1864 candidates. By February, 1998, there were 223 women's Industrial Training Institutes (ITIs) and 235 women's wings in general/private it is with a total sanctioned strength of 36,114 seats. This included the expansion of 66 women's ITIs and 102 Women's Wings in General ITIs during the Eighth Plan. Accordingly, the number of women trainees also rose from 9316 in 1991 to 16,265 in 1998. During 1997-98, 93 additional ITs for women were sanctioned with a total capacity of 15908 women.

To alleviate extreme poverty amongst rural women, programmes like Integrated Rural Development Programme (IRDP), Jawahar Rojgar Yojana (JRY), Training of Rural Youth for Self Employment (TRYSEM) and Development of Women and Children in Rural Areas (DWCRA), expanded their activities in the area of generating gainful wage and self-employment opportunities, with 30-40 per cent of benefits reserved for women. During the Eight Plan, the coverage of women under IRDP remained at 33 per cent with the number of beneficiaries touching 32.57 lakh between 1992 and 1997. During 1997-98, the coverage of women under IRDP has reached 0.06 lakhs i.e. 34.3 percent of total coverage. Of the total employment generated since inception under JRY during 1989 to 1997, the share of women was 14582.38 lakh man-days, which works out to 25.04 per cent of the total employment generated during the period. During 1997-98, the scheme of Women under JRY has gone up to 1116.71 lakh man-days representing 28.7 per cent of total employment. About 16.30 lakh women were covered under TRYSEM since the inception of the programme in 1979. DWCR A - an exclusive programme for the development of women and children in rural areas - was extended to all the districts in the country during the plan period with the sole objective of ringing about a change in the socio-economic status of poor women in rural areas through income generating activities and improvement of their access to services like health, nutrition, education, safe drinking water etc. During the Eighth Plan, 1.36 lakh Women's Self-Help Groups (SHGS) were formed benefiting 21.82 lakh women. In 1997-98, 33032 additional SHGS were formed.

In the urban areas, poverty alleviation programmes like Nehru Rojgar Yojana (NRY), Urban Basic Services for the Poor (UBSP) and Prime Minister's Integrated Urban Poverty Eradication Programme (PMIUPEP), contributed a lot to improve the quality of life of women slum dwellers. Under NR, women were given preferential treatment for skill upgradation and were provided assistance for setting up micro-enterprises, wage employment through construction of public assets and shelter upgradation.

Similarly, women and child beneficiaries received high priority under the programme of UBSP which sought to provide an integrated package of health care series for mother and child, supplementary nutrition, non-formal/pre-school/adult education; assistance to the handicapped and the destitute. By March, 1997, 5982 Neighbourhood Development Committees comprising primarily the urban poor women were set up in 360 towns for extending basic services to 82 lakh beneficiaries. Similarly, women also received benefits under the Prime Minister's Integrated Urban Poverty Education Programme (PMIUPEP) which envisaged a holistic approach to eradicate urban poverty by creating a conducive environment for improving the quality of life of the urban

poor. During the Eighth Plan, 10528 cases of self-employment and 18004 cases of shelter upgradation were approved, besides setting up of 1362 Thrift and Credit Societies; 303 Community kendras, 24698 Neighbouring Groups, 1280 Neighbourhood Committees and 208 Community Development Societies. This programme was replaced by Swarna Jayanti Shahari Rojgar Yojana in December, 1997.

Under the National Social Assistance Programmes, special recognition was given to woman-specific needs and a National Maternity Benefit Scheme (NMBS) was launched in August, 1995. The NMBS was exclusively aimed at extending financial assistance of Rs. 300/- to pregnant women for the first two live births. Likewise, under the programme of National Old Age Pension Scheme (NOAPS), elderly women of 65 years and above with no regular means of subsistence also received the benefit of old age pension to the extent of Rs. 75 per month. Under another scheme of National Family Benefit, women could receive financial assistance of Rs. 5000/- to 10,000/- in the event of the death of the prime bread winner of the family.

The scheme of S&T Projects for Women, started in 1983, continued to promote Research and Development (R&D) and adoption of technology for reducing the household drudgery of women and thus improve their quality of life, working conditions and opportunities for gainful employment especially in the backward rural areas and urban slums. Of a total of 289 S&T projects, which received financial support during the Eighth Plan, 137 projects were meant for women. During 1997-98, 30 additional projects were sanctioned exclusively for women.

A large number of innovative programmes to supplement and complement the general development programmes were implemented in the women and child development sector. They include training-cum-employment-cum-income generation programmes, welfare and support services and awareness generation/gender sensitization programmes. Besides, several policy initiatives were also undertaken in empowering women. Under the programmes of 'Support for Training and Employment', a total of 44 projects received financial assistance to extend training and employment on a sustainable basis to 2.59 lakh women during the Eighth Plan and 6 more projects during 1997-98 to benefit 53335 women in the traditional sectors of dairying, animal husbandry, sericulture, handlooms, handicrafts etc. Under the programme of Training-cum-Production Centre with NORAD assistance, 693 projects during the Eighth Plan and 169 projects during 1997-98 were sanctioned to train 0.78 lakh and 0.30 lakh women/girl in the modern and newly emerging trades. Under the scheme of Condensed Course of Education and Vocational Training, 5822 training courses were conducted to benefit 1.48 lakh women and girls during the Eighth Plan and 197 courses to benefit 0.15 lakh women/girls were conducted in 1997-98. Under the Socio-Economic Programme, more than 2452 Units were set up during the Eighth Plan to undertake a wide variety of income generating activities for the benefit of 21000 needy women like widows, destitutes, disabled etc. during the Eighth Plan.

The schemes of - Hostels for Working women, crèches for Children of Working/Ailing Mothers, National Creche Fund and Short Stay Homes for Women and Girls extend support services for women. The scheme of Hostels for Working women provide safe and cheap accommodation to working women/girls who come to cities/towns in search of employment. During the Eighth Plan, 178 additional hostels were sanctioned benefiting 15532 women and their 1586 dependent children. In 1997-98, 23 more hostels were sanctioned benefiting 2269 women. This has brought the total number of hostels sanctioned since inception of the programme in 1973 to 811 benefiting about 57,000 working women. The scheme of Short-Stay Homes continued to provide temporary shelter and rehabilitation to the women and girls in social and moral danger. Upto March 1997, a total of 361 SSHs were sanctioned, benefiting 10830 women/girls, of which 199 new homes were sanctioned during the Eighth Plan period. Details of the other two schemes viz., Creches and National Creche Fund, are given under the section dealing with 'Children'.

The setting up of Rashtriya Mahila Kosh (RMK) in 1993 fulfilled a long awaited initiative of having a national level mechanism to meet the credit needs of poor and assetless women in the informal sector. Till March 1997, a total credit worth of Rs.35.14 crore was sanctioned and a sum of Rs. 20.51 crore disbursed to 1.91 lakh women through the medium of 170 NGOs. About 60000 women received credit during 1997-98. Right from its inception, RMK maintained a recovery rate of 92-95 per cent. The programme of Mahila Samridhi Yojana (MSY), launched in 1993, promoted self-reliance amongst rural women by encouraging thrift and savings. For a maximum deposit of Rs.300/- with a lock-in-period of one year, the Government provided an incentive of Rs.75/-. By the end of March 1997, a total of 2.46 crore MSY accounts were opened with a total deposit of Rs.265.10 crore.

Yet another major initiative undertaken during the Eighth Plan was launching of Indira Mahila Yojana (IMY) advocating social empowerment through awareness generation and conscientisation programmes and economic empowerment through income generation activities on a sustained basis. The scheme was launched in 1995 in 200 ICDS blocks on a pilot basis. By July, 1998, 260 Indira Mahila Block Samities (IMBSs) had been registered out of which 140 IMBS were registered during the year 1997-98. Till March, 1998, 28000 Self-Help Groups of women were formed with services of both income generation and awareness generation, of which 21,000 women's groups were formed in 1997-98.

An integrated media campaign projecting a positive image of both women and the girl child through electronic media was undertaken extensively through a large number of TV spots, quickies, documentary films etc. Radio programmes with positive messages about the girl child and women were also broadcast on a regular basis. The Central Social Welfare Board organized more than 6000 Awareness Generation camps during 1992-96 to make 2.10 lakh rural women conscious of their rights and privileges, besides imparting knowledge about community health and hygiene, technology application, environment etc.

The National Commission for Women, a statutory body set up in 1992 to safeguard the rights and interests of women, reviewed both women-specific and women-related legislations, investigated into thousands of individual complaints/atrocities and initiated remedial action wherever possible. It also set up Parivarik Mahila Lok Adalats and extended speedy justice to approximately 7000 women. The other issues taken up by the Commission during the plan period included welfare of women prisoners and under-trials languishing in jails; women and children involved in the sex trade; reservation for women in Parliament and State Legislatures, Anti-Arrack movements etc.

To sum up, the major policy initiatives undertaken in favour of women during the Eighth Plan included setting up of a National Commission for Women in 1992 to safeguard the interests of women; setting up of Rashtriya Mahila Kosh in 1993 for women to meet the credit needs of poor and assetless women; adoption of the National Nutrition Policy in 1993 to fulfil the Constitutional commitment of improving the nutritional status of the people; launching of the scheme of Mahila Samridhi Yojana in 1993 which sought to empower women by institutionalizing their savings so that they could have greater control over household resources; launching of Indira Mahila.

PLANNING FROM A GENDER PERSPECTIVE : MAKING A WORLD OF DIFFERENCE*

One of the questions raised by the last chapter is whether concern with women and development is in fact a matter of social justice or of development pragmatism. We would argue that involving women at all levels of development thinking, planning and implementation will make a world of difference not merely to women but to the capacity of society to envisage and carry out planned social change which will permit humankind to live in harmony with nature and itself. To bring women to center stage, however, will require profound changes in the way that societies conceive of relations between the genders and the dismantling of centuries - old structures of thought and practice. Such changes will take a long time to bring about but as has become increasingly clear over the past decades, women are a tremendous social resource which no society can afford any longer to undervalue or under use. But women will no longer accept being treated as workhorses for development strategies planned by others; they require to be treated as partners in development practice and planning. As such, planners have a great responsibility: both to listen to women but also to build their vision into planning strategies.

Listening to Women

The failure of many development plans and their implementing instruments, development projects, has been blamed on a planning process which neither involves people in the decision-making process nor in the identification of their own needs. At a minimum, consultation of local people about projects or programmes is now argued to be a pre-condition for successful planning outcomes, particularly when innovation is concerned. Greater involvement of the wider society in decision-making through democratic processes is also argued to be central. But consultation and involvement are not unproblematic; social heterogeneity raises complex questions of how consensus is to be achieved. All too often, in fact, consultation is confined to those who are wealthier, more articulate and educated. And these in many developing countries will be male; when asked, they may give their views as to women's needs. But more commonly it is assumed that women's needs will be identical to those of men or broader groupings such as farmers or indigenous entrepreneurs. As we noted in Chapters 3 and 4, many development projects perform poorly precisely because of such false assumptions. When women are actively consulted the differences in men and women's lives, needs, and concerns are thrown into sharp relief; but so too may differences between women.

Active consultation, however, must take into account the fact that simply asking women to list their needs is not enough (see Pareja in Young, 1987 and 1988). Women, particularly if they are from a different class, caste or community segment than the planners or their researchers, may well be very reticent about their needs because of fear of offending powerful persons as much as of negative or unsympathetic male reaction. But more critically, women in many cultures are socialized in such a way as to lack any sense of having rights or needs except in relation to others; women typically want things for others - their children, their family. Powerlessness not only impedes the powerless from getting their demands placed on the agenda, it often makes articulating such demands unimaginable. A first step has to be creating the conditions which enable such demands to be imagined and then expressed. This is frequently the task that the women's organizations set themselves; we return to this point later in the chapter.

Planners themselves largely see women as providers of family well-being or as conduits for the well-being of others. Thus they will be more attuned to accepting the material condition of the majority of women

* Source : Reading material prepared by the Yashwantrao Chavan Academy of Development Administration, Pune.

- their illiteracy, ill health, lack of training - as their priority needs. As such they find it difficult to explore the extent to which women's social weakness (if not political disenfranchisement) contributes to their material ill-being.

It is important not to limit consultation to exploring women's perceptions of their needs; their perception of the constraints they face is equally relevant. Frequently development planners fail to do this or examine carefully their own assumptions as to motivating incentives. A good example of this is the failure of many attempts to get rural women in Africa and Asia to buy improved cooking stoves to reduce wood fuel consumption. While planners saw patterns of wood fuel consumption as leading to critical shortages, they failed to investigate whether women, the supposed beneficiaries, felt shortage of fuel wood was an equally crucial issue to them. Given that lack of cash is a major constraint for rural women, a woman is unlikely to spend her precious store of money on a new technology of uncertain benefit to her.

In situation where the consultation is around planned projects or programmes, intended beneficiaries should also be asked about implementation procedures so they may alert planners to potential blocking tactics, or subversive strategies. Time and again, project designers have met with resistance from men (and some women) when attempting to include specific benefit for certain categories of women, or they have found that the supposed benefits for women have been subverted and channeled to men. Yet women themselves often have a clear, but indirect strategy by which to overcome the difficulties imposed by gender relations. For example, in Bankura (India), women complained of men's violence but when the project designers suggested tackling this, the women responded: you give us economic strength and we'll take care of the men ourselves (ILO, 1988a).

What these reflections point to is that if planners are to meet women's needs they must first be able to have these needs identified; then, wherever possible in consultation with women or their representatives, they must assess their capacity to meet them, and, again in consultation, prioritise those that are amenable to a planning or policy solution. The impact of such consultation has been shown to revolutionise more profoundly planners' views of women than vice versa (see, for example, Bankura, ILO, 1988a), but none the less such consultation is an important aspect both of women's sense of empowerment, and, at the project level, of project ownership. Lastly, a strategy for achieving planning objectives has to be devised and a clear timeframe for achievement set out. The strategy should also include markers along the way which will enable planners- as well as beneficiaries- to assess how well aims are being achieved within the time envisaged. These markers, or pauses for re-assessment, must also be framed in such a way that women's views are essential inputs into the revision of the strategy in the light of their experience.

But can one plan for women?

The first requirement of consulting with women immediately poses a theoretical as well as a practical problem; can 'women' be used as a general category at all? Is it useful to assume common problems when the reality is of such great diversity? Society is stratified in numerous ways- by gender, class, caste, race, ethnicity, age. These forms of stratification cut across each other and interact in complex ways. We have argued that it is impossible to prioritise any one of them in the abstract; in particular situations women will experience one or more of them as critical. This ranking will change as the situation changes. Again, though most women share the experience of gender subordination, the form it takes may differ significantly. Equally, the common fact of subordination may not lead to unity among women, other factors serving to divide them along lines, which are perceived or experienced as more crucial.

To give an obvious example; the interests of a rural cultivator selling produce in the market will differ from those of the wage laborer who has to buy her food. Although both women may be suffering from similar levels of poverty, the first wants high prices for her products, the second, low cost food for her family. In this case class as such does not play a key role, since both women are equally poor & neither may own her means of production, but location in the overall economic system does. Another example is that of divorce. While no woman (or man) would choose to remain in a relationship, which has irretrievably broken down, older women may find legislation permitting divorce a threat, since it makes it easier for their husbands to abandon them for younger women. Given the social tolerance of older men consorting with much younger women and the common strategy of young women to seek out older men for the economic and status advantages they are thought to provide, it is easy to understand older women's reservations. Furthermore, the unequal distribution of resources between women and men means that for most women divorce inevitably results in greater poverty as well as loss of social status. But most young women would prefer to have the freedom to divorce as it enables them to try to find a more tolerable partner the second time round or enjoy unwedded bliss.

The practical implications are great. Given the diversity, is it possible to devise policies or plans which can benefit a wide range of women without causing others difficulties? One answer might be that while the majority of women can be benefited by one police option, the minority who are likely to suffer can be helped through special provisions. For example, in the case of divorce, special provisions can be made for older women who fear divorce and are quite likely to be cast off by husbands. The total cost to the state of such provision may be quite minimal and it can be phased out over time.

Policymakers and planners

Through the book we have referred in rather general terms to 'planners and policymakers'. But to whom are we actually referring? In the context of this book, policy makers are those who wield the power, both financial and political, to bring about major economic, social and even political change within a given country. They may be national bureaucrats at a central or local level *(but not necessarily in the planning unit of the government), or high ranking politicians of the party in power, or they be the representatives of international organizations such as any of the United Nations Agencies, or multinational organizations such as the World Bank and the IMF. A wide range of groups, organizations, political and otherwise, seek to influence policymakers. Women's organizations themselves are increasingly seeking to intervene in the decision making process, through the extent of their political clout is a subject of contention (considered below).

Planners, on the other hand, execute the decisions of policymakers as to the general economic, social and political direction of the country by using a variety of political, economic and social levers. The degree of intervention and strength of the guidance depends on the political system itself, and varies from tight control on all aspects of the economy (pervasive planning) to a greater reliance on market forces but with some incentives being given to direct outcomes (parametric planning). Nonetheless, there is always some degree of macro-economic management and the provision of critical aspects of infrastructure (White, 1984).

When we come to discuss the role of policymakers and male dominated bureaucracies in promoting women's needs or interests a number of questions arise. Firstly, to what extent is it reasonable to expect that planners or policymakers, the overwhelming majority of whom are men incorporated into the present system and deriving benefits from it, will be prepared to work for a more equitable sharing of power and resources in society? By what means can they be persuaded to work towards meeting women's interests?

