

WORKSHOP REPORT

THE JOURNEY FROM VICTIM TO SURVIVOR CHALLENGES FOR JUSTICE



ORGANISED BY:



CENTRE FOR WOMEN'S DEVELOPMENT STUDIES



PARTNERS FOR LAW IN DEVELOPMENT

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&
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CENTRE FOR WOMEN'S DEVELOPMENT STUDIES

25, BHAI VIR SINGH MARG, NEW DELHI-110001.

PH.: 91-11-23345530, 23365541 FAX:91-11-23346044

E.MAIL: cwds@cwds.ac.in / cwdsorg@cwds.ac.in

<http://www.cwds.ac.in> /

We are happy to place before you a report of the National Workshop held in February 2016 on 'The Journey from Victim to Survivor: Challenges for Justice'.

We are all aware that complex factors go into the making of victimhood, which are framed by socio-economic conditions, politics, processes of urbanization or perhaps, war and conflict. Rural India poses other, different kinds of vulnerabilities and challenges. The women who undertake the journey from being a victim to becoming a survivor, in turn come from different individual and social locations. While the possibilities of the success with which this journey may be traversed is determined by both, specific as well general circumstances, these may also be determined by the location of the perpetrator and the context in which the violence is inflicted. At the same time, what constitutes success in the face of such multiple vulnerabilities may have varied interpretations.

The February 2016 workshop drew upon a rich stock of experience gathered by activists, scholars and professionals. It focused on the legal provisions under the various Acts applicable in incidents of violence, especially sexual violence; perspectives on compensation; experiences of institutionalized crisis support and shelter homes; counselling and efforts at skill development aimed at livelihood; community dialogue, conflict resolution and peace building initiatives. The discussions drew upon notions of law and justice as well as experiences of interventions on the ground.

The state remains a critical actor in this process, firstly in terms of the shaping of the discourse on violence and victimhood. It also plays a major part in drawing up the regulatory framework for provision of the support systems required. Many of the shelter homes and sites of immediate care / custody of the victims fall under the jurisdiction of the state, at the centre or in the states. The setting up and running of these institutions still largely remains the responsibility of the state, as also the allocation of funds to strengthen care and support systems. In fact, Funds set up for helping victims of such crimes, remain in its control. There is an urgent need to introduce transparency and accountability for efficient use and



disbursal of such Funds, as also to ensure that the infrastructure required to provide care and shelter is in place in the diverse, distant and remote locations where these are needed. Equally, there is a need for effective monitoring of these at all levels, to ensure that a larger number of victims successfully make the journey from victimhood to survivor.

The focus and objectives of this workshop were some of the lasting concerns of Prof. Lotika Sarkar who was associated with the Centre for Women's Development Studies from the very beginning. She had made significant interventions on some of the laws and legal provisions that were discussed, as was seen in her pursuit of what came to be known as the Agra home case. While in her mind the Constitution of India and, thereby, also the role and responsibility of the state remained primary in the search for solutions, she also always saw a role for the women's movement. This understanding was also based on the findings of the Committee on the Status of Women in India, and spelt out in its report *Towards Equality*. It was in this background that CWDS, from the start, joined hands with women's organisations to push for discussion on policy making as well as concrete interventions on the subject to initiate a dialogue that ensured that initiatives were taken to search for alternative ways to deal with crisis in both individual and collective/ institutional ways.

The awareness generated by the women's movement over several decades has contributed to strengthening the positive element in public responses to incidents of violence. The struggle to move from being a victim to a survivor encapsulates both a felt collective need as well as an aspirational shift, where women are themselves determined to fight the adverse circumstances of their life and build anew. There has been public recognition of women's resilience and spirit of survival, as seen in December 2012. This encompasses both societal/ familial responses as well as individual battles, which remain steeped in struggles against social vulnerabilities.