A recent book edited by Kathleen Staudt looks at the experience of women trying to bring about change within aid and other bureaucracies (largely but not entirely in the north). Her conclusions are somewhat disheartening; grim resistance has been faced by those working with women's programmes in National & in International agency. It is becoming increasingly clear that a key source of this problem is to be located in bureaucratic institutions and in the ideologies officials use as they act on general issues' (Staudt 1990.p.10)

Staudt maintains that gender inequality has become embedded and institutionalized in the political and bureaucratic authority of the state. This has led to 'property, income, public representation, and state benefits' being directed into the hands of husbands or fathers as household heads, women being seen as reproducers and mothers. As a result any attempt to bring about a redistribution of benefits to women meets with resistance from men, loath to lose traditional privileges, and 'those women who have a stake in existing male privilege, 'the struggle for redistribution at the best of times is difficult, but gender redistribution politics' are subtle in the personalized resistance they incur and complex in their confusion with cross-sex interpersonal relations (Staudt, 1990,p.10).

Resistance takes many forms; we have noted the strategy of setting up women's units but placing them where their ability to influence critical decision by govt. is nil; giving them few and untrained staff; depriving them funds; cutting them off from their constituency (see Alvarez., 1990). Even within the United Nations, which many see as a firm promoter of women's advancement, the resistance to real change for women is stout. Hilka Pietila and Jeanne Vickers, in their book on the role of the United Nations in promoting women's advancement, document the ways in which the Decade for women meetings differed from other UN meetings in the time given for their preparation, as well as the importance given to their findings (Pietila and Vickers, 1990). They note that the International Developmental Strategy (IDS) for the UN's Third Development Decade (largely based upon the various plans of actions adopted by world conference of the 1970s) incorporates neither the Mexico (1975) nor the Copenhagen (1980) plans of Action—they are only referred in a short paragraph at the end of the chapter on social development. Women are mentioned only in connection with social objectives and social development. Preparatory papers for the new IDS for the Fourth Development Decade (1990-9) do not even mention the forward-looking strategies of the Nairobi Conference (1985), Set against this fairly obvious obstruction through forgetfulness is the system-wide Medium Term Plan for Women and Development (1990-5) which was prepared by those within the system determined not to lose the impetus of the Women's Decade.

None the less there are positive examples of individuals within state bureaucracies who have been able to create greater space for women. For example in the Philippines the head of the Civil Services Commission was able to bring in changes to promotion procedures to lessen the gap between middle level (predominantly female) and executive level staff (overwhelmingly male) (see Santo Thomas, 1991). But despite the critical role that active and courageous individuals can play in bringing about change, depending on individuals alone is not a position of strength. Individuals, whether men or women, need both to feel supported by and accountable to the women outside the bureaucracy if they are to continue to bring change and further build upon it. The strategic aim must eventually be to change bureaucracies and institutions and make them more responsive to women's concerns. Where women find it difficult to enter in the first place, an equal opportunities employment policy is the first step (see Cockburn 1991). But bringing a large number of women into the bureaucracy (whether this is the state bureaucracy or another form, such as a trade union) is no guarantee that women's concerns will be given a higher profile; new forms of relating to those who are served is also needed. Often existing structures and organizational cultures are not conducive to new ideas and new forms of working with constituencies. But with determination it can be done. For those in state bureaucracies, a strong political

groundswell may impel responsiveness, although this probably works more effectively when activists identify allies within bureaucracies structures and target key positions to ensure the groundswell is converted into positive bureaucratic response.

Planning presents a different set of issues. At an apparently technical level, planners may be influenced by misleading and inaccurate information. Data collection techniques are faulty, particularly when it comes to the measurement of women's economic activity, as we saw in chapter 7; conceptualizations of the household can give an erroneous picture of some household members economic situation. As we argued, behind the technical faults lie biases in what data is chosen as relevant in the first place and in the conceptual framework used. The mass of data on women collected in recent years may help to undermine these inaccuracies, but planners still tend to be more concerned with information reflecting women's mothering and family centered activities than their position in society. Researchers too choose to study problems they consider to be both important (or for which they can get funds) and about which information is relatively simply ascertained. Hence, with the concern about rapid population growth, accurate figures on fertility are more readily available than those on maternal mortality. Data is available on literacy but not impact of adult literacy on women's position within the family or the community. Although more data are now available on women in paid work, data are sparse on their wages relative to those of men. Women's contribution to the unpaid labour force remains excluded from economic calculations. (see Seager and Olson 1986, p.40).

In one sense then, planning is a technical exercise, but it is also always more than this. Policymakers set the general parameters but planners own perspectives will inevitably influence the degree of fervour with which they follow policymakers desires. Many a politician's ardour for change has been cooled by the ways in which planners and other bureaucrats drag their feet, or cannot find solutions for certain problems for a good example of bureaucratic resistance. Planners are in fact front line agents of state intervention in the economy and as such are not merely technical experts but also political actors.

The choices they make are in most cases profoundly political because they bear within them the potential for a particular type of society and of social relationships; they are born of collective value judgements, which derive from social consensus or a given ideology. As part of the administrative apparatus of govt., planners not only have to meet the short-term goals imposed on them by governments which may change (and often with them the economic, social and political complexion of the society which is envisaged) but also to work within the constraints imposed by planning decisions made in the past and by the structure of the national economy, itself embedded in a global economic system. Their room for manoeuvre may be extremely limited.

Practical needs and strategic interests.

An interesting example of where policymakers have specifically tried to address themselves to these issues is provided by socialist societies because women's emancipation forms part of the socialist programme. A good number of studies conclude, however, that this commitment is rarely successfully implemented (see e.g. Scott, 1974; Markus, 1976; Stacey, 1983). Maxine Molyneux (1985) looks at the question of what a revolutionary government perceives as women's interests. She suggests that these center on easing women's delivery of traditional benefits to children and family through a wide range of heterogeneous interventions, while drawing them into the labour force and giving them the right to political participation.

In examining the question of women's interests Molyneux suggests that need to distinguish between two sets of interests; those arising from the fact that women are allocated certain roles by the sexual division of labour, and those from the fact that women as a social category have unequal access to resources and power.

The former can be either short-or long-term and derive from the various responsibilities of women for the care and education of children, the elderly and the sick, household maintenance (family well-being), and serving kin and neighbourhood (community well-being). Women's unequal access to resources results from their exclusion from the arenas of political and economic power, their inequality within the family and the society, and their lack of control over their lives. In both cases women's actual location in the social structure has important implications for the degree of manoeuvre individual women have

Molyneux has called these practical gender interests and strategic gender interests and strategic gender interests. In thinking about this, I have found it more useful to talk about practical needs and strategic interests, because a distinction is needed between mundane wants or lacks, and conscious imagining of collective requirements usually involving some degree of change in the existing order of thing. The former I call needs, despite the fact that in Molyneux terms they can (and often do) motivate women to collective action (bread riots are perhaps the classic case); I term the latter strategic interests (see Young, 1997 and 1998)

The identification of practical needs produces a great many similarities across cultures; an adequate food supply, convenient access to safe water, a steady source of income, ready availability of reliable and safe contraception, access to education, training and credit and so on. In the final analysis, no one can do without food, water & shelter, clothing (ILO's basic needs). However, this should not obscure the fact that different practical needs may be prioritized at any one time nor the likelihood that there will be disagreements about what is a need and what a luxury. Even the obvious starting point of food as a practical need soon runs into exceptions and difficulties; there may be occasions when an apparent 'luxury' is subjectively more of a need to the person concerned than physical sustenance. Equally, the indicators by which people judge their own well-being are not necessarily the same as those of an outside observer. Rural householder in Rajasthan, for example, put self-respect and independence on as high a level as the possession of assets to provide security against unexpected contingencies.

Strategic gender interests come into focus when women's position in society is questioned. According to Molyneux, a theoretical analysis of the processes of women's subordination gives rise to strategic moral and ethical objectives which are in the interests of all women. Such objectives constitute a 'vision' of the future in which inequalities between men and women are no longer found. This implies that inequalities are neither genetically determined nor sacrosanct and impossible to change.

Although in the abstract, the concept of strategic interests may seem reasonably straightforward, there is considerable uncertainty and debate about what actual strategic interests are. As yet our understanding of what constitutes the bedrock of inequality between men and women is still quite culture, class, race specific. Despite the differences, feminists maintain that women should and can unite around a number of issues arising from their subordination as a gender so as to find ways of transforming the situation. The issues most commonly identified are; male control of women's labour; Women's restricted access to valued social and economic resources and political power, and as a result a very unequal distribution of resources between the genders; male violence and control of sexuality.

Given that the identification of common strategic interests is full of difficulties, and involves a conscious effort of understanding and commitment to change, women's activists emphasise the need for consciousness raising and collective empowerment. Once specific categories of women collectively come to understand better the mechanisms and processes of subordination, they are able to identify appropriate strategies for change, which may include forming alliances with a very broad range of other women. Strategies must involve both changing a variety of practices and the way we think about gender and gender relations. Merely changing

activities - for example, changing the sexual division of labour, promoted by some as a strategic gender interest - brings little change for women if what women do is still undervalued. In countries such as Britain and the former USSR women have entered all male professions only to see the profession both feminised and devalued within a short time. The pervasive ideology of male superiority has to be changed too, both as an aspect of women's own worldview and that of society at large. And this may involve women in long-term changes in the ways they socialize their own children and grandchildren.

What Molyneux's schema implies is that there is a range of potentially common objectives for women which are related to their relative standing to men, their capacity for autonomy and social agency, and a great diversity of more specific concerns which arise from the daily processes of gaining a live hood which different categories of women experience. The latter do not challenge the prevailing forms of gender subordination, but the former must.

The means of needs identification for development practitioners based on Molyneux's pioneering work is now widely used (see Moser, 1989; Wallace and March, 1991). There is, however, the danger that the usefulness of the distinction between practical needs and strategic interests as a tool of analysis and reflection will be nullified by being used in a mechanical, non-dynamic way, as a blueprint. As such women's practical needs can be listed almost a priori (credit, training, water, etc.) and, particularly in contexts where men are being introduced to WID issues, can be argued to be no more than a women focused set of basic needs. The question of strategic interests can then be set aside as feminist concerns, i.e. irrelevancies to planners and development practitioners.

Transformatory potential

Yet this either /or categorization is unhelpful; it neither allows recognition of the potential dynamism of a given situation nor of the ways in which very practical needs of women are closely enmeshed with their need for structural change. For example, in some cases what would in the blueprint mode be argued to be a strategic interest - the need to end all forms of violence against women by government non-government and community means - may in fact be a practical need. If women cannot work outside the home or the village without fear of being physically abused, how can they as mothers ensure family welfare, and indeed how can their economic contribution be realised either at the family or the community level? In trying to ensure that the analytical tool of needs and interest is used in a dynamic way, a third concept may be useful- that of **transformatory potential** (Young, 1987, 1988).

The idea here is to allow the interrogation of practical needs (by women themselves) to see how they can become or transform themselves into strategic concerns. In other words have they the capacity or potential for questioning, undermining or transforming gender relations and the structures of subordination?

A rather simple-minded example of how meeting a practical need can have transformatory potential is that of need for a cash income. This need can be met in a wide range of ways; by providing piece-work to women isolated within the home; by setting up a small collectivity of some kind which enables women to meet together within a work context which is not highly structured; or by providing factory employment. In the first case, women are left as isolated as before and the home-based work may merely add to their burden of work. In the third case, the need to fulfil production norms, to complete a fixed and rigid working day, within a context in which men are likely to be in positions of power and authority over the women, is unlikely to add to women's sense of self-worth and agency. Forming a locally-based collectivity a production group, a co-operative -can provide the conditions for a more empowering experience.

However, provision should be made for space for discussion and exchange of experiences, and an examination of the roots of women's poverty and powerlessness. While this can be empowering in the radical sense of that term, the outcome cannot be predicted just because women are brought together. The stifling of disagreement and the pressure to conform because of an assumed commonality of womanhood can be an entirely unempowering experience. But with forms of organization which do enable the women to gain a greater sense of self-worth, agency and common purpose, and the recognition of difference, then they may use this as a springboard to other activities which have a more clearly directed objective of collective empowerment. And this in turn may lead to the formation of alliances with other collectivities of women, or of men and women who are desirous of bringing about structural change.

Another example might be that of lessening rural women's work burden by bringing a mechanical grinding mill to the village. By ensuring that the mill is owned by women as a collective enterprise and that all members learn to run, maintain and service the mill, women will have been helped to own a vital community resource. This should both increase individual women's feeling of self-worth but also bring women collectively greater social recognition. If a proportion of the income from the mill could also be set aside for a community project the women would gain influence and greater decision-making power within the community. This might be further parlayed into getting agreement that women take part in critical decision-making arenas at the local level. And from there wider opportunities may well become available.

The crucial element in transformatory thinking is the need to transform women's position in such a way that the advance will be sustained. Equally important is that women should themselves feel that they have been the agents of the transformation, that they have won this new space for action themselves. But it is also important that they realize that each step taken in the direction of gaining greater control over their lives, will throw up other needs, other contradictions to be resolved in turn.

In the end the aim should be to set in motion a process which is doubly transformatory: women being transformed into conscious social agents, and practical needs into strategic interest. Of vital importance here is the provision of information. Many studies have shown that giving examples of how other women live, how they have struggled to overcome subordinating and oppressive structures, has sparked off discussion of alternatives which are feasible and culturally appropriate. Women's lack of access to information about their own societies, and the range of debate about political and economic matters is often a key element in their hesitancy about change.

The assumption behind transformatory potential is that the process of women working together and solving problems on a trial and error basis, of learning by doing, and also of learning to identify allies and forging alliances when needed, will lead to empowerment, both collective and individual. Experience has also shown that often women involved in what have been called welfare-oriented schemes (providing better nutrition for their children, community improvement projects, etc.) have often, through their collective experience of struggle, become active in questioning their social position and organizing to bring an end to discriminating practices. (See Guzman, 1991).

Empowerment

The Language of 'empowerment' has, as we noted in chapter 8, gained prominence in the closing years of the UN's Third Development Decade. The Washington-based Association for women in Development had 'empowerment' for the theme of its 1989 conference. The World Bank and most aid agencies also claim to wish to empower women. Feminist groups also speak of the need for empowerment. But to what are they referring? Are we all talking about the same thing?

Empowerment was originally a demand made by activist feminist groups. In an obvious sense, empowerment is about people taking control over their own lives: gaining the ability to do things, to set their own agendas, to change events, in a way previously lacking. This may include affecting the way other people act and consciously or unconsciously forcing changes in their behavior. But for feminists, empowerment is more than this: it involves the radical alteration of the processes and structures which reproduce women's subordinate position as a gender. In other words, strategies for empowerment cannot be taken out of the historical context that created lack of power in the first place, nor can they be viewed in isolation from present processes. Feminist theoreticians and activists, while accepting and even emphasizing diversity, nevertheless maintain that women share a common experience of oppression and subordination, whatever the differences in the forms that these take.

Central to the theory is the argument that this subordination is founded on the regulation and control of female sexuality and procreation, and the sexual division of labour, which allocates women a heavy burden of responsibilities while denying them control of valuable social resources. Not all women agree upon the nature of the structures and processes which reproduce women's subordination, nor is there consensus that the ideological representation of the social place and activities of women (and men) as determined by biology rather than society is a critical element. None the less, until the structures of male dominance, both those which are external and those which have been internalized by women as much as men are unmasked and changed, they will continue to reproduce subordination. And as long as laws, institutions and practices are organized from a male perspective, with male life experience as the typical, any changes made can only be superficial. And this includes the practice of development itself: an approach which concentrates on quick economic growth which benefits the little the mass of the population, on quick results and technical fixes rather than the slower processes of building up human capacity is not women's one. And as long as gross inequalities exist between nations as much as within them. Interdependence structural inequality between women and men is an illusion.

Such a view of empowerment implies collective empowerment not individual empowerment. 'Women become empowered through collective reflection and decision-making. The parameters of empowerment are; building a positive self-image and self-confidence; developing the ability to think critically; building up group cohesion and fostering decision-making and action' (programme of Action of the Government of India National Policy on Education 1986). In other words empowerment includes both individual change and collective action. What is meant is enabling women collectively to take control of their own lives to set their own agendas, to organize to help each other and make demands on the state for support and on society itself for change. With the collective empowerment of women the direction and processes of development would also be shifted to respond to women's needs and their vision. The collective empowerment of women, of course, would bring with it the individual empowerment of women but not merely for individual advancement. This understanding of women's empowerment is a good deal more radical than the more common approach - i.e. that of economic empowerment or getting women in the cash economy generally through self-employment or income generation.

It also implies some degree of conflict empowerment is not just about women acquiring something, but about those holding power relinquishing it. We have argued that relations between men & women are characterised both by conflict and by co-operation. Just as women must organize together to gain the sense of self-worth and understanding of their lives that empower and make long term co-operation possible, so must men undergo a process of reflection and transformation which makes it possible for them to recognize the ways in which their power is a double-edged sword. It structures their relations with other men in competition and conflict, and makes co-operation and building on advances highly problematic.

As we have pointed out though, the language of empowerment has been adopted by those within the mainstream of development theory and practice. What is this empowerment about? The term appears to mean entrepreneurial self-reliance, and echoes the general emphasis within the mainstream on unleashing the capacity for individuals to be more entrepreneurial, more self-reliant; on entrepreneurial capitalism and market forces as the main saviours of sickly or backward economies; on limiting state provision of welfare, services and employment. It is closely allied to the current emphasis on individualistic values; people 'empowering themselves' by pulling themselves up by their bootstraps, in other words self-reliance in its most narrow interpretation. With the emphasis on individualism, co-operation becomes submerged, and there is no mention of the need to alter existing social structures. In this version of empowerment there is also little emphasis on the necessity for those who wield financial and political power, whether at the family level or within society as a whole, to accept the obligation, to change themselves. Without such an obligation, men who largely occupy positions of power in society at all its levels, appear to be going to remain invisible as they have done throughout the development decades. We've heard too long about the need for women to change; both women and men need to change if future society is to be more harmonious than in the past.

Putting pressure on policymakers

'Because women are politically weak in the sense that no government will fall from power based on its policies affecting women, it is rare that the interests of women are explicitly considered in either the economic or political aspects of development planning, and the creation of various women's organizations and national machinery for women during the women's Decade has not changed this' (Heyzer, 1981, p xiii).

Policymakers are responsive to directives and pressures from a variety of political arenas and actors of varying degrees of power and persuasiveness. Thus in many cases to get them to recognize an obligation to do something about even women's pressing practical needs, such needs have to be expressed in such a way as to become a critical political problem which is amenable to a planning solution. And this must involve constituting women as political actors of equal weight as men. But almost everywhere women are either absent or excluded from the main political arenas, and as a result have little experience of the operation of the political system. At both the international and the national level women are poorly represented. In LDCs they have only 7% of the seats in national legislatures. It is often argued that a democratic political system is a prerequisite for a modern economy but while much attention has been paid to the representation of a range of class and other interests, that of women as women has been and continues to be lacking.

Women's gender interests are unlikely to come high on politicians' agendas unless women from a wide social spectrum take up the challenge and enter the political arena. In many countries this is not likely to be an easy matter; a number of pre-conditions would have to be met given women's lower educational levels, their lack of experience of involvement in the public sector, their exclusion from a range of political arenas from the local to the national level. These pre-conditions might include: providing special formal and non-formal education programmes; eliminating discriminatory legislation; integrating women into the labour market; providing childcare facilities; organizing women in local level, women-only organizations so that they can learn the basics of effective organization, identification of goals, strategic planning and alliance building, and so on; and making positive efforts to recruit women and men sensitive to gender issues to the ranks of the civil service, planning organism, etc. (see Pareja in Young, 1988). But many of these pre-conditions themselves presuppose the support of the state, and indeed building women's organizations at a minimum requires the tacit approval of the state, not to speak of considerable financial resources. To date these have rarely been forthcoming from national governments or private national sources in the developing world.

The suggestion that women must constitute themselves as a pressure group so as to make it more likely that their gender interests will be built into state policy assumes a specific form of relation between the state and civil society. In reality, political cultures are very varied, political systems likewise. In some countries the political culture allows space for interest groups to compete against each other (or to form alliances) to influence state decisions, or indeed to mobilize public opinion against certain government decisions without fear of reprisal. And in such countries power is usually relatively widely spread throughout the populace and the political system relative uncorrupt and effective precisely because of the strength of civil society itself and its ability to act as watchdog over state activities.

But in others, political power is the purview of a small coterie, the main pressures exerted on them being mediated through kinship or locality, the institutions of civil society being weakly developed. Lobbying activity by voluntary associations, or overt and recognized interest groups are not the stuff of the political process in such countries. In such situations, as the last two decades have shown, those in power interpret such pressure as hostile and undermining of state authority, and respond to it by curtailing basic civil liberties. In many LDCs too, civilian government is weak and in the wings the military or militant religious groups wait to capitalise on any mistakes made. Given the nature of gender relations, any attempt to ameliorate even the conditions within which the bulk of women live may give rise to a degree of social unrest which the military, conservative, or fundamentalist groups can utilize to their advantage.

However the 1990s will doubtless see considerable pressure begin exerted both by external and internal forces to ensure greater levels of democracy and accountability, and public involvement in a wide range of policy matters. The posture of Western governments and international agencies such as the World Bank on good governance does mean that greater space should become available for a wide range of social forces to mobilize themselves for intervention in the debate/decision-making on social, political and economic change. It will also mean a greater availability of funds -but, as a range of non-governmental organisations and interest groups will be competing for those same funds, organisations with a more radical transformatory philosophy may be no better off than today.

Despite these objections, or perhaps because of them, it is increasingly recognized that women must form their own organisations so as to make women's concerns intrinsic to political bargaining and negotiations. If policymakers are to do more than listen to women, there needs to be some political compulsion behind their demands. Political will flourishes when there is political impetus. The form of organization and the space (s) within which it takes shape depend in part on the nature of the political system. If women are able to bring about radical change in some more open countries, and if such change benefits society as a whole -facilitating social development and economic growth - this may well act as a demonstration to others of the wisdom of making women's concerns a central aspect of public policy. But in order to acquire sufficient political clout women's organizations will have to look to widening their contacts with other organisations working for social transformation. In so doing many organisations broaden their visions out from what may be quite narrow and sectarian concerns to encompass a wide range of alternatives. It is in this sense that the current debate about women's empowerment is highly relevant.

Collective empowerment as a planning goal

It is now being recognized in development circles that economic growth and social betterment are best achieved when the mass of the population is informed about and involved in development aims and plans, and sees itself as a direct beneficiary of the expanded resources growth should bring. One of the ways to achieve this is structuring the decision-making process in such a way as to ensure widespread consultations

at all levels of society about development goals, the processes by which those goals are to be reached and the resources needed to achieve them.

Rather than the 'there is no alternative' single way forward, a range of ways in which goals and targets could be met as well as a range of timeframes in which to meet them, can be put forward for discussion. Other ways include consultation with group representing capital, labour and the informal sector; and the producers of labour, working closely with grassroots NGOs, especially those involved in development work and education; giving information through the press; having party branches discuss party policy; holding referenda, etc. It can, however, fairly be said that despite these attempts, there are no instances in which economic macro-level policymaking has been restructured so as to include ideas or demands from the grassroots - when this does occur it is around social policy planning and programming. As yet there are also virtually no mechanisms available for communities which have devised policy to have such policies discussed within a social framework, nor for them to be incorporated into national planning systems.

The options mentioned above are only available where a variety of institutions of civil society, a free press, a clear and un-muzzled judiciary, a wide range of pressure group and voluntary organisations, already exist. Where they do not, a strong argument can be made for encouraging the development of such institutions. Government works best when it is responsive to and accountable to the bulk of the population; interest groups as well as private voluntary organisations (PVOs) or non-governmental organisations (NGOs) can play an important role as promoters of the interests and liberties of the citizenry. But in many cases NGOs provide a power base for people from the same social stratum as is in government, whether as politicians, planners or civil servant (see Clarke, 1991). Without the empowerment of their own members, and democratic working practices, such groups are unlikely to act as the watchdogs on behalf of the people. Groups which are truly representative of the grassroots and the poor are quite rare, but their expansion should be encouraged in all ways possible. Their empowerment can be seen as a potential planning goal.

We have alluded to the importance of ensuring that NGOs experiment with a range of organizational forms and practices so as to give their members, as well as the people they serve, the possibility of their own empowerment - i.e. collective reflection and decision-making, developing the capacity for critical thought, and undertaking collective action toward a goal which is of benefit to all. That many NGOs parallel and replicate very top down ways of organization is not often recognizing. The absence of comparative research into variety of organizational forms in terms of their effectiveness both in service delivery and strengthening of grassroots capacity makes it difficult to draw very firm conclusions. But certainly many of the most vibrant development NGOs and women's organizations have experimented with quite flattened power and authority structures, and a range of mechanisms to ensure frequent consultation with the membership. The toll on staff time is, however, great and informal and power dynamics which reproduce in equally active ways lead to disempowerment. Fear of this in turn can lead to a strong tendency to go for the lowest common denominator in order to get something achieved.

Empowerment can be a planning goal in the sense the government support is given to a range of interest groups and NGOs, by using them as consultative bodies or councils. In this sense too, it is clear that empowerment cannot be of the few at the expense of the many. 'We must recognize the fundamental truth the power is not a scarce commodity but one that can be enjoyed and shared. Power is only in short if we care to make it so and create artificial shortage.' Until this is clearly recognized and the fear of the widespread distribution of power within society is eradicated, then participation will be half-hearted and people will not feel part of the process of development, and the government itself may come to lack legitimacy.

Funds can, of course, be provided from the public purse to support the initial setting-up stages of those groups who are specially underprivileged in society and who would not find it possible to consolidate themselves without such support. This was a tactic used successfully by the Greater London Council in its attempts to make the consultative by the decision-making process within the management of London more democratic and responsive. And London at the time was as large as some small nation states. Such a strategy does not require a vast amount of resources either; indeed, a minuscule proportion of the defense budget would be more than ample in the case of most developing countries. But care has to be exercised to ensure the funds are not used to control NGOs, nor that their removal will lead to the collapse of the groups initially supported.

One such underprivileged sector is comprised of women's organizations. We have, like many others, argued strongly for their recognition and for the need for them to become key actors in the development process. But this is a strategy not without difficulties. In most countries women's organizations are very heterogeneous. Many such organizations are not concerned with change but with preservation of the status quo; many are themselves very hierarchical and concerned with maintaining status differentials, and differential access to resources. Many too are merely seen as a means through which individuals can appropriate resources for their own households. Others, and these are the majority, are informal and depend for their effectiveness on a degree of flexibility and fluidity which is hard to translate into more formal types of associations. Even those, which are more formally organized, vary in type. The DAWN group identified six main types of women's organizations; traditional service-orientated organizations, arms or branches of political parties, worker based, project based, research oriented and grassroots groups. The situation in many countries is made more complicated by the fact of little co-ordination or even collaboration between groups.

If women's organizations are to play a key role in participatory planning, three things must be attended to. Firstly, those women's organizations which are concerned with working with the poor and delivering service or other benefits to them, must look very stringently at their own mechanisms of participation, democratic decision-making and accountability. 'Within organizations, open and democratic processes are essential.. the long term viability of the organization, and the growing autonomy and control by poor women over their lives, are linked through the organization's own internal processes of shared responsibility and decision-making.' They must also find ways of creating means in interacting with the poorest women who are unlikely to be members of organizations. Secondly, women's organisations must get financial resources, training, and access to information which will enable them to play their part adequately. Thirdly, women's organizations should play a prominent part in wider social movements so as to prevent gender issues from becoming marginalized.

If in the future women's views are to be taken into serious consideration by development planners, then turning to such organizations for consultation and advice should provide planners with a wide range of information. But more than this, women's organizations should not merely be seen as advocates and intermediaries, they should be enabled to take part in creating the mechanisms for policy to be developed by those most affected by it. The greater the degree of involvement of those organizations bringing together those most deeply to be affected by change, the more likely that planning will achieve its aims. But it has always to be remembered that if one of the major aims of development is to strengthen the least privileged and the poorest, then care has to be taken to reach out also to the unorganised since the poorest often have the least structural capacity for organization.

Conclusion

The Implication of this chapter (and the book as a whole) is that while any person now entering into the field of development must, to do a good and professional job, take women into account the impetus for a change in bureaucratic and planning practice will have to come from those who organize themselves to promote change. Change will not come from above, but from the interaction between the compelling impetus of those who will directly benefit from change and those within the structures of power who have the capacity to share their wider vision. The relationship between planner and those struggling for change will be characterized by that same co-operative conflict we discussed earlier. Such cooperative conflict can only be truly fruitful when predominance is not a foregone conclusion on either side.

CHAPTER - 10

ANNEXURES

SCHEDULES OF TRAINING PROGRAMMES SUGGESTED/ CONDUCTED FOR POLICE OFFICERS ON GENDER ISSUES

JOINT WOMEN'S PROGRAMME

PROGRAMME - 1

Overview of status of women in India:

- Health, nutrition, morality, child care, amniocentesis, abortion, sterilization, family planning methods, health care facility
- Education, literacy, higher education, social reasons
- Law: Constitution laws
- Political participation
- Work Marginalization, invisibility, formal and informal followed by film

Crime against women: Rape, molestation, eve-teasing, sexual harassment, amniocentesis, arson, communal violence, physical mental torture/abuse, burning, murder, abetment to suicide, prostitution

Family Violence: Wife battering, rape, child abuse, incest, abetment to suicide, verbal abuse, emotional and mental abuse, north India related examples, case study presentation followed by discussion.

Girl Child: Girl child's socialization, education, vocational training, second liner with her mother, self-perception, incest, rape, child abuse, child labour, poverty - selling by marriage, prostitution.

Role of Police: Protector of law, gender aspects in the implementation of law

Skills for working with women: Communication through small groups, role play exercises experiential learning for attitudes, tones, process authority, class, caste, family planning.

Support network: Women's organization: What are their expectation from police? Their experiences, available resources like legal aid center, shelter homes etc. scheme sand programmes of the government.

Tentative programme schedule:

Day	Session	Timing	Topic
1st	I	1030-1230 hrs.	Overview of status of women
	I	1400-1600 hrs.	Crime against women
2nd	I	1030-1200 hrs.	Family violence
	I	1400-1600 hrs.	Status and violence against girl child
3 rd	I	1030-1230 hrs.	Role of Police and skills of working with women
	I	1400-1600 hrs.	Support Network

PROGRAMME - II :

A TRAINING PROGRAMME FOR POLICE PERSONNEL
ON
ATROCITIES AGAINST WOMEN: ISSUES AND INTERVENTIONS
(October 29-31, 1991)

Tentative programme :

1st Day:

- 0900-1130 hrs. - Inauguration
- 1130-1300 hrs. - An overview of the status of women
- 1400-1530 hrs. - Atrocities against women and girl child
- 1600-1730 hrs. - Films on Women and discussion

2nd Day:

- 1130-1300 hrs. - Effective social investigations in cases of crime against women
- 1400-1600 hrs. - Sharing of experiences
- 1630-1800 hrs. - Effective prosecution in cases of crime against women (by a sitting judge)

3rd Day:

- 0930-1300 hrs. - Our communication with People
- 1400-1530 hrs. - Dialogue with women's organizations
- 1600-1730 hrs. - Evaluation, follow up action and valediction

PROGRAMME III

GENDER SENSITISATION TRAINING PROGRAMME FOR POLICE PERSONNEL OF WEST BENGAL,
POLICE TRAINING COLLEGE, WEST BENGAL (18-22 NOV. 1996)

Day	Timing	Topic
1 ST	1030-1230 hrs.	Gender bias and inequalities affecting status of women with special reference to West Bengal
	1330-1500 hrs.	Women's right, crimes against women and domestic violence
	1530-1700 hrs.	Critical understanding of laws in protecting women
2 nd	0930-1100 hrs.	Effective prosecution with special reference to judicial procedures, evidence etc.
	1130-1300 hrs.	Critical role of social investigation in cases of crimes against women
	1400-1600 hrs.	Scientific aids to investigate crimes against women
	1630-1800 hrs.	Audio-visual on crimes against women

3 rd	0930-1730 hrs.	Experiences of handling cases of crimes against women - panel discussion
4 th	0930-1030 hrs.	Role of interpersonal communication in crimes against women / dealing with women
	1100-1300 hrs.	Building up communication and negotiation skills
	1400-1730 hrs.	Communication and Negotiation skill
5 th	0930-1100 hrs.	Women's fundamental and legal rights. Existing situation and strategies for delivery of "Gender Justice"

PROGRAMME - IV

TRAINING OF TRAINERS ON PROMOTING GENDER SENSITIVITY IN LAW ENFORCEMENT AGENCIES (LEA) (19-24 JULY, 1999)

Day	Timing	Topic
19.7.99	1045-1300 hrs.	Situational analysis of women gender issues and gender concern
	1545-1700 hrs.	Police intervention towards women in crisis. Govt. support including coordination between police and NGO (panel discussion)
20.7.99	0930-1100 hrs.	Training of Lea and Gender focus-current scenario
	1400-1530 hrs.	Domestic violence - issues concerning police
	1545-1700 hrs.	Dowry - A social Evil and police intervention
21.7.99	0930-1100 hrs.	Provisions under 498A, effectiveness and constraints
	1115-1300 hrs.	Prevention of trafficking of women and children - legal provisions and police action
	1400-1530 hrs.	Rape - critical issues for police intervention
22.7.99	0930-1100 hrs.	Eve-teasing - current trends, legal provisions and role of police
	1115-1300 hrs.	Police procedures for search, arrest, rescue, interrogation and investigation of women - audio-visual presentation and discussion
	1400-1500 hrs.	Visit to counseling center/shelter home for women in distress
23.7.99	0930-1300 hrs.	Gender sensitization - TNA and related issues of development of training material, curriculum, methodology, trainers etc.
	1400-1700 hrs.	Visit to Crime women cell
24.7.99	0930-1100 hrs.	Development of interpersonal communication, negotiation and counseling skill in police for handling women victim/accused/women in distress/NGO
	1400-1530 hrs.	Incorporation of gender sensitization training in existing police training

PROGRAMME - V

NATIONAL INSTITUTE OF PUBLIC COOPERATION AND CHILD DEVELOPMENT

VERTICAL INTERACTION COURSE

O N

GENDER JUSTICE AND ROLE OF POLICE (15-20 NOVEMBER, 1999)

Day	Timing	Topic
15.11.99	1045-1300 hrs.	Situational Analysis of women: Gender issues and gender concerns
	1400-1530 hrs.	Audio-Visual presentation and discussion on Gender Justice and Role of Police
	1545-1700 hrs.	Dowry - A social evil and police intervention
16.11.99	0930-1100 hrs.	Development of interpersonal communication, negotiation and counseling skill in police for handling women victim/accused/women in distress/NGO
	1400-1530 hrs.	Domestic Violence - Issues concerning police
	1545-1700 hrs.	Police intervention towards women in crisis, Govt. support including coordination between police and NGO (panel discussion)
17.11.99	0930-1100 hrs.	Provisions under 498A, effectiveness and constraints
	1115-1300 hrs.	Prevention of trafficking of women and children - legal provisions and police action
	1400-1530 hrs.	Rape - critical issues for police intervention: Case study presentation by participants and discussion
18.11.99	0930-1100 hrs.	Eve-teasing and child sexual abuse - current trends, legal provisions and role of police. Small group discussion and presentation
	1115-1300 hrs.	Police procedures for search, arrest, rescue, interrogation and investigation of women - audio-visual presentation and discussion
19.11.99	0930-1300 hrs.	Gender sensitization - TNA and related issues of development of training material, curriculum, methodology, trainers etc.
20.11.99	0930-1100 hrs.	Promoting Gender Sensitivity in Law enforcement agencies - strategies for intervention.