The workshop drove home the point that there was a need for specific policy measures to provide livelihood — both interim and long term — and changes in social attitudes. The need to influence thinking in the political

establishment remains critical. The road to survival remains as tortuous as the road to justice. The Verma Committee in positing a Bill of Rights spelt out one route which could be considered. There is a need to continuously explore this and other pathways. However, what remains of utmost importance is that individuals, organisations and state agencies stand by the side of the victim in her hour of need. This includes envisaging strategies such as One Stop Crisis Centres at the nearest point. However, this cannot be seen as sufficient since the support required is at multiple levels and varies with the passage of time. The message from the workshop was clear: there is a need for a visible shift in the social approach and view of victimhood. This should also be reflected in our language and vocabulary. The following lines, focusing on the journey from being a *Peedita to Uttarjeevi* express this in a poignant and powerful way:

*Tumhaari bandishon ne mujhe bebas-laachaar banaayaa
Apni khwaahishon ko bulandi tak maine pahunchaayaa*

Special thanks are due to Prof. Mary E. John and Madhu Mehra for taking the initiative in organizing this Workshop, held in collaboration with Partners for Law in Development and supported by the ICSSR-Northern Regional Centre. CWDS takes this opportunity to thank all those who worked to make this workshop - the first held under the Lotika Sarkar Endowment Fund - a success. We are grateful to Radhika Chitkara, Jayapriya and Kishore Tirkey for logistics, Ankur for disbursements and Ikshaku Besbaroa for rapporteuring assistance from the side of PLD. Anshu Singh, Bhasvati Thakur, Dimple Teresa Abraham, Gayatri Panda, Sandeep Misra, and Vijay Kumar Jha, worked hard as rapporteurs from the side of CWDS, and R. Nandan Pillai and Neeru Mehta supported the process of organizing the event, along with K. Lalitha and Vinayak Sharma in accounts. R. Sundaresh brought this report into its final form for publication.

Indu Agnihotri

September 2016

THE JOURNEY FROM VICTIM TO SURVIVOR CHALLENGES FOR JUSTICE

Organised by: Centre for Women's Development Studies and
Partners for Law in Development

WORKSHOP REPORT

A national workshop "The Journey from Victim to Survivor: Challenges for Justice" was organised February 11-12th 2016 jointly by Mary E. John, Senior Fellow, Centre for Women's Development Studies, and Madhu Mehra, Partners for Law in Development. It took its inspiration from Lotika Sarkar, who passed away three years ago, whose life and work bears ample testimony to the centrality of the concerns and aims of the workshop. The workshop was an augural event made possible with core financial assistance from the Lotika Sarkar Endowment fund, a fund bequeathed to the Centre for Women's Development Studies by Lotika Sarkar herself shortly before she passed away.

Over the past decades, the women's movement has been centrally engaged in myriad ways with violence, with legal reform occupying a primary place. Such an engagement has led to the recognition of different forms of gendered violations as distinct offences, and introduced procedural changes. It has been repeatedly affirmed that many kinds of interventions and institutional support are required, for the individual herself, her family and community, apart from the focus on the police, the judiciary, and the medical system. Our language, too, has sought to validate the scope and direction of what is needed in terms of sustained and systematic support, by speaking of 'survivors' rather than only of 'victims' of violence. However, experiences at the community level, particularly with women struggling against ongoing oppressions, has shown that the legal process can also exact a disproportionate price to sustain their participation in legal proceedings;



moreover, legal justice with its focus on convictions is not directly designed to transform victimhood or the conditions that increase possibilities of victimhood.

Victim/survivor centric approaches are usually understood with reference to substantive and procedural law reform, in terms of confidentiality, in camera trials, provision for a support person and companion during deposition, compensation and more recently, the need for one stop crisis centres. Yet, structural injustice that enhances vulnerabilities of some women and girls, becomes the reason why legal redress becomes more difficult for some – increasing the domestic and external conflict and pressures that the victim is subject to. Victim centric responses, under such conditions at least, must address the causes that enhance vulnerability.