PROGRAMME -VI

TRAINING PROGRAMME ON GENDER ISSUES (3-7 JANUARY, 2000)

YESHWANTRAO CHAVAN ACADEMY OF DEVELOPMENT ADMINISTRATION, PUNE

Day	Timing	Topic
3/1/2000	1015-1115 hrs.	Inaugural address: An overview of Gender Issues
	1130-1300 hrs.	Concept of Gender
	1400-1530 hrs.	Rehabilitation of Exploited Women
	1545-1715 hrs.	Women and Panchayati Raj
4/1/2000	0945-1300 hrs.	Gender Justice: Myth and Reality
	1400-1530 hrs.	Women and Labour Laws
	1545-1715 hrs.	Violence against women
	1730-1830 hrs.	Sexual Harassment at work place
5/1/2000	0930-2400 hrs.	Field Visit to 'Chaitaniya', Rajgurunagar: The Experience of the NGO with Women self-help groups
6/1/2000	0945-1115 hrs.	Sanwad: A film show & discussion
	1130-1300 hrs.	Women and Educational Media
	1400-1530 hrs.	Field Visit Report presentation
	1545-1715 hrs.	Women and Forestry
7/1/2000	0945-1115 hrs.	Women and health
	1130-1300 hrs.	Women, literacy and education

PROGRAMME -VII

ADMINISTRATIVE TRAINING INSTITUTE, MYSORE

COURSE ON "GENDER IN RURAL DEVELOPMENT"

(4.12.2000 to 8.12.2000)

Day	Session	Topic
4.12.00	I&II	Introduction & experience Sharing
	III&IV	Gender issues and discussion
	V&VI	General inequality awareness exercises
5.12.00	I&II	Women in Panchayat Raj - discussion
	III & IV	Gender relations office and domestic life

	V & VI	Gender and Health - Film show
6.12.00	I & II	Gender application in planning and rural development programme
	III & IV	Gender Analytical framework and group work
	V & VI	Gender and stress management - discussion
7.12.00	I to VI	Gender intervention, group work, women and education, rural development and self employment
8.12.00	I to VI	W omen and law - discussion, role play

PROGRAMME-VIII

DRAFT TRAINING MODULE
VIOLENCE AGAINST W O M E N

TRAINING OF TRAINERS (3rd April to 5th May, 1995)

Prepared by the UP team (Third year GPTP)

Lal Bahadur Shastri National Academy of Administration, Mussoorie

Participants :

S/Shri

1. S.K. Bhagat, SP, Railways, Moradabad
2. Rajnikant Mishra, SP, Vigilance, Dehradun
3. Vijay Raghavan, Tata Institute of Social Sciences, Bombay
4. Dr. Kamali Gajendran, Mother Teresa Women's University, Kodai Canal
5. Rashmi Pande, UP Academy of Administration, Nainital

Aims

1. To sensitize the police towards violence against women so as to enable them to prevent and take effective action when such violence takes place;
2. To create awareness in the community particularly among women through the police about their role and the action that can be initiated when such violence occurs;
3. To develop key resource persons who will implement gender training module at the District level.

Objectives

To develop a gender training module with the help of key resource persons in order to -

1. sensitize the key implementing officers to gender relations and their differential impact on women and men;
2. sensitize the KIOs about the nature, type range, volume and causes for violence against women
3. develop a perspective of the problems faced by women in accessing the police station and sensitize the KIOs there to;

4. provide basic information, knowledge and skills to deal with the problems of violence against women.
5. bring about incremental changes in behaviour of KIOs for providing relief to victims and improving service delivery.
6. increase public awareness about violence against women through increased police public interaction and involvement of NGOs.

Day 1:

Objective 1: Sensitize the KIOs to gender relations and their differential impact on women and men.

Session 1 - Keynote address (45 minutes) & Hope and fears (45 mins)

Session 2 - Understanding the inequalities between women and men from a gender perspective, quiz and discussion and analysis of inequalities through indicators like health, education, work participation and violence against women.

Session 3 - Institutional analysis of status of women in terms of roles, power, relation, discrimination and access to resources with specific reference to family, community, market and state. Lecture and discussion.

Session 4 - Why concern for women? Issues in gender discrimination: A case study 'letter from a wife'

Day 2:

Objective 2: Sensitize KIOs about the nature, type, range and causes for violence against women

Session 1 - Understanding violence against women: Analysing factors that cause, support, enable, and perpetuate violence against women

Brain storming and discussion

Session 2 - Introduction to crime against women

1) Nature and range of crime; international, national, state, district data - Lecture and discussion

2) Viewing CAW from a gender perspective - Film show

Objective 3: Develop a perspective of the problems faced by women in accessing the police station and sensitize the KIOs thereto.

Session 3 - Inhibiting factors pertaining to redressal of CAW - household/societal/criminal justice system (police).

Subgroup presentation with facilitator discussing barriers which prevent women from reaching the police station and reporting crime as well as factors in justice system that inhibit prompt redressal.

Session 4 - Environment in the police station, role play followed by discussion

Day 3:

- Session 1** - Police response to crime against women
- Guidelines for participants for subgroup presentation
- 1) Nature, range, type and volume of CAW in your area - identification of single most important factor
 - 2) Action taken in such cases
 - 3) Problems faced in implementation of laws
 - 4) Steps to deal with such problems
- Subgroup presentation with facilitator, followed by discussion
- Session 2** - Communication skills
- Basic skills required for a police officer to handle women victims who come to police station for the first time.
- Exercise and discussion
- Session 3** - Coming to terms with ground realities
- Dealing with violence: the NGO experience - A case study
- Experience sharing by resource persons - Discussion on grassroots experience, the role of women's organization.
- Session 4** - Introduction to district training module
- 1) Visiting the module
 - 2) Evolution of the district training module by the state team and scope for refinement in accordance with ground realities
- Subgroup formation and brainstorming

Day 4:

- Objective 4:** Provide basic skill, knowledge and information to deal with the problem of violence against women
- Session 1** - Overall perspective to state response to violence against women
- Shifts in policy approaches, provisions, important amendments in law and useful provisions to deal with CAW. Lecture and discussion.
- Session 2** - Registration, investigation and prosecution of cases, effective implementation of laws and regulations. Two different sets of case studies for sub group presentation.
- Session 3 & 4** - Insight into women's expectation and police response
- Field visit followed by on-site discussion
- Direct interaction with women's group

Day 5:

Objective 5: Bring about incremental changes in the behaviour of key implementing officers for providing relief to the victims and improving service delivery.

Session 1 - Understanding the victims of crime, their physical and mental state, problems faced by women victims and how to reach film and discussion.

State problems faced by women victims and how to reach them with empathy

Film and discussion

Session 2 - Handling victims of crime: counseling and knowledge of welfare services

Experience sharing and brain storming with resource persons to discuss with them how to involve welfare organisation towards helping women victims.

Objective 6: Increase public awareness about violence against women through increased police public interaction and involvement of non-governmental organizations.

Session 3 - Community participation in policing crime against women - ways and means to increase people's involvement and participation to deal with CAW, subgroup presentation with facilitator

Session 4 - An alternative approach to policing crimes against women: A case study of NGO participation in policing crimes against women. The Bombay experience.

Collaboration between the police and trained social workers of Tata Institute of Social Sciences of Bombay to deal with crime against women in a systematic manner.

Day 6:

Session 1 & 2 - Finalisation of district training module revisiting the framework

Presentation of module by participants.

Session 3 & 4 - Discussion and feedback

PROGRAMME IX

TRAINING OF TRAINERS ON GENDER SENSITIZATION

POLICE TRAINING COLLEGE, NEW DELHI & GENDER TRAINING INSTITUTE, NEW DELHI (14.9.99 TO 18.9.99)

Day 1:

Session 1 - Introduction

Session 2 - Getting to know each other and logistics

Session 3 - Adult learning

Session 4 - S WOP analysis and synthesis

Day 2:

Session 1 - Stereotypes

Session 2 - Gender

- Session 3 - Activity profile
- Session 4 - Power and power relations
- Session 5 - Training methods and session plans

Day 3:

- Session 1 - Leadership
- Session 2 - Communication
- Session 3 - Investigation and trafficking with a gender perspective
- Session 4 - Role of a trainer
- Session 5 - Stereotype and media

Day 4:

- Session 1 - Gender and Human Rights
- Session 2 - Training needs assessment and setting workable objectives
- Session 3 - Designing of a training program

Day 5:

- Session 1 - Critiquing the program

PROGRAMME X

1st SEMINAR ON 'GENDER ISSUES' HELD AT NATIONAL POLICE ACADEMY (NOV 23-27, 1998)

Training Schedule

Day	Timing	Topic
23/11/98	1145-1315 hrs.	Keynote address
	1530-1730 hrs.	Ice Breakers
24.11.98	0930-1115 hrs.	Domestic Violence
	1130-1330 hrs.	Rape or sexual harassment
25.11.98	0930-1120 hrs.	Girl child & family health (health, education etc.)
	1120-1315 hrs.	Law and Gender Justice
26.11.98	0930-1120 hrs.	Gender & Development: Role of Govt Agencies
	1120-1315 hrs.	Empowerment of Women
27.11.98	0930-1210 hrs.	Gender sensitive policy making - strategies for change

PROGRAMME XI

2nd SEMINAR ON "GENDER ISSUES" HELD AT NATIONAL POLICE ACADEMY
(6th to 10th December, 1999)

Training Schedule

Day	Timing	Topic
6.12.99	1145-1330 hrs.	Gender Inequality Awareness Exercise
7.12.99	0930-1100 hrs.	Dimensions & Extent of violence against women in India
	1130-1330 hrs.	Crime against Women - A legal perspective
	1530-1730 hrs.	Investigation of Cases relating to violence against women
8.12.99	0930-1100 hrs.	Exploitation of Girl Child
	1130-1330 hrs.	Gender Issues in Policing
9.12.99	0930-1100 hrs.	Gender Sensitive Policing Making - Strategies for Change
	1130-1130 hrs.	Empowerment of Women
10.12.99	0930-1100 hrs.	Need to create a gender sensitive environment at the work place - Role of a systematic gender training module

PROGRAMME XII

3rd SEMINAR ON "GENDER ISSUES" HELD AT NATIONAL POLICE ACADEMY
(25th to 29th September, 2000)

Training Schedule

Day	Timing	Topic
25.9.00	1200-1330 hrs.	Status of Women
	1530-1730 hrs.	Social Construct of Gender
26.9.00	0930-1330 hrs.	Institutional analysis and violence against women
	1530-1730 hrs.	Crime against Women as it stands today - Focus on Domestic Violence
27.9.00	1000-1330 hrs.	Gender Perspective on mass media
	1530-1730 hrs.	Rehabilitation of exploited women
28.9.00	0930-1115 hrs.	Gender related - legal research/implementation of laws - lacunae thereof
	1130-1330 hrs.	Sexual harassment at work place
29.9.00	0930-1115 hrs.	Gender & Development

PROGRAMME XIII

GENDER TRAINING MODULE FOR POLICE OFFICERS

Prepared by -

S/Shri

1. Shridhar Joshi, Yeshwantrao Chavan Academy of Development Administration, Pune
2. Poornima Chikarmane, SNT Women's University, Pune
3. K.K. Maheshwari, Asstt. Director, SVP National Police Academy, HYDERABAD - 500 052
4. S. Chakravarty, Police Department, Aurangabad, Maharashtra
5. Anjali Dave, Tata Institute for Social Sciences, Mumbai.

Objective 1

To sensitise participants to Gender Relations

Sub-objective 1

Assessment of the present socio-economic status of women with three key variables of health, education and employment.

Contents

- Comparative study of (Gender/year-wise),
- Sex ratio, infant mortality rate, nutrient intake, maternal mortality ratio, life expectancy, education, literacy, enrolment, higher education, employment, workforce, female employment in household and non-household industry, sex-wise distribution in different professions, sex-wise earnings of wage labourers, membership of trade unions.
- Analysis and inferences from the data as above, with regard to status of women.

Sessions 2 (1½ hrs each)

Methodology

1st Session - Introduction (15 mts.), Short exercise (perception of status of women with regard to health, education and employment) (30 mts.), Discussion (45 mts)

2nd Session - Lecture/Discussion - 90 minutes

Sub-objective 2

To study the existing situation in gender relations (roles, power relations, discrimination, access to resources) with specific reference to the institutions of family and market (workplace).

Contents

I Gender relations in the household in the following manner:

Practices - Lineage considerations, birth ceremonies, feeding practices, female infanticide and amniocentesis, dowry, puberty, marital arrangements, sexual division of labour within the household, cultural practices, inheritance, practices of community bodies, panchayats.

Rules underlying each of these practices, and
Their implications for women's access to resources

I Gender relations in the workplace:

Practices - Entry of women in the labour market - restrictions on.
Nature of employment and work for women (side job)
Organised/unorganized segments of labour market (biased in favour of man)
Rules underlying each of these practices, and
Their implications for women's access to resources

Sessions (1½ hrs.)

Methodology

Short exercise (Their perception of gender difference, inequalities as evidenced in the household and workplace) 30 mts.

Presentation and discussion - 60 minutes

Sub-objective 3

Introduction to Biological determinism. Social relation theories. Bargaining with patriarchy.

Contents

1. Continuance/justification of practices/rules/reasons/implications in sub-objective 2 by employing the arguments of biological determinism and patriarchy - as it is done to maintain status quo.
 - Looking at the underlying assumptions of these arguments and examining their viability.
 - Bringing out the fallacies of the assumption made
 - Introduction to the social relations theory.

Sessions - 2 (1½ hrs each)

Methodology - Lecture and discussion

Objective II

To critically examine violence against women through the gender relations framework

- Unpacking through institutional framework (ideal and real) in household, community, market and state.

Contents

- Ideology and practice with regard to family, community, market and state.
- Locating violence in the four institutions
- Analysing institutional factors that cause/support/enable/perpetuate violence.

Sessions - 3 (1½ hrs each)

Methodology

- Group exercise (regarding ideology and practice in the four institutions) 30 minutes
- Presentation and discussion - 60 minutes
- Lecture and discussion - 180 minutes (extendable by 45 minutes)

Objective III

To understand the legal provisions for effective handling of violence against women

- To discuss law to domestic violence and sexual harassment (rape)

Contents:

History, provisions, critique of the following laws -

? of enactments,

Indian Penal Code, Criminal Procedure Code and Evidence Act

Sessions - 4 sessions (1½ hrs each)

Methodology

Session 1 and 2 - Introduction to domestic violence

Session 3 and 4 - Lecture, case studies, lecture on laws regarding sexual assault and case studies

Objective IV

To develop skills of handling women victims of violence

- To understand the physical and mental state of women victims and their needs
- To learn communication skills of working with people
- Role of police in handling women victims of violence

Contents

- Cycle theory of violence
- Theory of learned helplessness
- Emotional and physical needs of violated women
- Principles of the helping relationship
- Communication skills
- Points for crisis interventionist role
- Interview skills with special reference to sexual assault victims

Sessions - 4 (1½ hrs each)

Methodology

- Introduction to the theories through lecture/discussion - 90 minutes
- Role play on domestic violence and sexual assault case followed by discussion - 90 minutes

Objective V

To familiarize participants with women's organizations and relevant support systems

- To reiterate the need for government and social organizations to join hands in working with violence against women
- To appraise the police of the existing support systems available.

Contents

- A brief history of the women's movement in India and specifically Maharashtra. The influence of the international agencies, Marxist and social movements on the women's movement. An introduction to the variety of women's organizations working in the field and their contribution to policies, laws, support services and consciousness raising in women and the society at large. Responses of the government to the demands of the women's movement.

Sessions - 2 (1½ hrs each)

Methodology

- Exercise to assess (a) the information available to police on existing services and (b) images of activists and women's organizations in the minds of the police
- Lecture and discussion
- Dialogue (open forum) with women's organisations

PROGRAMME XIV

IN-SERVICE TRAINING PROGRAMME ON 'GENDER ISSUES' CONDUCTED AT ADMINISTRATIVE TRAINING INSTITUTE, GOVERNMENT OF WEST BENGAL, CALCUTTA - 700 091 (October 23-27, 2000)

Objectives:

- Create clarify regarding the Concept of Gender
- Understand why is gender a development issue
- Understand a concept of gender in organization

Day	Timing	Topic
23.10.00	1030-1330 hrs.	Gender: Concept and Perceptions
	1430-1545 hrs.	Socio-economic and political status of women
	1545-1730 hrs.	Why is Gender a Development Issue: Women in Development, Women and Development, Gender and Development

24.10.00	1030-1330 hrs.	W omen and Law
	1430-1545 hrs.	Role of Police for W omen in Distress
25.10.00	1030-1145 hrs.	Outlines of Programmes for development of women
	1215-1330 hrs.	Gender Planning and Development
	1430-1545 hrs.	Literacy for all by 2000 AD: The Role of women in achieving this goal
	1615-1730 hrs.	Raising the Status of W omen: The Role of NGO
26.10.00	1030-1330 hrs.	Panel discussion on: Gender & Governance
27.10.00	1030-1115 hrs.	Health for all by 2000 AD: W omen Health Issues
	1215-1330 hrs.	Micro-Credit to W omen and self-help group
	1430-1545 hrs.	Role of women in Panchayat System

**LIST OF INSTITUTIONS CONDUCTING COURSES ON
GENDER ISSUES**

S NO	Name of the Institution with address	Tel no. fax no. email etc.	Course duration	Remarks
1	The Director General, Dr. Marry Chenna Reddy Human Resource Development Institute of Andhra Pradesh, Road No. 25, Jubilee Hills, Hyderabad	3548487 Fax.3548887 email:ioa@ap.nic.in	3 days	
2	The Director, UP Academy of Administration, Adrwell Camp, Mallital, Nainital-263 001	35011, 36068, 36149, Fax.36260 email:user@upaarennic.in	1 week	
3	The Director General, Administrative Ttg. Institute, P.A. No. 2, Lalitha Mahal Road, Mysore-570 011	443264, 443839, 443078 Fax.523899	1 week	
4	The Director, M.P. Academy of Administration, Area Colony, Ravishankar Nagar, Post Bag No.6, Bhopal-462 016	564244,39,36,35 Fax.0755-564244,39	1 week	
5	The Director, HCM Rajasthan State Institute of Public Adm., Jawaharlal Nehru Marg, Jaipur-302 017	56002-8, Fax.0141-515420	1 week	
6	The Director General, ShriYeshwantrao Chavan Institute of Development Administration, Raj Bhavan Complex, Baner Road, Ganeshkhind, Pune-411 007.	0212-357 360, 62, Fax.359135 email:sirdmh@x400.nicgw. nic.in	1 week	
7	Indian Institute of Forest Management, Bhopal.	0755-575716, 573799, 765725 Fax.572878	5 days	
8	The Director, Indira Gandhi Forest Academy, Dehradun-248006	754647 Fax.0135-747314	1 week	

9	The Director, Assam Administrative Staff College, Jawahar Nagar, P.O. Khanapara, Guwahati-781 022	561547, Fax.0361x562361	3 days	
10	The Director Administrative Trg. Institute, Govt. of West Bengal, Salt Lake City, Sector-III, Calcutta700 091	3375244, Fax.033-3374015	5 days	
11	The Director, Institute of Management Development, UP, Near GSI Building, Sector-D, Aliganj, Lucknow-226 024	0532-386760, Fax.0532-386747	5 days	
12	The Director General, Shri Krishna Institute of Pub. Admn., Meurs Road, Ranchi-834 008	0651-301433 Fax.0651-304048	1 week	
13	The Director, National Institute of Small Industry Extension Training, Yosufguda, Hyderabad-45	238544, 45, 46 Fax.040-238547	3 day	
14	The Director, State Planning Institute, LUCKNOW - 226 007	387240, 387097 Fax.0532-387240	1 week	
15	The Commissioner of Trainers, Sardar Patel Institute of Public Administration, Opp. ISRO, Bhav Nagar, Satellite Road, Ahmedabad-380 015	6747612, 6747636 Fax.079-6748722	2 days	

LIST OF RESOURCE PERSONS WITH THEIR ADDRESSES

Mr. Vijay Raghavan, Coordinator, PRAYAS Bldg. No.1, BDD Chwals, W orli, Mumbai 400 018 Fax No.022-496420	Dr. Satyaranjan Sathe, Hon. Director, Institute of Advanced Legal Studies, Saraswati, ILS Law College Compound, Pune 411 004 Fax No.5658665
Ms. Sujata Khandekar, Secretary & Coordinator, Core for Literacy, Shell Colony Road, Sahakar-nagar, Opp. Ganesh Mandir, Chembur, Mumbai 400 071	Dr. Medha Dubhashi, Faculty Member, Vannicom, Ganeshkhind, Pune 411 007 Fax 5537726
Dr. Sudha Kothari Chaitanya, Moti Chowk, Rajgunagar, Tal. Khed District, Pune 410 505. Tel.23176(O), 23292(R)	Dr. Usha Bambawale, Padam, 3 Pallavi Coop. Society Senapati Bapat Road, Pune 400 016
Shri D.C. Pant, Regional Manager, Forest Dev.Corp of Mah Ltd., Vanvikas Bhavan, Old Agra Road, Trimbak Naka, Nashik 422 002. Tel/Fax.0253-594941	Ms. Manisha Gupte, 11, Archana Apartments, 163, Solapur Road, Hadapsar, Pune 411 028. Fax(R)020-6811749 Tel.6872672(O)6875058(R)
Smt. Tara Kanitkar, Apartment 10, E-3, Girija Shankar Vihar, Karvenagar, Pune 411 052. Tel.5442436/5442473	Smt. Meera Kosambi, Director, Women Study and Research Centre, SNDT University, Mumbai.
Dr. Sudha Kothari Chaitanya, Rajgununagar, Dist. Pune	Smt. Kiran Moghe, Jeevan Pradeep, Hari Krishna Mandir, Model Colony, Pune411 016
Prof. Jaya Sagade, ILS Law College, Pune 411 004	Dr. (Smt.) Sunanda Inamdar, J. Director, Maharashtra State Council for Educational Research and Training, Kunthekar Marg, Sadashiv Peth, Pune 400030
Ms. Medha Kotwal, AALOCHANA Kedar, Bungalow, Kanchan Galli, ILS Law College Rd, Erandavane, Pune 411 004 Tel.344122	Ms. Sridevi Goyal, IPS DIG of Police (PAW), MS Old Vidhan Bhavan, SBSingh Marg, Colaba, Mumbai 400 039 Fax.2021680/2026566 Tel.2851648(O),4953107(R)

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Dr. Raju, Child Specialist SMT Hospital, Mysore	Smt. Vasundara Devi, Chief Planning Officer Zilla Panchayath Mandya
Dr. T.S. Sathyanarayana Rao, Prof & Head of Department, Department of Psychiatry, JSS Medical College, Mysore.	Smt. Gayathri Devi Dutt, Director, Regional Institute of English Bangalore
Shri A.C. Vidyadhar, Faculty (Law) ATI, Mysore	Sri A.K. Agarwal, IAS Director General, ATI, Mysore.
Dr. Ranjana Kumari, Director, CSR	Mr. Ajay Raj Sharma, Commissioner of Police, Delhi
Dr. J.S. Gandhi, Professor, JNU	Ms. Kalpana Amar, Director, Training, GOI
Dr. Anup Singh, MDI	Ms. Jyotsna Roy, Gender Expert, UNDP
Ms. Karuna Bishnoy, UNICEF	Ms. Udit Das, Director, Mode Research Pvt. Ltd.,
Mr. Vinay Kumar, INIRAJ	Mr. Sunil Garg
Mr. D.R. Karthikeyan, Director General, NHRC,	Dr. Kiran Bedi,
Mr. Sunil Garg	Mr. P.K. Bhardwaj
Ms. Vibha Parthasarathi, Chairperson, NCW,	Mrs. Jyotsna Chatterji, Associate Director, Joint Women's Programme
Mr. Arun Bhagat, Commissioner of Police, Delhi	Mrs. Manjula Chakravarty, Dy. Director, NIPCCD,
Ms. Renuka Mishra, Social Activist	Mr. Hira Singh, Director, Institute of Social Defence
Ms. Kanwaljeet Deol, DCP,	Ms. Putul Bose, NIPCCD,

Ms. Asha Ramesh, JWP	Justice Usha Mehra
Dr. J.S. Yadav, Director, Indian Institute of Mass Communication	Ms. Jasjit Purewal, Freelance Journalist
Ms. Premila Dandavate, Mahila Dakshata Samiti	Saheli - Ms. Elizabeth Vatsayan
Ms. Lalitha S.A., Joint Women's Programme	Ms. Nagamma Keshavamurthy, Dy. Speaker, Karnataka Legislative Assembly
Ms. Ramalingam, Commr. Of Police, Bangalore	Ms. Prabha Mahale, Deptt. Of Anthropology, Karnataka University, Dharwad
Dr. N. Shanha Mohan, Asstt. Professor, Dept. of Education, ISEC, Bangalore	Ms. Pramila Nesargi, Advocate
Justice H.G. Balakrishna, High Court of Karnataka, Bangalore	Ms. Jija S. Harisingh, IPS Director (Personnel) NIC (AP, KK and M Ltd.,
Mr. Revanna Siddiah, IPS, IGP, CID, Bangalore	Ms. Geetha Devi Ayappa, Faculty member, NLSIU, Bangalore.
Prof. Joga Rao, Faculty Member, NLSIU, Bangalore	Mr. B.A. Sridhara, Chariman, Deptt. Of Communication, Bangalore University
Ms. Sucharita Eashwar, Executive Director, Madhyam	Mr. A. Xavier, Cultural Activist, JWP
Ms. Bhargavi Nagraja, Journalist	Mrs. N.S. Krishna Kumari
Ms. Jayanthi Patnaik, Chairman, National Commission for Women, New Delhi	Dr. Vijaya Sasnur, IPS, Director, Karnataka Police Academy, Mysore.
Mrs. Rameshwariverma, Director, Centre for Women Studies, Mysore	Smt. Vijaya Dabbe, Sr. Lecturer, Institute of Kannada Studies, Manasa Gangothri, Mysore
Ms. B. Radha, Advocate, Mysore.	Dr. Vijaya, Journalist, Bangalore
Mr. M.S. Umapathy, Reader in Psychology & Criminology, Karnataka Police Academy, Mysore	Dr. R. Indira, Reader, Dept. of Sociology, Manasa Gangothri, Mysore University, Mysore.
Dr. E. Rathi Rao, Scientist, CFIRI, Mysore	Mrs. Rajamma, Project Officer, Oxfam, Bangalore.
Mr. Thimmarayappa, Public Prosecutor (Retd.) Bangalore	Mr. Kasturi Rangan, Commissioner of Police, Mysore City.
Shri D.N. Munikrishna, IPS, DIG, Eastern Range, Davangere	Mr. Chandrashekhar, SP, Chitradurga District
Smt. Vimala Das, Rtd Principal, President Jagruti Mahila Sangha	Smt. Leela Kesari, Rtd. Registrar, Karnataka University, Davangere
Smt. T. Girija, Writer, Davangere	Mr. C. Abdul Rahim, Advocate, Chitradurga

Smt. Shetru Susheelamma, Social Worker, Ex-Vice President, Davangere City Municipality	Shri H.N. Shadaksharappa, Editor, Janathavani, Davangere
Smt. Vasantha Kumari, Advocate, Davangere	Smt. Sitamma Advocate, Davangere
Sri Vamdev, Rtd. District and Session Judge, Davangere	Sri S.H. Patel, Principal, R.L.R. College, Davangere
Sri Shivanandappa, Advocate, Davangere	Sri M.V. Revanasiddaiah, Advocate, Davangere
Mr. Bhaskar Rao, IPS ASP, Davangere	
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Shri H.N. Das, IAS Retd. Chief Secretary, Assam, Narikal Basti, Guwahati - 781 024	Shri S.P. Nandy, Director Sericulture, Khanapara, Guwahati - 781 022
Mrs. I.S. Mazoomdar, Officer on Special Duty, Educational Department, Dispur, Guwahati-6.	Md. A.N.M. Zakir, Faculty SIRD, Khanapara, Guwahati - 871 022
Dr. Malati Barua, NIRD, Khanapara, Guwahati - 22.	Ms. Mafuza Rahman, Lecturer, Cotton College, Guwahati - 781 001.
Justice S.N. Bhargava, Chairman, Assam Human Rights Commission, Bhangagarh, Guwahati - 781 005	Shri P.K. Choudhury, Commissioner & Secretary to the Govt. of Assam, Power Mines & Mineral, Guwahati - 781 006.
Shri N. Hazarika, Department of Political Science, Gawahati University, Guwahati - 14.	De. Jeuti Barooach, Director, Law Research Institute, Gauhati High Court Guwahati - 781 001.
Mrs. Renuka Devi Borakoty, Ex. Minister of State, Govt. of India, Panchawati, Silghuri Guwahati - 781 003.	Ms. Emily Choudhury, Commissioner & Secretary to the Govt. of Assam, H.A. Department, Dispur, Guwahati - 6.
Dr. Indrani Dutta, Reader, Omeo Das Institute of Social Change, Chenikuthi, Guwahati - 781 003.	Dr. U.N. Bora, Addl. Registrar, Co.op. Society, Pan Bazaar, Guwahati-1.

Prof. D.K. Baruah, Cotton College, Guwahati - 781 001.	Mr. S.P. Kar, IPS Inspector General of Police, Criminal Investigation Depart (CID) Ulubari, Guwahati - 781 007.
Mrs. Renu Poma Rajkhowa, Deputy Speaker, Assam Legislative Assembly, Dispur, Guwahati - 781 006.	Ms. Tejdeep, IPS DIGP, APSP Bn, Hyderabad.
Mrs. Aruna Bahuguna, IPS IGP, AP, Hyderabad	Mrs. Nirmal Chaudhary, IPS DIGP, Railways, Ranchi.
Mrs. Renuka Chowdhary, Ex.M.P. (Rajya Sabha)	Ms. G. Suvarna Rani, IAS Executive Director, Vigilance, ECIL., Hyderabad.
Prof. Shanta Sinha, Central University, Hyderabad.	Dr. Rekha Pandey, Reader, Central University, Hyderabad.
Mrs. Sudha Murli, UNICEF, Hyderabad	Shri R.K. Bag, Judge, Presidency Small Cause Court, Calcutta.
Mrs. Chandna Khan, IAS Secretary, Women & Child Welfare, Govt. of A.P., Hyderabad.	Dr. George Mathew, Director, NISS., Delhi
Prof. Sarawati Rao, NGO., Hyderabad.	Mr. S. Chakravarty, IPS Spl. IGP (Admn.) Mumbai
Dr. Mamta Laxmana, NGO, Hyderabad.	Shri G.A. Kaleem, A.D. (TM) SVP NPA Hyderabad.
Dr. M.S. Umapathy, Prof. In Psychology, Karnataka Police Academy, Mysore.	Shri G.U.G. Sastry, A.D., SVP NPA, Hyderabad.
Mrs. Renuka Mishra, A.D., SVP NPA, Hyderabad.	Shri M. Sitarama Murthy
Shri Venkat Reddy, M.V. Rangaiah, Foundation, Secunderabad	Ms. Nishi Mitra, TISS, Mumbai
Smt. K. Pratibha Bharathi, Hon'ble Speaker, A.P. Legislative Assembly, Hyderabad.	Mrs. Anjali Dave, TISS, Mumbai
Dr. Mathumita Sardar, Sr. Trg. Manager, Centre for Social Research, New Delhi	Mrs. Lenka Saran, IPS, IGP (Vigilance & Anti Corruption) Tamil Nadu, Chennai.
Ms. Akhila Sivadasa, New Delhi	Shri Vijay Raghavan, TISS, Mumbai
Smt. Susheela Devi, Chairperson, State Women's Commission, AP, Hyderabad.	Shri P.M. Nair, IPS, DIG, CBI, New Delhi

Mrs. B. Bhamathi, IAS, Gender Adviser, UNFPA, New Delhi	Dr. Jharna Sanyal, Professor, Calcutta University, Calcutta.
Dr. Prasanta Roy, Professor & Head of the Department of Sociology, Presidency College, Calcutta.	Dr. B.M. Sanyal, Administrative Training Institute, Salt Lake, Calcutta - 91.
Mr. Manabendra Mondal, Executive Director, Socio-Legal Aid, Research and Training Centre	Ms. Bharati Ghosh, DSP, CID, Calcutta.
Mr. Dilip Pal, Ex.Dy. Director, SIPRD	Shri Bhobesh Moitra, Ex-president, Primary Education Board
Mr. Ajit Pati, Director, Sarmik Vidya path, Ramkrishna Mission, Loksiksha Parishad,	Prof. Mohit Bhattacharya, Ex-V.C, Burdwan University
Mr. B.D. Ghosh, Ex-Director, SIPRD	Dr. Madhumita Kar Dobe, MD Asstt. Professor of All India Institute of Hygiene and Public Health
Sri Manab Sen, Faculty, SIRD, Kalyani	Mr. Moloy Dey, IAS, Director, Panchayat

**LIST OF ORGANISATIONS ENGAGED IN DEVELOPMENT OF
WOMEN AND CHILDREN**

- | | | | |
|----|--|----|---|
| 1 | SHRAMIK BHARTI, KANPUR | 19 | JAMMU & KASHMIR STATE WOMEN'S DEVELOPMENT CORPORATION, JAMMU |
| 2 | DISHA, SAHARANPUR | 20 | WEST BENGAL WOMEN DEVELOPMENT UNDERTAKING CALCUTTA |
| 3 | SELF EMPLOYED WOMEN'S ASSOCIATION (SEWA), AHMEDABAD | 21 | VOCATIONAL REHABILITATION TRAINING CENTRE FOR BLIND/DISABLED, LUDIANA |
| 4 | SAHAYOG, ALMORA | 22 | INDIAN INSTITUTE FOR DEVELOPMENT STUDIES & RESEARCH, ALLAHABAD |
| 5 | CENTRE FOR WOMEN'S DEVELOPMENT, NEW DELHI | 23 | VEENELA INSTITUTE OF SOCIAL ACTION, ELURU |
| 6 | NIRANTAR, NEW DELHI | 24 | VASAVYA MAHILA MANDALI ATHIEST CENTRE, VIJAYAWADA |
| 7 | FORUM FOR CRECHE & CHILD CARE SERVICES (FORCES), NEW DELHI | 25 | RURAL DEVELOPMENT ACTION CELL (RDAC) MAHUR BHANJ |
| 8 | MULTIPLE ACTOIN RESEARCH GROUP (MARG), NEW DELHI | 26 | GANDHIAN ORGANISTION FOR RURAL DEVELOPMENT, CHITTOOR (A.P) |
| 9 | STREE AADHAR KENDRA, PUNE | 27 | WOMEN'S EDUCATION DEVELOPMENT ASSOCIATION, IMPHAL |
| 10 | WORKING WOMEN'S FORUM (INDIA), CHENNAI | 28 | JEEVAN REKHA PARISHAD, BHUBANESHWAR |
| 11 | WOMEN'S STUDIES DEVELOPMENT CENTRE, DELHI | 29 | PRABUDDHA BHARATI SHISHU TIRTHA MIDNAPORE (W.B) |
| 12 | DEPRESSED PEOPLES DEVELOPMENT SOCIETY, CUDDAPAH (A.P) | 30 | ASSAM APEX WEAVER'S & ARTISANS COOPERATIVE FEDERATION LTD, GUWAHATI |
| 13 | RURAL LITIGATION AND ENTITLEMENT KENDRA, DEHRADUN | 31 | BHARTIYA GRAMEEN MAHILA SANGH CHANDIGARH |
| 14 | CENTRE FOR SOCIAL RESEARCH, NEW DELHI | 32 | YWCA OF INDIA, NEW DELHI |
| 15 | WOMEN'S FEATURE SERVICE, NEW DELHI | 33 | HIND MAZDOOR SABHA, NEW DELHI |
| 16 | JOINT WOMEN'S PROGRAMME, NEW DLEHI | 34 | SANLAAP, CALCUTTA |
| 17 | FEMINIST ASSOCIATION FOR SOCIAL ACTION, CHENNAI | 35 | CHHATISGARH WOMEN'S ORGANISATION (CWO), MAHASAMUND (M.P) |
| 18 | CHANDIGARH WOMEN & CHILD DEVELOPMENT CORPORATION LTD, CHANDIGARH | | |