Grappling with these realities, it is necessary to re-visit what we mean by justice through the lens of victims in their quest for a life beyond victimhood, especially victims whose lives prior to the legally recognised violence, are already marked by a continuum of oppression and deprivation. How, under such conditions, should justice be framed? Even as the recent 2013 Criminal Law Amendments (CLA 2013) have introduced some critical victim centric measures, in terms of medical treatment and compensation, legal justice remains hinged to prosecution to secure conviction. Recovery from the physical injury apart, victim centric responses also need to address social and economic conditions that enhance vulnerability to violence, which in fact, account for a continuum of violations, making it sometimes impossible to select one over the other violations for redress.

For this reason, focus must shift to victim centric justice, what becoming a genuine survivor would mean for those rendered most vulnerable to violence, by virtue of interlocking systems of oppression. This workshop is therefore less concerned with determining the limits of the law or in exploring additional law reform. We are interested here in sharing, discussing and finding a way forward for victim centric justice for the most vulnerable, in and of itself, a subject in which law will often find a reference but not necessarily always.



This workshop therefore takes up the question of what constitutes holistic victim/survivor-centric justice for women. It seeks to assess not only the nature of support services required, but also the quality of those that are already offered by different actors. Keeping the victim, and contexts of marginalisation at the centre, this dialogue seeks to redefine the contours of justice, through the innovative interventions and approaches that address not just victimhood with reference to the reported act of violence, but also seek to engage with the structural conditions that increase the probability of such violence. This broader vision of justice resonates with Lotika Sarkar's work, which in addition to engaging with law reform and formal legal education, spanned reforming conditions of women's shelters (Agra protection home case) and legal literacy to strengthen efforts at empowering migrant poor women organised for wasteland development and livelihoods in Bankura district.

The major victim centric themes that this workshop sought to address were compensation, shelter homes, counselling, crisis support, addressing underlying structures of vulnerability, and community dialogue and peace building. The following report provides a summary of the presentations made and the main issues that came up for discussion at the end of each panel.

Indu Agnihotri, Director CWDS extended a warm welcome to all the participants. She recalled Lotika Sarkar whose life-long professional interests revolved around women's issues, violence, and the challenges for justice. Recalling the initial days of her institutional affiliation with CWDS Prof. Agnihotri emphasized that both the meticulous study of constitutional rights and its actual practice in women's lives were Lotika Sarkar's major concerns. She also spoke about the history of engagement with the issues and themes of this workshop in the women's movement. She acknowledged that the focus on violence has at times overplayed notions of victimhood in order that issues of violence attain public attention and receive justice. While there has been a lot of attention on urban, single women as victims, there is a clear need to recognise the multiple locations of women based on age, caste, class, marital status, and region which transform the kinds of day-to-day violence women suffer from. When dealing with problems of violence, it is not only the domain of the law that is central, but problems and resolutions need to be discussed at the level of society as well. She also pointed out that while the title of the workshop has encapsulated the desire to move from victim to survivor, in Hindi there is no easy way to translate these terms. This requires further effort to work towards a new language as well.

Kumud Sharma, Chairperson of CWDS, shared her personal memories of Lotika Sarkar, and the impact she made on her life and understanding. One of the founding members of CWDS, she was the first woman to have joined the Law faculty in Delhi University. Dr. Sharma remembered her first meeting with Lotika Sarkar during the deliberations of the Committee on the Status of Women in India where she had joined as the convener of the legal task force. Lotika Sarkar's critical reading and reflections on existing legislations brought out how little was known about the state of women in the country. Lotika Sarkar's efforts, along with those of her colleagues in the Delhi University, in their famous Open Letter to the Chief Justice of India and the subsequent debate over the custodial rape case of Mathura brought about significant legislative changes. Lotika Sarkar intervened in

the then Arunachal Pradesh government in its attempts to codify customary law, because it would be regressive for the interests of women, which led to the proposed legislation being finally turned down by the President of India. She also prepared the first ever discussion paper of CWDS on “Constitutional Guarantees and Sex Equality”. She joined Vina Mazumdar in CWDS’s action research with adivasi women in Bankura (West Bengal). In the course of these visits, Lotika Sarkar had the chance to interact with many of the women for whom it was an emancipatory experience to become aware of their rights when all they had known hitherto were their responsibilities.