- 36 DECCAN DEVELOPMENT SOCIETY (DDS)
HYDERABAD.
- 37 SHRI BHUVENESHWARI MAHILA ASHRAM,
TEHRI GARWAL (U.P)
- 38 AKA MEMORAIL VANITA WORKERS
INDUSTRIAL COOP. SOCIETY,
ALLAPPUZHA (KERALA)
- 39 MANUSHI WOMEN & CHILDREN WELFARE
CENTRE, CUDDALORE (T.N.)
- 40 SUNDER GARHZILLA MAHILA PARISHAD,
SUNDERGARH (ORISSA)
- 41 PAZHAKULAM, SOCIAL SERVICE SOCIETY
(PASSS), PATHANAMTHITTA (KERALA)
- 42 VASHUNDARA EDUCATONAL & WELFARE
ASSOCIATION, NAGPUR
- 43 PRERANA JANSEVA SANSTHA, PARBHANI
- 44 KARUNA SOCIAL SERVICE SOCIETY
- 45 BHARATIYA ADIMJATI SEVAK SANGH, NEW
DELHI
- 46 KERALA ASSOCIATION FOR SOCIAL AND
WOMEN'S WELFARE, KULLAM
- 47 S WATI GRAMODYOG SANSTHAN,
PITHORAGARH (U.P)
- 48 LAKSHMI MAHILA MANDALI, NELLORE
(A.P)
- 49 MODERN ART & DESIGNING AND
COOPERATIVE SOCIETY LTD., JAMMU
- 50 THE GANDHI GRAM INSTITUTE OF RURAL
HEALTH & FAMILY WELFARE TRUST,
AMBATHURAI R.S. (T.N.)
- 51 PARVATHI SHORT STAY HOME,
KARNATAKA SARVO DAYA SEVA SANGH,
GULBARGA (A.P)
- 52 MADHARNA LATHAONDA NIRUVANAM,
CUDDALORE (T.N.)
- 53 GUILD OF SERVICE, NEW DELHI
- 54 NEW BHARATI CLUB, BANESWAR (W.B)
- 55 RAJASHRI SAHNU MAHARAJ SHIKSHAN
SANSTHA, CHANDRAPUR (M.P.)
- 56 THE INSTITUTION OF ELECTRONICS AND
TELECOMMUNICATION ENGINEERS, NEW
DELHI
- 57 LOKMANGAL SANSTHA, GHOT. (M.P)
- 58 INDIAN COUNCIL FOR WOMEN
ENTREPRENEURS & NARI (INDIAN
HANDICRAFT CENTRE), CHANDIGARH
- 59 ASSOCIATION FOR RURAL COMMUNITY
DEVELOPMENT (ARCOD), RAYAKOTTAI
(T.N.)
- 60 ADITHI, PATNA
- 61 DELHI BHARATIYA GRAMEEN MAHILA
SANGH, NEW DELHI
- 62 TRIPURA ADIBASHI MAHILA SAMITY,
AGARTALA
- 63 SANJIVANI MEDICAL TRAINING CENTRE,
AHMED NAGAR (MAH.)
- 64 ASTITVA MAHILA UTKARSH SANSTHA
VELSAD (GUJARAT)
- 65 KALSEL VIKARUNALAYA SCIOIAL WELFARE
SOCIETY, CHENNAI
- 66 COMMUNITY SERVICES TRUST SALEM
SALEM (T.N.)
- 67 CHETNA, AHMEDABAD (GUJ)
- 68 SRI AUROBINDO ANUSILAN SOCIETY,
SEHARANPARA
- 69 BHARTIYA MAHILA JAGRITI PARISHAD,
NEW DELHI
- 70 SAKUNTALA MAHILA MANDALI,
ANANTAPUR (A.P)
- 71 KIRNAM WOMEN AND CHILD
DEVELOPMENT COUNCIL, HYDERABAD.

- 72 SANTHIGIRI ASHRAM,
THIRUVANANTHAPURAM
- 73 WEAKER COMMUNITIES UPLIFTMENT
SERVICE SOCIETY, PEAPULLY (A.P)
- 74 JYOTI SANGH, AHMEDABAD
- 75 AIRTDS, TENALI (A.P)
- 76 P.S.S. EDUCATIONAL DEVELOPMENT
SOCIETY, ERRAGUDUR
- 77 BHART RURAL ECONOMICAL &
AGRICULTURAL DEVELOPMENT, ELURU
- 78 HARIJANA DEVELOPMENT SOCIETY,
PRODDATUR (A.P)
- 79 RURAL DEVELOPMENT WELFARE
SOCIETY, VISHAKAPATNAM (A.P)
- 80 SOCIETY FOR COMMUNITY
ORGANISATION AND PEOPLES
EDUCATION, THIRUCHIRAPALLI (T.N.)
- 81 SHANTHI GRAMAUDAYA SANGAM
HINDPUR (A.P)
- 82 AIPWON, NAGPUR
- 83 SADHANA RURAL DEVELOPMENT TRUST,
SOMENAHALLI (KARNATAKA)
- 84 VILLEGE WELFARE SOCIETY, CALCUTTA
- 85 SNEHANIKETHAN, KERALA
- 86 LOK DEEP, BIHAR
- 87 ANMIKA JANAVIMUKH SANSTHA, BIHAR
- 88 MAHILA SHILPKALA KENDRA, BIHAR
- 89 KASTURBA MAHILA UTTHAN MANDAL,
LAKSHMI ASHRAM, ALMORA (U.P)
- 90 M OTHER SOCIAL & EDUCATIONAL
INSTITUTE, NAGPUR
- 91 GRAMALAYA, TIRUCHIRAPALLI (T.N.)
- 92 ASSOCIATION SOCIAL HEALTH IN INDIA,
NEW DELHI
- 93 YOUTH CLUB, BEJJIPURAM
- 94 DURGA WOMEN'S ORGANISATION,
KUMBAKONAM (T.N.)
- 95 BAL MAHILA KALYAN (BMK), BIHAR
- 96 NIRANTER, NEW DELHI
- 97 CHETRE FOR ADVOCACY AND
RESEARCH (CFAR, NEW DLEHI)
- 98 LOK VIKAS ANUSANDHAN TRUST, INDORE
(M.P)
- 99 POONA WOMEN'S COUNCIL, PUNE
- 100 ALL INDIA WOMEN'S CONFERENCE,
SAHARANPUR
- 101 JAGORI, NEW DELHI
- 102 DEEPALYA, NEW DELHI
- 103 JOINT WOMEN'S PROGRAMME, NEW
DELHI
- 104 GYAN BHARTI, BIHAR
- 105 U.P.C.C.W., LUCKNOW
- 106 SANCHETNA, GUJARAT

TABLE-88

**SANCTIONED AND ACTUAL STRENGTH OF CIVIL POLICE INCLUDING DISTRICT ARMED POLICE
AS ON 31.12.1998 (MEN + WOMEN)**

Sl. No.	State/UT/City	DG/IG/DIG/SP		ASP & DSP		Inspector, SI & A.S.I.		Officers below A.S.I.		Grand Total	
		Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual
1	2	3	4	5	6	7	8	9	10	11	12
	States:										
1.	Andhra Pradesh	186	170	302	278	5942	5482	60795	56989	67225	62919
2.	Arunachal Pradesh	25	19	38	19	494	477	2651	2462	3208	2977
3.	Assam	161	156	161	160	5006	4820	24696	23282	30024	28418
4.	Bihar	173	173	466	466	12735	12735	61212	50098	74586	63472
5.	Goa	8	6	19	11	266	225	1977	1817	2270	2059
6.	Gujarat	120	120	175	175	3029	3029	47885	47885	51209	51209
7.	Haryana	69	82	123	92	3018	2691	25378	24312	28588	27177
8.	Himachal Pradesh	79	79	81	81	1155	1113	7241	6740	8556	8013
9.	Jammu & Kashmir	140	152	327	381	4538	2620	28803	23003	33808	26156
10.	Karnataka	141	135	251	251	5402	5041	48595	45161	54389	50588
11.	Kerala	69	63	278	252	3557	3190	34602	29825	38506	33330
12.	Madhya Pradesh	213	213	667	666	11425	11292	58001	57075	70306	69246
13.	Maharashtra	187	183	467	356	14666	13602	112871	107431	128191	121572
14.	Manipur	51	50	56	52	803	767	4003	3833	4913	4702
15.	Meghalaya	32	25	37	21	1082	1036	5205	4873	6356	5955
16.	Mizoram	27	27	46	46	896	896	1954	1954	2923	2923
17.	Nagaland	39	39	38	38	632	632	6101	6101	6810	6810
18.	Orrisa	147	146	170	158	5430	5069	22964	22100	28711	27473
19.	Punjab	146	149	246	233	6104	5977	45714	44278	52210	50637
20.	Rajasthan	287	210	315	301	7238	6009	50134	47040	57974	53560
21.	Sikkim	26	18	28	27	277	248	1860	1715	2191	2008
22.	Tamil Nadu	171	152	706	695	7824	7177	69402	66098	78103	74122
23.	Tripura	43	38	125	57	1384	912	6790	4892	8342	5899
24.	Uttar Pradesh	456	446	798	713	14522	13346	131436	117663	147212	132168
25.	West Bengal	181	183	314	278	12853	11882	49101	46439	62449	58782
	Total (States)	3177	3034	6234	5807	130278	120268	909371	843066	1049060	972175
	Union Territories										
26.	A & N Islands	4	4	10	9	357	334	1797	1739	2168	2086
27.	Chandigarh	5	5	11	11	444	427	2251	2021	2711	2464
28.	D & N Haveli	1	1	1	1	9	10	102	105	113	117
29.	Daman & Diu	1	1	3	3	28	22	318	301	350	327
30.	Delhi	61	80	247	215	8897	8053	36039	33143	45244	41491
31.	Lakshadweep	1	1	1	1	53	51	294	280	349	333
32.	Pondicherry	3	3	15	11	112	99	971	1065	1101	1178
	Total (UTs)	76	95	288	251	9900	8996	41772	38654	52036	47996
	Total (All-India)	3253	3129	6522	6058	140178	129264	951143	881720	1101096	1020171

TABLE-88 Concluded

Sl. No.	State/UT/City	DG/IG/DIG/SP		ASP & DSP		Inspector, SI & A.S.I.		Officers below A.S.I.		Grand Total	
		Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual
1	2	3	4	5	6	7	8	9	10	11	12
	Cities										
33.	Ahmedabad	16	15	18	15	713	529	6462	5822	7209	6381
34.	Bangalore	17	16	32	31	1167	1132	8394	7241	9610	8420
35.	Bhopal	3	5	16	16	342	301	2772	2772	3133	3094
36.	Calcutta	25	25	99	84	3782	3400	12801	12114	16707	15623
37.	Chennai	22	22	52	52	666	581	7487	5549	8227	7304
38.	Coimbatore	6	6	12	12	163	131	1982	1831	2163	1980
39.	Delhi	61	80	247	215	8897	8053	36039	33143	45244	41491
40.	Hyderabad	26	25	48	44	932	819	8187	7478	9193	8366
41.	Indore	4	4	9	9	323	283	2630	2578	2966	2874
42.	Jaipur	14	14	29	27	777	614	6517	6148	7337	6803
43.	Kanpur	6	6	16	14	484	320	3961	3786	4467	4126
44.	Kochi	2	2	15	15	200	182	2192	2070	2409	2269
45.	Lucknow	6	6	16	16	566	363	3372	3273	3960	3658
46.	Ludhiana	4	4	8	8	260	258	2893	2850	3165	3120
47.	Madurai	6	5	13	13	298	257	2479	2310	2796	2585
48.	Mumbai	41	41	103	96	5441	4595	24897	21687	30482	26419
49.	Nagpur	8	8	11	11	520	511	3456	3420	3995	3950
50.	Patna	2	2	11	11	608	525	5902	5550	6523	6088
51.	Pune	8	8	16	12	512	501	3708	3637	4244	4158
52.	Surat	8	8	9	9	226	173	2318	2280	2561	2470
53.	Vadodara	5	5	7	7	233	147	2612	2599	2857	2758
54.	Varanasi	3	3	6	6	254	131	2958	2801	3221	2941
55.	Vishakhapatnam	3	3	5	6	129	129	1763	1763	1900	1900

Note: Though 'Actual' Police than 'Sanctioned' Police strength for some ranks of Civil Police in some States/UTs combined actual strength of Civil and Armed for those ranks does not exceed combined sanctioned strength for them.

TABLE-89

**SANCTIONED AND ACTUAL STRENGTH OF ARMED POLICE
AS ON 31.12.1998 (MEN + WOMEN)**

Sl. No.	State/UT/City	DG/IG/DIG/SP		ASP & DSP		Inspector, SI & A.S.I.		Officers below A.S.I.		Grand Total	
		Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual
1	2	3	4	5	6	7	8	9	10	11	12
	States										
1.	Andhra Pradesh	29	22	49	45	1097	719	12308	11189	13483	11976
2.	Arunachal Pradesh	3	3	21	17	80	78	2186	2042	2290	2100
3.	Assam	50	45	130	122	887	788	22422	21940	23489	2289
4.	Bihar	25	25	84	84	1308	1308	18119	18119	19536	19536
5.	Goa	1	1	4	1	43	37	674	532	722	571
6.	Gujarat	14	14	41	41	480	480	11854	11854	12389	12389
7.	Haryana	7	6	16	16	297	243	4386	4061	4706	4326
8.	Himachal Pradesh	9	9	10	10	207	160	4048	3486	4274	3682
9.	Jammu & Kashmir	49	47	153	113	840	760	15596	14731	16638	15651
10.	Karnataka	11	11	35	35	398	398	9058	9058	9502	9502
11.	Kerala	10	10	33	29	361	277	7900	4221	8304	4537
12.	Madhya Pradesh	36	36	136	135	2695	2673	25331	25213	28198	28057
13.	Maharashtra	19	17	61	26	1008	860	13969	12152	10557	13055
14.	Manipur	27	25	55	55	325	325	9034	9034	9441	9435
15.	Meghalaya	3	3	29	19	115	102	2853	2502	3000	2629
16.	Mizoram	14	14	29	29	165	165	3645	3645	3853	3853
17.	Nagaland	16	16	52	52	244	244	7986	7986	8298	8298
18.	Orrisa	18	16	64	47	514	403	6958	6827	7554	7293
19.	Punjab	86	69	138	86	970	952	16767	16091	17961	17183
20.	Rajasthan	23	22	74	76	394	353	10915	10620	11406	11071
21.	Sikkim	3	3	10	10	78	45	1826	1230	1917	1288
22.	Tamil Nadu	15	15	54	34	485	457	9841	9196	10395	9702
23.	Tripura	16	8	34	12	357	74	6904	6236	7311	6330
24.	Uttar Pradesh	82	63	102	70	1246	890	33562	32769	34992	33782
25.	West Bengal	44	35	105	98	1034	931	22143	21884	23326	22948
	Total (States)	610	535	1519	1262	15628	13722	280285	266618	298042	282132
	Union Territories										
26.	A & N Islands	0	0	2	2	20	16	494	501	516	519
27.	Chandigarh	0	0	2	2	46	46	1469	1469	1517	1517
28.	D & N Haveli	0	0	0	0	1	2	91	94	92	96
29.	Daman & Diu	0	0	0	0	0	0	0	0	0	0
30.	Delhi	4	13	50	39	527	498	10039	9784	10620	10334
31.	Lakshadweep	0	0	0	0	0	0	0	0	0	0
32.	Pondicherry	0	0	2	2	37	66	842	893	881	961
	Total (UTs)	4	13	56	45	631	628	12935	12741	13626	13427
	Total (All-India)	614	548	1575	1307	16259	14350	293220	279359	311668	295564

TABLE-89 Concluded

Sl. No.	State/UT/City	DG/IG/DIG/SP		ASP & DSP		Inspector, SI & A.S.I.		Officers below A.S.I.		Grand Total	
		Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual
1	2	3	4	5	6	7	8	9	10	11	12
	Cities										
33.	Ahmedabad	0	0	3	2	22	17	2836	2626	2861	2645
34.	Bangalore	3	3	14	13	238	213	3605	3344	3860	3573
35.	Bhopal	0	0	0	0	0	0	0	0	0	0
36.	Calcutta	9	9	34	34	322	304	7473	7334	7838	7681
37.	Chennai	2	2	6	6	231	226	3664	3170	3903	3404
38.	Coimbatore	0	0	0	0	0	0	0	0	0	0
39.	Delhi	4	13	50	39	527	498	10039	9784	10620	10334
40.	Hyderabad	3	3	6	6	139	120	2218	2099	2366	2228
41.	Indore	0	0	0	0	0	0	0	0	0	0
42.	Jaipur	0	0	0	0	0	0	0	0	0	0
43.	Kanpur	0	0	0	0	27	22	1359	1284	1386	1306
44.	Kochi	0	0	0	0	0	0	0	0	0	0
45.	Lucknow	0	0	0	0	57	45	2448	2273	2505	2318
46.	Ludhiana	0	0	0	0	0	0	0	0	0	0
47.	Madurai	0	0	0	0	0	0	0	0	0	0
48.	Mumbai	0	0	0	0	381	357	7726	7274	8107	7631
49.	Nagpur	0	0	0	0	72	72	1316	1311	1388	1383
50.	Patna	0	0	0	0	0	0	0	0	0	0
51.	Pune	0	0	0	0	84	74	1627	1627	1711	1701
52.	Surat	0	0	1	1	27	25	891	668	919	694
53.	Vadodara	0	0	0	0	0	0	0	0	0	0
54.	Varanasi	0	0	0	0	21	19	1008	1022	1029	1041
55.	Vishakhapatnam	0	0	0	0	0	0	0	0	0	0

Note: Though 'Actual' Police strength is more 'Sanctioned' Police strength for some ranks of Armed Police in some States/UTs combined 'Actual' strength of Civil and Armed for those ranks does not exceed combined 'sanctioned' strength for them.