Madhu Mehra, PLD, began by saying what a privilege it was to be co-organising this event with CWDS, especially given that it was in honour and memory of someone like Lotika Sarkar. She recalled Lotika Sarkar’s unique style and ability to engage with concerns beyond the literal letter of the law or the use of the rhetorical. She had the ability to nurture communities outside institutional spaces, and how many ‘hangers on’ or young lawyers (like herself) in the Indian Law Institute were benefited by being included in that community. Lotika Sarkar had played an active and central role in law reforms and legal research. Madhu Mehra went to say that the law does not have all the answers nor can the law address all the dimensions of the journey of a victim to becoming a survivor, or indeed deliver justice in the fullest sense of the term for the victim. She gave some examples to illustrate such challenges – witch hunting, the violence of a rape victim at the hands of her own husband, consensual romantic or sexual relationships among adolescents treated as rape. These cases call for changing the circumstances of victimhood that can happen with more complex interventions and support, in which law will have a limited role. In this workshop conversations focus on these other interventions that are necessary facets that help a victim journey to becoming ‘survivors’, and through this frame justice in holistic terms.

Mary John, CWDS also joined previous speakers in welcoming all the participants at the workshop. She referred to the Lotika Sarkar Endowment Fund that was bequeathed by Lotika Sarkar to CWDS before her death.

This Fund has been created in order to undertake events, seminars and various programmes on issues relating to gender and the law, that would carry forward Lotika Sarkar's legacy. She noted the frequency with which the women's movement now referred to the language of survivors rather than victims of violence. But this needs actual exploration into the kinds of interventions and institutional support required in order that such a journey take material form, in ways that may well go beyond the law. She also referred to the 'Agra protection home case' that Lotika Sarkar took on together with her colleague and friend Upendra Baxi, as far back as 1981. This was a home established under the ITPA (the Immoral Traffic Prevention Act) for the ostensible rescue and rehabilitation of women engaging in prostitution. Their writ petition or PIL was all about the conditions of the home itself, and the deplorable state of its inmates – they asked not only that the health of those residing there be examined, but looked into schemes for their rehabilitation and even demanded compensation since these women and girls were victims of, in their words, 'governmental lawlessness'. It was only due to their persistence that some changes were visible by 1997, including the entry of the NHRC into the arena. What kind of benchmark would this case be for the concerns of this workshop?

COMPENSATION

Legal developments have gradually re-framed compensation, from being primarily an aspect of punishment to becoming an aspect of state obligation towards costs for healing and recovery of the victim. Initially limited only to cases of atrocities, compensation can now be claimed by victims of acid attacks as well as victims of sexual offences. From medical treatment, to costs of quantifiable and non-quantifiable harm, there is a statutory entitlement backed by compensation schemes resourced by the state government, to provide interim and final compensation to victims. In doing so, the law has de-linked compensation from being part of the punishment upon conviction, or the financial capacity of the convict to pay, towards serving what seems to be the ends of restorative justice. How does this significant change in the law play out for victims? This panel discusses the extent to which these legal developments related to compensation have changed the way the criminal justice system responds to victims of sexual violence. To what extent, has the system focused predominantly on guilt, deterrence and punishment, incorporated elements of restorative justice in its functioning?

Chair: Usha Ramanathan

Chairing the session on Compensation, Usha Ramanathan referred briefly to the concept note of the workshop and said that she differed on the question as to whether there has been too much emphasis on law and that we need to move beyond it. It is true that if we speak too much about the 'law', lawyers tend to crowd others out of the equation. But this means that we should *all* be able to speak about the law and indeed must do so, because it remains a relevant site of discussion.

Of course it must be recognized that the law invisibilizes much of the problem. For instance, it forces women to bear the burden alone. But while it may not be a solution in itself, the law now enables us to do a lot that was not possible before. Even women victims want justice and want

the law to improve. For example, if we look at the Bhopal victims, we see that they know very well the limitations but still acknowledge that they needed the compensation. Further, they know also the symbolic and deterrent effects of law, and believe in how it gives courage. Such benefits and powers of the law need to be recognised.

She invited the panelists to speak, asking them to discuss what if any shift has happened in the law as a result of introducing compensation, whether there has been a shift in thinking about criminal law from the state's law and order dominated perspective, to becoming more victim centric.

Mrinal Satish, National Law University, Delhi

Mrinal Satish highlighted aspects of compensation in law, that relate to ways in which compensation as imagined by law is removed from the realities and needs of victims, and also, ways by which positive developments relating to compensation have been rendered ineffectual. These aspects often defeat the victim's right to compensation.

The older provisions on compensation in the criminal law, Section 357 of the CrPC which was limited in scope and later sought to be expanded through sub-sections that re-defined compensation in recognition of the victim's needs. This provision enabled the court to impose fine upon conviction, which could be paid to the victim as compensation. In doing so, this relief was offender centric, conditional upon conviction and the capacity of the offender to pay. In addition, 357 (1) was also limited by the pecuniary jurisdiction of the court awarding the fine. These constraints defeated the purpose of compensation as they had little to do with the nature of the crime or the injury or indeed the loss suffered by the victim. Instead, it had everything to do with conviction, punishment and the convict's capacity to pay. Later in 2008, section 357(A) was introduced which called upon the state and central governments to formulate a victim compensation scheme for disbursement of compensation through the legal services authority – either directly or on directions of the court, including at the interim stage. The interim compensation was in recognition of the

fact that even when the accused is unidentifiable, or may not be caught, or not convicted, there is an injury suffered by the victim that the state must compensate. Another set of amendments in 2013, introduced section 357 (B), to clarify that the victims of sexual assault and acid attacks (where fines were part of punishment) were entitled to avail compensation under the state scheme formulated as per 357(A); and further, that such compensation was to be independent of and in addition to the fine recovered from the offender as part of the punishment. Even as 357(A) has moved away the idea of compensation as retribution, towards recognizing reparations as an aspect of justice, it has in practice not achieved this because of the mindset of those who are dispense compensation.

The guidelines set out through case law are also not followed. In *Ankur vs Shivaji Gaekwad*, the Supreme Court said that the Courts should be liberal in awarding compensation but in every case, need to explain the rationale for the amount decided. In *Lakshmi vs UOI*, the Supreme Court only focused on acid-attack victims, directing that at least 2 lacs need to be paid within set time, to be disbursed by a criminal compensation board that could work with the SLSA. In *Suresh vs State of Haryana*, the court stressed the need for payment of interim compensation at the time of taking cognizance of the offence, to meet the victim's requirement for medication, support etc, while deferring the payment of final compensation to the final hearing. Despite these judgments, these guidelines are not observed.

There is a strong perception of cases being false, being motivated by compensation, compounded with the flawed perception that awarding of interim compensation means having decided in favour of victim and against the accused, which would prejudice fair trial. This mindset is also a fallout of assigning the task of disbursement of compensation, to the State Legal Services Authority (SLSA) instead of creating an independent criminal injuries compensation board. With SLSA's main objective being provision of legal aid to the offenders, the task of catering to victims creates a conflict of interest that is likely to raise apprehensions of bias in their minds. The idea of compensating injury independently of the trial, or the guilt of the accused,

seems to not have taken roots despite changes in the law relating to compensation.

Kushi kushalappa, Enfold Health Trust, Bengaluru

Kushi Kushalappa focused on anomalies in compensation under POCSO in the state of Karnataka identified mainly through the work of her organization working on child sexual abuse as well as with other organisations in Bengaluru. The eligibility criteria for compensation in Karnataka require a case to be reported within 48 hours, and the victim to cooperate in the legal process. The compensation can be awarded by the POCSO court or by the State Legal Services Authority (SLSA), to estimate the amount of which the SLSA is mandated to carry out a social investigation visit in which to identify the needs of the child within the familial context.