TABLE-90

**SANCTIONED AND ACTUAL STRENGTH OF CIVIL POLICE INCLUDING DISTRICT ARMED POLICE
AS ON 31.12.1998 (WOMEN ONLY)**

Sl. No.	State/UT/City	DG/IG/DIG/SP		ASP & DSP		Inspector, SI & A.S.I.		Officers below A.S.I.		Grand Total	
		Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual
1	2	3	4	5	6	7	8	9	10	11	12
	States										
1.	Andhra Pradesh	0	0	0	0	40	34	1220	1171	1260	1205
2.	Arunachal Pradesh	0	1	0	0	13	13	52	122	65	136
3.	Assam	0	0	0	0	22	25	201	201	223	226
4.	Bihar	0	7	0	11	0	51	0	603	0	672
5.	Goa	0	0	0	0	4	9	193	160	197	169
6.	Gujarat	0	0	1	1	58	58	1186	1186	1245	1245
7.	Haryana	0	2	0	2	26	27	199	199	225	230
8.	Himachal Pradesh	0	0	0	4	3	23	43	381	46	408
9.	Jammu & Kashmir	0	0	0	0	25	19	169	131	194	150
10.	Karnataka	0	0	0	0	90	76	1320	1114	1410	1190
11.	Kerala	0	0	1	0	40	40	520	432	561	472
12.	Madhya Pradesh	0	0	2	1	146	133	1044	926	1192	1060
13.	Maharashtra	6	6	3	3	318	318	3536	3536	3863	3863
14.	Manipur	0	0	0	0	4	4	243	243	247	247
15.	Meghalaya	0	0	0	0	4	35	40	96	44	131
16.	Mizoram	0	0	0	0	0	9	0	78	0	87
17.	Nagaland	0	0	0	0	40	40	33	33	73	73
18.	Orrisa	0	0	1	1	97	77	230	230	328	308
19.	Punjab	0	2	0	4	26	48	181	927	207	981
20.	Rajasthan	0	6	2	1	41	28	579	577	622	612
21.	Sikkim	0	0	1	1	20	20	78	78	99	99
22.	Tamil Nadu	0	0	26	17	337	205	2533	2427	2896	2649
23.	Tripura	1	1	1	1	42	42	175	175	219	219
24.	Uttar Pradesh	6	6	22	22	204	161	1855	1560	2087	1749
25.	West Bengal	0	0	1	1	230	183	819	564	1050	748
	Total (States)	13	31	61	70	1830	1678	16449	17150	18353	18929
	Union Territories										
26.	A & N Islands	0	0	0	0	9	9	68	68	77	77
27.	Chandigarh	0	0	0	0	2	24	33	136	35	160
28.	D & N Haveli	0	0	0	0	0	2	0	21	0	23
29.	Daman & Diu	0	0	0	0	0	0	0	3	0	3
30.	Delhi	0	0	1	1	478	356	1253	979	1732	1336
31.	Lakshadweep	0	0	0	0	1	1	17	17	18	18
32.	Pondicherry	0	0	0	0	2	4	12	70	14	74
	Total (UTs)	0	0	1	1	492	396	1383	1294	1876	1691
	Total (All-India)	13	31	62	71	2322	2074	17832	18444	20229	20620

TABLE-90 Concluded

Sl. No.	State/UT/City	DG/IG/DIG/SP		ASP & DSP		Inspector, SI & A.S.I.		Officers below A.S.I.		Grand Total	
		Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual
1	2	3	4	5	6	7	8	9	10	11	12
	Cities										
33.	Ahmedabad	0	0	0	0	13	5	159	142	172	147
34.	Bangalore	0	0	0	0	21	21	147	147	168	168
35.	Bhopal	0	0	0	0	11	11	57	57	68	68
36.	Calcutta	0	0	1	1	98	90	217	190	316	281
37.	Chennai	0	0	0	0	18	16	195	152	213	168
38.	Coimbatore	0	0	0	0	14	14	56	54	70	68
39.	Delhi	0	0	1	1	478	356	1253	979	1732	1336
40.	Hyderabad	0	0	0	0	9	8	199	177	208	185
41.	Indore	0	0	0	0	6	7	53	56	59	63
42.	Jaipur	0	0	2	0	10	2	77	58	89	60
43.	Kanpur	0	0	1	1	15	6	55	98	71	105
44.	Kochi	0	0	0	0	3	3	30	24	33	27
45.	Lucknow	0	0	0	0	11	11	84	84	95	95
46.	Ludhiana	0	0	0	0	1	3	17	48	18	51
47.	Madurai	0	0	1	1	12	7	52	45	65	53
48.	Mumbai	0	0	3	3	123	108	856	704	982	815
49.	Nagpur	0	0	0	0	9	13	145	145	154	158
50.	Patna	0	0	0	0	30	16	106	108	136	124
51.	Pune	0	0	0	0	27	27	261	261	288	288
52.	Surat	0	0	0	0	3	3	115	81	118	84
53.	Vadodara	0	0	0	0	3	0	118	107	121	107
54.	Varanasi	0	0	0	0	5	5	60	58	65	63
55.	Vishakhapatnam	0	0	0	0	4	0	104	0	108	0

Note: Though 'Actual' Police strength of women police is more 'Sanctioned' Police strength for some ranks. This is because women police are appointed against male vacancies of the same rank or higher rank as per Govt. instructions.

TABLE-91

**SANCTIONED AND ACTUAL STRENGTH OF ARMED POLICE
AS ON 31.12.1998 (WOMEN ONLY)**

Sl. No.	State/UT/City	DG/IG/DIG/SP		ASP & DSP		Inspector, SI & A.S.I.		Officers below A.S.I.		Grand Total	
		Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual
1	2	3	4	5	6	7	8	9	10	11	12
	States										
1.	Andhra Pradesh	0	0	0	0	0	0	0	0	0	
2.	Arunachal Pradesh	0	0	0	0	0	0	0	0	0	
3.	Assam	0	0	0	0	3	3	162	162	165	
4.	Bihar	0	0	0	0	0	0	0	0	0	
5.	Goa	0	0	0	0	0	1	0	32	0	
6.	Gujarat	0	0	0	0	0	0	0	0	0	
7.	Haryana	0	0	0	0	0	0	0	0	0	
8.	Himachal Pradesh	0	1	0	0	0	0	0	0	0	
9.	Jammu & Kashmir	0	0	6	1	24	34	768	616	798	
10.	Karnataka	0	0	0	0	0	0	0	0	0	
11.	Kerala	0	0	1	0	8	0	884	0	892	
12.	Madhya Pradesh	0	0	0	1	14	13	118	118	132	
13.	Maharashtra	0	0	0	0	0	0	0	0	0	
14.	Manipur	0	0	0	0	0	0	0	0	0	
15.	Meghalaya	0	0	0	0	0	0	0	0	0	
16.	Mizoram	0	0	0	0	0	0	0	0	0	
17.	Nagaland	0	0	0	0	0	0	0	0	0	
18.	Orrisa	0	0	0	0	0	0	0	0	0	
19.	Punjab	0	0	0	0	0	0	0	0	0	
20.	Rajasthan	0	0	0	0	0	0	0	0	0	
21.	Sikkim	0	0	0	0	0	0	0	0	0	
22.	Tamil Nadu	0	0	0	0	0	0	0	0	0	
23.	Tripura	0	0	0	0	0	0	0	0	0	
24.	Uttar Pradesh	0	0	0	0	0	0	0	0	0	
25.	West Bengal	0	0	0	0	0	0	0	0	0	
	Total (States)	0	1	6	2	49	51	1932	928	1987	
	Union Territories										
26.	A & N Islands	0	0	0	0	0	0	0	0	0	
27.	Chandigarh	0	0	0	0	0	0	0	0	0	
28.	D & N Haveli	0	0	0	0	0	0	0	0	0	
29.	Daman & Diu	0	0	0	0	0	0	0	0	0	
30.	Delhi	0	0	0	0	1	9	16	24	17	
31.	Lakshadweep	0	0	0	0	0	0	0	0	0	
32.	Pondicherry	0	0	0	0	0	0	0	0	0	
	Total (UTs)	0	0	0	0	1	9	16	24	17	
	Total (All-India)	0	1	6	2	50	60	1948	952	2004	

TABLE-91 Concluded

Sl. No.	State/UT/City	DG/IG/DIG/SP		ASP & DSP		Inspector, SI & A.S.I.		Officers below A.S.I.		Grand Total	
		Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual	Sanctioned	Actual
1	2	3	4	5	6	7	8	9	10	11	12
	Cities										
33.	Ahmedabad	0	0	0	0	0	0	0	0	0	
34.	Bangalore	0	0	0	0	0	0	0	0	0	
35.	Bhopal	0	0	0	0	0	0	0	0	0	
36.	Calcutta	0	0	0	0	0	0	0	0	0	
37.	Chennai	0	0	0	0	0	0	0	0	0	
38.	Coimbatore	0	0	0	0	0	0	0	0	0	
39.	Delhi	0	0	0	0	1	9	16	24	17	
40.	Hyderabad	0	0	0	0	0	0	0	0	0	
41.	Indore	0	0	0	0	0	0	0	0	0	
42.	Jaipur	0	0	0	0	0	0	0	0	0	
43.	Kanpur	0	0	0	0	0	0	0	0	0	
44.	Kochi	0	0	0	0	0	0	0	0	0	
45.	Lucknow	0	0	0	0	0	0	2	2	2	
46.	Ludhiana	0	0	0	0	0	0	0	0	0	
47.	Madurai	0	0	0	0	0	0	0	0	0	
48.	Mumbai	0	0	0	0	0	0	0	0	0	
49.	Nagpur	0	0	0	0	0	0	0	0	0	
50.	Patna	0	0	0	0	0	0	0	0	0	
51.	Pune	0	0	0	0	0	0	0	0	0	
52.	Surat	0	0	0	0	0	0	0	0	0	
53.	Vadodara	0	0	0	0	0	0	0	0	0	
54.	Varanasi	0	0	0	0	0	0	0	0	0	
55.	Vishakhapatnam	0	0	0	0	0	0	0	0	0	

Note: 'Actual' Police strength of women police is more 'Sanctioned' police strength for some ranks some States & UTs. This is because women police are appointed against male vacancies of the same rank or higher rank as per Govt. instructions.

SESSION GUIDE

Session 1: To understand and analyse how gender is socially constructed and how Gender relations can change

Time: 90 minutes

- a) **The facilitator asks the participants to list the roles they perform because they are men or women**
- b) **The different roles are then analyzed**
- c) **The men and women groups then analyse the roles they choose for themselves, the roles they have to fulfil, the roles they do not like and the roles they like.**
- d) **The groups are given the above tasks, and the group leader makes the presentation.**

Not for the facilitator: the following points are to be kept in mind while analysing the different roles:

Are the roles of men and women different?

Do the roles they dislike differ for men and women?

Do the roles they like differ?

Can the roles be interchanged?

Bring out the concept of gender here.

Session 2: To identify ways in which perceptions and assumptions of masculine and feminine attributes can restrict the expectations and options of men and women.

Time: 90 minutes

- a) **The facilitator relates a story of a couple who do not have children**
- b) **The participants are asked to list their expectations from sons and daughters**
- c) **They are then asked to list their expectations from their spouses and parents**
- d) **All the expectations are linked to perceptions**
- e) **Are the assumptions different**

Session 3 : Participants will be able to identify the different institutions in the society that transfer norms and values and analyse how these changes are incorporated over a period of time

Time: 30 minutes

- a) **Participants identify the different institutions of the society**
- b) **They then identify the different values**
- c) **Analyse how different institutions transmit different values and which results in different behaviours**

Session 4 : Participants understand and analyse the myths and facts about domestic violence

Time: 40 minutes

- a) **Participants are divided into groups of four or five**
- b) **Each group is given one myth which they will read out in their respective groups**
- c) **The group will then be given the associated facts and discuss whether the facts holds good for the respective myth**
- d) **They will then discuss the following points:**
 - **Does this myth and fact hold true for all communities. If not. Why not?**
 - **Are the myths misleading?**
 - **Do they affect your views when cases of domestic violence come to you**

Myth: domestic violence is primarily due to provocation of women. They deserve to be beaten because they are disobedient.

Fact: the culture accepts subservient women and not women who question. There is a connection between marriage and looking at women as a property, who can be beaten. The reality is no human being deserve to be beaten irrespective of sex.

Myth: women are battered because they are illiterate and jobless.

Fact: Research shows that battered women are also educated, professionals and their professions have nothing to do with them being battered. (Survey done by ICRW on domestic violence for reference)

Myth: domestic violence is restricted to people of the lower social classes, minorities and inhabitants of slums.

Fact: violence against women is not restricted to any class community or race. It happens everywhere among all classes.

Myth: alcoholism is the cause of violence

Fact: alcohol promotes violence but is not the cause of violence. Those who abuse women when drunk abuse them even when they are sober

Myth: there is adequate protection by law for battered women

Fact: police hesitate to take up case because they perceive this as an area within the home or a private spheres where they have no say. Many time wife beating is viewed as natural way of life.

Session 5: To understand and analyse gender as an issue in policing

Time: 120 minutes

- a) **Participants are divided into groups of four of five**
- b) **They are given different case studies which project different aspects of perception (rape, abduction, dowry)**

- c) They are asked to analyse the different perceptions projected in the case studies
- d) They are then asked to link the output to gender
- e) Analyse Human Rights from a gender perspective

Gender exclusion:

The objective of eliminating discrimination-as enumerated in CEDAW-(convention of elimination of all forms of discrimination against women) is an important starting point, the United Nations Development Fund for Women (UNIFEM) has identified four key areas of analysis that further define the gender dimensions of human rights violations.

The first is that human rights violations often take different forms for men and women. For example slavery and involuntary servitude may be suffered by both men and women, but women are more likely to suffer from sexual forms of slavery and, thereby, experience further violations of their human rights.

A second dimension focuses on the gender related circumstances which make it more likely that women will suffer disproportionately from a human rights violations than men, based on established patterns of discrimination and “traditional” gender roles. For example, women represent a greater proportion of the informal labour force than to men and as a result are less likely to enjoy the protections of legislation and political guaranteeing their rights to safe working conditions an adequate standard of living, social security.

A third gender related aspect of human rights is that the consequences of violations can be gender specific. For example, although both men and women may be subjected to rap as a weapon of war, unmarried women who are raped may become pregnant, and the fact alone may make them “unfit” for marriage, which can have devastating economic consequences in situations where women’s economic dependency on men in everyday reality.

A final gender dimension is the one which has received the most attention in recent years within projects and programs aimed at promoting women’s “legal rights” namely access to remedies is influenced by gender related factors. This includes a lack of legal literacy and capacity to initiate legal action to redress a violation, community norms that discourage women from reporting violations; and the pervasive lack of sensitivity toward the needs of women by officials who are responsible for responding to violations.

Women are excluded from any discourse on human rights. The manner in which the human rights documents are drafted is gender exclusive. Human rights advocacy operates in public spheres as it espouses the rights and freedom for everyone. It does not seek remedies for any individuals, or nor is it country specific. The public arean in which human rights operates dominated by men and men’s interests are served. As a result what happens to women is seldom understood as political or public; in most cases they are interpreted as ‘women’s business’ or ‘issues pertaining to women’s development’. This is often the case even when women are tortured and raped by the police.

Non-recognition of women as individuals:

Men dominate women in their private sphere. A majority of women derive their identity from their relationships with men i.e. whether they are the wife, or the daughter or the mother, rather than being identified as their individuals. The primary challenge of inclusion rests in the recognition of women as persons. There is a need to redefine human rights by a process of inclusion - by making personal, and the political sphere, public.

Behaviour of the police

The lower and the less privileged come under the barrage of senseless police brutality and its perpetration of excesses. On the slightest provocation the police have brutalized ordinary men and women, particularly the weaker sections. Maya Tyagi's case hardly requires recounting. It is not an isolated case. Be it Bihar, Assam, West Bengal or Tamil Nadu stories of large scale molestation by police and police apathy towards victims are regularly reported. Being economically and socially vulnerable they have always been the targets from birth. To overcome this personal suffering of women the National Perspective Plan for Women 2000 AD made far-reaching recommendations to further strengthen the laws. But is passing legislation a solution to the problem?