In practice however, the special courts set up under POCSO tend to not give interim relief, referring compensation claims instead to SLSA. Although SLSA includes aspects that cannot be medicalised or quantified in their assessment, they often do not take into account aspects such as the cost of re-location of families, change in schools, all of which are integral to rebuilding lives and livelihoods of the family members. Such relocation also alters the social and support structures available to the families, which cause distress and carry psychological impacts. Such distress is difficult to quantify for the purpose of compensation, but nonetheless needs to be taken into account.

Applications for compensation (for all children living in Karnataka) are to be forwarded to the District Court after scrutiny. Financial relief for medical expenses is available only if the treatment is availed at a government facility. Interim relief of Rs. 10,000 is supposed to be paid. Based on recommendation, an additional amount of Rs. 75,000 can be paid, and for surgeries up to Rs. 2 to 5 lacs. There is still confusion on who decides what kind of medical intervention is needed, is it the treating doctor, medical supervising attendant, or the pediatrician?

Despite the guidelines, the entire compensation given is usually no more than Rs. 20,000- Rs. 50,000 which is in fact, the amount of interim compensation. There seems to be no clarity on the difference between the interim and the final compensation. The compensation awarded by the courts seems to be based on judicial discretion without explaining the basis for computation, and without correlation to the socio-economic status of the family. However, if there is a good rapport with the child protection unit, it is possible to push through for compensation with greater ease.

The DLSA at the district level, requires the victim to give an undertaking that if the amount granted as compensation is more than what they need, they must return the excess amount. Yet, the compensation cannot exceed the maximum limit specified in the schedule if this is required on the assessment of needs in a given case.

Other anomalies in relation to POCSO compensation is that there is disparity between the amounts awarded in different states; there is need to make the banking procedures related to compensation simple and consistent, and follow clear guidelines so that compensation less ad hoc at the district level.

Rajat Kalsan, Lawyer, Hisar, Haryana

Rajat Kalsan's presentation focused on the difficulties of securing compensation, especially interim compensation, under the Prevention of Atrocities (Scheduled Castes and Scheduled Tribes) Act (PoA), as well as under the Criminal Procedure Code for cases of sexual violence against Dalit women that have been taken up by him in recent years in the state of Haryana.

The 2015 amendments to the PoA nearly doubled the amount of compensation available for atrocities. It provides for payment of an interim compensation equivalent to 25% of the total compensation with the balance 75% to be paid at the time of judgment. Since compensation is now available under two laws, when an FIR has been filed under POCSO the trial court recommends to the SLSA to give compensation, which in turn

will inquire from the victim if she has received compensation under PoA, in which case, she will not get any under POCSO.

The Dr. Ambedkar Scheme also provides compensation, after the FIR has been filed under PoA. The district magistrate makes a case on behalf of the victim that is forwarded to the Ministry of Social Justice for the victim to get compensation under this scheme. In his experience, under the more general provision for compensation, that of Section 357 of the CrPC (discussed earlier by Mrinal Satish) the trial courts take little initiative to award compensation. Although this provision does not require evidence of physical injury, in practice the courts ask the claimants for medical reports to establish injuries. They also ask for an assessment of the accused's property for purposes of giving compensation. The courts also tend to rely upon medical evidence alone for rape, so no compensation is awarded until medical reports are returned from examinations of the forensic and medical doctors.

In high profile cases (such as the Dabra case in Haryana, a case of gang rape in which the father of the victim hanged himself after being shown clips of the crime on a mobile phone) – compensation has been awarded from the Chief Minister's Relief Fund, approximately to the tune of Rs. 2 lacs. It is not easy for Dalit victims to obtain such compensation. In the case of acid attack victims Haryana is awarding upto 3 lacs and providing treatment.

In rape cases, SC/ST victims have no relief because they need interim compensation right away given the situation of extreme victimisation in the context of local hostility and boycott of the family. This hostility is aggravated by the police with insinuations that 'these people' bring up a case only in order to get compensation. Despite the law entitling victims to compensation, especially for the SC/ST victims, it remains a struggle to claim compensation.

DISCUSSION

The panelists have described the disconnect between the provisions for compensation from the various institutional approaches towards awarding

compensation. There seems to be a danger that a victim is also thought of as a suspect by the very agencies they approach for claiming compensation. Related questions that arise are, who should pay compensation: what is sought to be compensated? And whether these agencies are looking at compensation as a way of dissolving responsibility? What principles are needed to govern compensation? What does the idea of compensation do to the process of justice? Does compensation given before a judgement imply the guilt of the perpetrator?

The law is interpreted in limiting and restricting the scope of restorative justice, rather than being read expansively and inclusively for all victims who are harmed in the same way. For instance, if a corrosive chemical other than acid is used to scar or burn a woman, then she cannot claim compensation for acid attack in the experience of AIDWA in Haryana. Likewise, SC/ST rape victims are entitled to compensation under the PoA only when the accused is of a higher caste, otherwise not. If this be the case, can one hope to claim compensation in promise to marry cases where, according to the Majlis study, women get abandoned on pregnancy for caste and other reasons? In cases of witch hunting, there has been no provision for compensating victims who get evicted and displaced from their homes and villages. Only recently have Rajasthan and Assam laws introduced compensation in such cases, but this is yet to be implemented.

The intention to avoid compensation is evident in many cases of atrocities where the provision of compensation has already been well established. In Haryana, in most cases the police are unwilling to register FIRs, going to the extent of harassing the families of victims to prevent them from filing a case. This is in contrast to symbolic cases like the Delhi gang rape of 2012, where the government flies the victim to Singapore for medical treatment, even as the system denies rights to SC/ST victims, who are forced to turn to the Scheduled Castes Commission to get compensation, or as in some cases, the parents go on hunger strike to demand the registration of an FIR.

Other experiences show that the procedure for compensation is so bureaucratic that it reflects suspicion towards the victim rather than an



entitlement that might be part of restorative justice. In one case where the accused was sentenced to 7 years imprisonment, the court sought documents for rehabilitation as proof that the victim was unable to live in the same area any more, in order to award compensation. The officials handling the claim demanded all kinds of bills to assess costs and damages. In another case, the victim got the order for compensation accompanying the final judgment in English, which she could not comprehend because throughout the entire legal process to conviction, no one explained that she was entitled to compensation. Often the payments are made into the victim's family's bank account upon the conviction of the accused, and she has no control over the money.

Across all the experiences, the main issue however remains, that despite a right to interim compensation, this is hardly ever available to victims.

Apart from compensation, the state needs to give jobs to victims as part of restorative justice. But if the victim dies, it is not clear who is entitled and what is their status as claimants. We need to look at better answers within and beyond of the law, since the experiences of most activists establish that the law is neither enough nor can be relied upon.

COMPREHENSIVE CRISIS SUPPORT

What does comprehensive support to a victim entail? Is it immediate support after violence or does it continue even after the physical wounds, emotional distress seem to subside? Does it comprise of core interventions or will these vary on a case-by-case basis? Must it be led by activist passion to be truly responsive to the victim or can institutionalized responses by the State take its place? And, importantly, must legal redress/ prosecution be a necessary aspect of such support for it to qualify as holistic and comprehensive? Presentations in this panel probe these and other aspects of victim support, focusing also on challenges particular to different categories of victims – women, children and queer persons.

Chair: Ved Kumari, Law Faculty, Delhi University

Ved Kumari began by posing the question: what constitutes a crisis? For the intervention that we call 'crisis intervention' correlates or depends on what we understand to constitute the 'crisis'. Is the crisis about injuries and offences? Does the crisis intervention correlate with punishment? Or does it include punishment with medical treatment to heal injuries? How institutions understand crisis correlates to how they respond to it. The focus of this panel is on comprehensive support, which means till the trauma ends, with genuine rehabilitation. It comprises many kinds of support, including rebuilding the relationship between the offender and victim – restorative justice strategies, other than efforts of the kind that aim to get the offender to marry the victim!