Picture is dismal in almost all aspect of enforcement of laws. Naturally the victims of such apathy are the poor and the weaker sections. The National Expert Committee on Women prisoners has mentioned the pitiable state of women in custody. There is no foolproof system to check undue harrasment, third degree treatment and custodial rape.

One of the reasons given by social scientists and senior police officer is that the ordinary police are ill equipped to deal with sensitive case of crimes against women. The social background from which they are drawn itself is wanting in their behaviour towards the female sex.

There is a fundamental need for change in the attitude, training, and motivation of the police force. It has to assume the mantle of the protector of the weaker sections of the society.

For futher analysis:

The police perspective and cases dealing with the following laws could be analyzed care should be taken to deal with every aspect from a gender perspective.

General Laws Having Direct Bearing on Women in India

1. Commission of Sati (Prevention) Act, 1987 (93 of 1988)
2. Dowry Prohibition Act, 1981 (28 of 1961)
3. Indecent Representation of Women (Prohibition) Act, 1986
4. Immoral Traffic (Prevention) Act, 1956
5. Mental Health Act, 1987 (14 of 1987)
6. Medical Termination of Pregnancy Act, 1971 (34 of 1971)
7. Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1971 (34 of 1971)
8. Child Marriage Restraint Act, 1929 (19 of 1992)
9. Converts Marriage Dissolution Act, 1966 (21 of 1966)
10. Family Courts Act, 1984 (66 of 1984)
11. Foreign Marriage Act, 1969 (33 of 1969)
12. Guardians and Wards Act, 1890 (8 of 1890)
13. Indian Divorce Act, 1869 (33 of 1969)
14. Indian Succession Act, 1925 (39 of 1925)
15. Married Women's Property Act, 1874 (32 of 1874)
16. Hindu Minority & Guardianship Act, 1956 (32 of 1956)

17. Special Marriage Act, 1854 (43 of 1954)
18. Christian Marriage Act, 1872 (915 of 1872)
19. Hindu Adoptions and Maintenance Act, 1956 (78 of 1956)
20. Hindu Marriage Act, 1955 (25 of 1955)
21. Hindu Sucession Act, 1956 (3 of 1956)
22. Muslim Personal Law (Shariat) Application Act, 1937 (26 of 1937)
23. Child Labour (Prohibition and Regulation) Act, 1986 (61 of 1986)
24. Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (32 of 1966)
25. Bonded Labour System (Abolition) Act, 1986 (61 of 1986)
26. Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 (50 of 1981)
27. Contract Labour (Regulation & Abolition) Act, 1979 (37 of 1970)
28. Employees State Insurance Act, 1979 (37 of 1970)
29. Equal Remuneration Act, 1976 (25 of 1976)
30. Factories Act, 1948 (63 of 1948) as amended in 1976
31. Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (30 of 1979)
32. Legal Practitioners (Women) Act, 1923 (23 of 1923)
33. Maternity Benefit Act, 1961 (53 of 1961)
34. Minimum Wages Act, 1948 (11 of 1948)
35. Payment of Wages (1936) (4 of 1936)
36. Plantations Labour Act, 1951 (69 of 1951)
37. Workmen's Compensation Act, 1923 (8 of 1923)
38. Mines Act, 1952 (35 of 1952)
39. Juvenile Justice Act, 1986
40. Commission of Sati (Prevention) Act, 1987 (93 of 1988)
41. Dowry Prohibition Act, 1981 (28 of 1961)
42. Indecent Representation of Women (Prohibition) Act, 1986
43. Immoral Traffic (Prevention) Act, 1956
44. Mental Health Act, 1987 (14 of 1987)
45. Medical Termination of Pregnancy Act, 1971 (34 of 1971)
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47. Child Marriage Restraint Act, 1929 (19 of 1929)
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50. Foreign Marriage Act, 1969 (33 of 1969)
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52. Indian Divorce Act, 1869 (33 of 1969)
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56. Special Marriage Act, 1954 (43 of 1954)
57. Christian Marriage Act, 1872 (915 of 1872)
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59. Hindu Marriage Act, 1955 (25 of 1955)
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61. Muslim Personal Law (Shariat) Application Act, 1937 (26 of 1937)
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63. Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (32 of 1966)
64. Bonded Labour System (Abolition) Act, 1986 (61 of 1986)
65. Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 (50 of 1981)
66. Contract Labour (Regulation & Abolition) Act, 1979 (37 of 1970)
67. Employees State Insurance Act, 1979 (37 of 1970)
68. Equal Remuneration Act, 1976 (25 of 1976)
69. Factories Act, 1948 (63 of 1948) as amended in 1976
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71. Legal Practitioners (Women) Act, 1923 (23 of 1923)
72. Maternity Benefit Act, 1961 (53 of 1961)
73. Minimum Wages Act, 1948 (11 of 1948)
74. Payment of Wages (1936) (4 of 1936)
75. Plantations Labour Act, 1951 (69 of 1951)
76. Workmen's Compensation Act, 1923 (8 of 1923)
77. Mines Act, 1952 (35 of 1952)
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**Course Curriculum
on
Gender Sensitisation
of
Police Officers**

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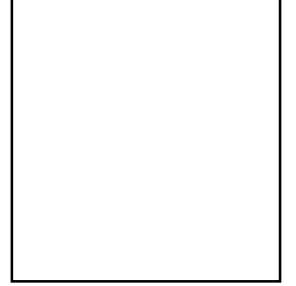
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सत्यमेव जयते

L.K. ADVANI
HOME MINISTER



M E S S A G E

It is gratifying to learn that the National Commission for Women has undertaken a project for developing the course curriculum on 'Gender Sensitization of Police Officers' for various faculties of the law enforcement machinery.

The women, in Indian society, have been victims of violence in varied forms. Lately, there has been an increasing incidence of crime and atrocities against women. For the victims, the task of securing just and prompt response from the criminal justice system is not easy. The cynicism and apathy encountered by the victim at the first threshold, i.e. at the police station, can in itself be quite daunting and deterring.

It, therefore, becomes imperative to sensitize the grass-roots level personnel and to improve their attitudinal interaction towards women through introduction of gender sensitization course curriculum in various police academies and training schools.

I congratulate the National Commission for Women for its efforts in bringing out this exhaustive publication on "Gender Sensitization of Police Officers". I hope the document would help establish proper values and behavioural patterns of dealing with victims and help contain violence against women through efficacious enforcement of laws.

(L. K. ADVANI)

From the Chairperson's Desk

The Government of India has declared the year 2001 as "The Women's Empowerment Year". An appropriate time indeed for stock taking and introspection. There have been several policies advocating women's concerns since the first National Plan of Action for Women was adopted in 1976. In one such move towards safeguarding and protecting the interests of women in the country, in 1992, the National Commission for Women was set up by an Act of Parliament (NCW Act of 1990).

In consonance with its mandate, the NCW commissions special studies on specific problems or situations arising out of discrimination in and deprivation of rights of women. The Commission recommends strategies for appropriate changes in the laws since laws provide the most critical first step in her journey towards seeking justice.

It is commonly known however, that despite constitutional guarantees, legal entitlements and development schemes aimed at improving their lot, women remain marginalised, vulnerable and discriminated against.

The NCW interacted extensively through a series of workshops with various wings of the government, activists from the media, the academia, professions and voluntary organisations to analyse the yawning gap between promise and performance of the country's justice delivery system. These interactive workshops brought out clearly that a gender sensitive design for enforcement of laws and a programme focussing on the sensitization of the personnel of all agencies – government as well as not government – is a must. This calls for a gigantic training exercise with a positive gender perspective.

It was also seen that various academies and training institutes in the public arena, while very committed to building professional competence of their cadre, needed to include the gender angle in their curricula which has thus far been badly overlooked. NCW collaborated with the following institutions for formulating a model course curriculum on gender sensitization of the various hierarchies :

1. The SVP National Police Academy, Hyderabad - curriculum for police personnel.
2. The HCM Rajasthan State Institute of Public Administration, Jaipur, and the Lal Bahadur Shastri Administrative Academy, Mussorie - Curriculum for administrative personnel.
3. West Bengal Institute of Juridical Sciences, Calcutta - curriculum for judicial personnel.
4. Indian Institute of Mass Communication, Delhi - curriculum for media personnel.

The results of this collaboration are being presented here. These curricula should go a long way in bringing down the walls of prejudice and nurturing a gender just mindset which will in turn bridge the gap between what is planned for women and what is delivered to them.

Vibha Parthasarathi
Chairperson
National Commission for Women

PREFACE

In India, society has complacently accepted crime against women as 'inevitable'. No wonder then that the crime rate and atrocities against women depict an ever-rising graph. The beleaguered women victims are looked down upon or ignored. In such an environment all round, where does the victim in need of help go? How is she to secure just and prompt response?

The first gate of the criminal justice system which a victim faces and the offender runs away from is the ordinary *thana* or police station. Therefore, the most important step to improve our system is to work on this first gate. We have to ensure that it is open, wide open and welcomes those who approach it. Next, it has to be manned, and if possible 'womanned' by a gate-keeper, a *dwaripal*, who is Janus-faced : having one side which is sensitive to the victims and the other which is stern to the culprit; one showing *abhay*; the other showing 'dand'. This is supposed to be the motto of police (in HINDI) *sad rakshanaraya; khal nagraharanaya* i.e. for the protection of the good and the destruction of the evil.

But what is the reality today? More often than not, what a female victim of violence meets there is either cold apathy or snide remarks. Sometimes the brush could be even more traumatic culminating in unlawful arrest, illegal use of force, sexual misconduct or even gang rape or some other torture while in custody. Oftentimes, such gross violations of the basic human rights of women occur because the police response and actions are inherently shaped by the stereotypical views about sexual assault, harassment or domestic violence *vis-à-vis* women which the lower constabulary and sometimes even their seniors harbour. Needless to say, this scenario has to change and that too, very fast.

In 1992, the National Commission for Women was set up with a mandate to safeguard the constitutional rights of women. It also had the responsibility to deal with cases of violation of the provisions of the Constitution and of other laws relating to women. It was given a dual role : firstly, to look into complaints and take *suo motu* notice of matters relating to the deprivation of rights of women, or non-implementation of laws enacted to provide protection to women, and, secondly to achieve for them the objectives of equality - civil and political, and development - economic and social. In keeping with its mandate, the Commission has, from time to time, looked at various complaints and problems. Not surprisingly, the major grievances of the women were against the law enforcement agencies, the police, the judiciary, the administration, the media and finally the societal norms. The NCW decided to tackle all the trouble spots simultaneously. So far as law enforcement agencies were concerned, the NCW, decided, in order to obtain quick relief for the oppressed women, to interact directly with the Departments of Home Affairs of the Central and State Governments as well as the members of the Police Force.

In 1993 and 1996, the Commission organised two conferences, attended by Inspectors General of Prisons from all over the country, to get their views on issues relating to criminal justice as well as gender justice within the overall framework of criminal justice administration. Following these conferences, the NCW organised orientation courses for Superintendents of Jails/Remand Homes and other custodial institutions at Bangalore, Kolkata and Delhi. This led to the emergence of a consensus that the traditional repertoire of practices and predilections of the police needed to be replaced by a new kit of knowledge, skills and attitudes based on a gender sensitive perspective of the universe around them. Subsequently, in 1997, the NCW convened the State Home Minister's Conference to help in identifying and analysing the causes of crime against women and suggesting remedial measures. Again, one significant recommendation that emerged was that mandatory training on gender sensitisation should be organised regularly for the police and all those directly or indirectly responsible for administration of justice.

At this stage, it needs to be mentioned that the Government of India, recognising the importance of training in gender sensitisation, had already identified, from different States, members of the police force and social scientists and sponsored them for undergoing a training course on the subject in the University of Sussex, U.K. These 'trained' officers came back to the country equipped to train other individuals. Hence a series of meaningful programmes came to be initiated in about 6 to 7 States in an attempt to have more sensitised police personnel. These on-going efforts have surely aided in pushing forward the exercise needed towards sensitisation of police personnel all over the country. However, this effort threw up an acute need for a standardised curriculum which should be comprehensive in its sweep and humanistic in its perspective.

Once again, the NCW decided to step in. On a personal note, during my visits to some of the police training schools and academies, it came to light that the course curriculum for gender sensitisation of the police or even the course curriculum on gender and laws, had not been updated – in some cases for even over a decade. What was most encouraging was to witness the keenness and enthusiasm that directors of the academies and schools for training showed for incorporating such a curriculum into their training schedules. However, they did not have the requisite infrastructure. An immediate agenda glared me in the face. If course curriculum could be developed and handed over to them, the machinery would automatically begin to move. The gap needed filling. On my visits, I also found several NGOs holding gender sensitisation camps, more so with the police, but then, they had evolved their own curriculum. The gap between the need for a standardised curriculum and the desire to fulfil it anyhow, was narrowing down bit by bit. I decided to move in the matter.

With this background, the Commission readily accepted the idea of organising a workshop to discuss the contents of a gender sensitisation course curriculum for police officers. And so the ball was set rolling. During preliminary meeting, it was suggested that the constabulary level should be focussed on first, followed by inspectors and sub-inspectors and then the senior officers. This hierarchy was suggested, keeping in view the fact that it is the former who work at the grassroot level and need to interact with the women who reach the Police Stations, whether as victims or as social workers.

The realisation then dawned that the picture was much larger and more complex. What started at the police station through a woman knocking at its door went through the entire gamut of law enforcement mechanism i.e. the judiciary, the administration, the media and even the NGOs. Each of these institutions, has an inner dynamics, usually weighted, by design or default, against the woman. Therefore, for a truly fruitful outcome, simultaneous exercises needed to be undertaken for the judiciary, administrative personnel, NGOs and the media. What emerged was the idea of holding a two-day National Workshop at Vigyan Bhavan on 'Forging Partnership with Law Enforcement Agencies'. Five course curricula were presented by five premier institutions. Curriculum for gender sensitisation of the police was presented by the National Police Academy, Hyderabad; that for administrative personnel was presented by Rajasthan Institute of Public Administration, Jaipur; and Lal Bahadur Shastri Administration Academy, Mussoorie; for judiciary it was presented by Andhra Pradesh Judicial Academy, Hyderabad; for NGOs it was the Gender Training Institute, Delhi, who came out with the module and for media, it was presented by the Indian Institute of Mass Communication, New Delhi. In a brain storming interactive session, the participants at the workshop discussed the strength and weakness of each curriculum module.

Subsequently, the above mentioned academies held workshops and discussed further the merits and demerits of the curriculum in the light of the above referred discussions.

Coming back to the police, i.e. the first gateway, the workshop for developing the course curriculum for the police personnel was held at the National Police Academy, Hyderabad, on 21st and 22nd July, 2000.

In a parallel exercise, to gain practical grassroot information and experience the reality of women's woes, and manage direct interaction of victims of crimes or the NGOs working on the subject or other concerned

individuals with the police and judiciary, the National Commission for Women organised four Regional Workshops at Patna, Chandigarh, Bangalore and Bhopal. These regional events were designed to facilitate the interactive participation of victims of crimes and all officials and non-officials, ie. NGOs, concerned with the criminal justice system. A summary of the reports of these workshops, so far as police, gender and law enforcement is concerned, have been incorporated in this report

Subsequently, after the four workshops completed their deliberations, their reports were compiled, detailing the problems and solutions suggested. These together comprised the background material for discussion at a National Workshop on "Gender and Law Enforcement" at Vigyan Bhavan, New Delhi, on 1st and 2nd June, 2001. A summary of the report of this workshop is also included in this report

So there are four curricula in the pipeline. Since we started with the police and in the popular mind crime and punishment are synonymous with the police, it is only fitting that the first module to reach the stage of final processing and packaging is the police module. The module takes a holistic view of police vis-à-vis gender crimes. It focusses as much on the cerebral aspect as on the behavioural and the emotional. The police personnel must have a comprehension of the laws concerning women. They must develop a new sensitivity in their skills in investigation and prosecution. Above all, they must display that inner sensitivity and empathy that alone can give positive content to the slogan "With you, For you, Always". This must reach a stage or a point where when a young girl in distress sees a policeman, wearing the sign 'May I help you?' She feels she has reached a safe heaven. Needless to say, that the curriculum has to be suitably modulated to the needs of the personnel at various levels and tuned to the socio-cultural ethos of the different regions.

I shall be failing in my duty if I do not express my grateful thanks to the Director of the National Police Academy, Shri P.V. Rajgopalan and the members of his faculty for their enthusiastic support and cooperation. I would also like to add a word of appreciation for the excellent work put in by the two young enthusiast police officers Shri GUG Shastry and Ms. Renuka Mishra in the preparation of the module and in compiling the reading material within a short span of four months. I am indeed indebted to those who attended the various workshops detailed above and gave their valuable inputs. I am particularly thankful to those who attended the workshop at the National Police Academy and whose names find a mention on the first page of this report

Nearer home, I thank the Chairperson of the National Commission for Women, Ms. Vibha Parthasarathi, for her unstinted support at every stage of this long drawn out exercise. Needless to say that the entire exercise could not have seen its fruitful culmination but for the cooperation extended by the Members of the Commission. I must add a word of gratitude to the Member Secretary Ms Reva Nayyar and the secretariat of the Commission who have all stood by this venture.

Words cannot sufficiently express my gratitude to the two veterans in the field of policing, Shri Ved Merwah, His Excellency the Governor of Manipur, and Shri Julio Rebeiro, the giant of policing in India, who have gone through the curriculum and offered useful comments based on their unrivalled insight into the working of the police.

I am sure, the future generations of the newly recruited police as well as those working at all levels of the police force at present would find this curriculum a valuable guide, and would, in turn, provide the country with a more sensitised police force.

Dr Poornima Advani

Member
National Commission for Women