Nisha Siddhu, Aparajita, a one stop crisis centre in Jaipur

Describing her work at Aparajita, set up in the wake of the Nirbhaya judgement in August 2013, Nisha Siddhu said that they deal with victims of all kinds of violence against women, including rape. Under a Rajasthan High Court Order of Jan 22, 2012, the Rajasthan government set up a scheme to provide Rs. 2 lacs compensation for the victims. The crisis centre

for women runs with support from the departments of Women and Child, Social Justice and Health as well as from the High Court and a number of NGOs. The support extended is in many forms, including through provision of personnel, with 2 sub inspectors from the police, 3 nurses from the health department, 3 on-call doctors, a panel of 15 advocates from the high court for legal advice and review and counsellors from NGOs. While counselling is a necessary aspect of this support (with short term refuge if necessary), the linkages with other agencies and facilities allows them to provide protection, legal, medical, shelter and other services as required. The Centre is situated within a hospital compound and open for 24 hours on all days to support women.

They get a wide range of cases; almost any kind of case comes up, including one of an elderly woman who had lost her way and of women trafficked from other states. Since they have the capacity to provide overnight shelter and short-term refuge, the authorities, both the police and the courts, tend to refer to them women beyond the scope of their mandate. In such situations, they try to impress upon the authorities that the case is not within their capacity, but are compelled to offer overnight stay. In one instance they sheltered a murder accused, as the jail did not allow admission after 7.00 pm, while in another case they provided refuge to a mentally ill woman.

Aparajita gets cases either by referral from the police and other agencies or through distress calls by women. Since Aparajita does not have a vehicle of its own, they depend on the police to respond to a distress call to bring the woman to them. The distress calls tend to occur at night, so they ask police women to go to a particular station at night when a crisis occurs. There is a rule requiring one police woman to be present on night duty in every police station to respond to such distress, which Nisha felt created security problems for the police women besides not serving a useful purpose. She felt that it would be better to have police women on night duty at a Central district location, who could be sent to a particular station should the need arise.

Despite being supported by so many agencies, the facilities available to the centre are poorly maintained and inadequately resourced, which comes in the way of providing services and support to victims. There is interference or inaction by the administration that comes in the way of smooth functioning. For instance, there are times when they have worked without water in the bathrooms. Further, the staff works long hours on salaries as low as Rs.8,000/ per month for an MSW/Law/MA sociology graduate, which makes it difficult for them to recruit. The doctors too contribute, but their support comes on account of personal contacts/relationship with the social workers and not because of remuneration. These shortcomings may eventually compromise the quality of support services offered. The running of Aparajita was given to the NGO on a contract basis, and while they have run against all odds, there is no assurance or certainty of renewal of their contract. She said that NGOs collaborating with the government or playing a facilitating role must be prepared to make immense personal investment to work with little resources through challenges, without assurance of continuity.

Sumathi Murthy, Queer Rights Activist, Bengaluru

Drawing from her experiences of working with different organisations she is affiliated with, as well as work done in her personal capacity, Sumathi Murthy stressed the distinction between working on violence against women from working on violence/ discrimination against the queer community. The complete denial of rights and routine violence faced by people who are lesbian, bisexual, Female to Male transgender and sex workers, in law as well as socially, qualify their experience as that of an ongoing struggle rather than as victim/ survivor, as in the case of straight women. Being queer locates one outside the normative frameworks of gender and sexuality, and importantly, outside the existing language of rights and justice. This explains why the police do not respond to cases of violence targeting them, and explains why there are no services other than what the activists might offer personally or institutionally to victims. In fact, even if the law has the potential to support, the bias against queer persons works as a barrier to legal redress.



For instance, there are a lot of cases where the violence meted out to such young persons is within and by their own family members, which should be included under the Domestic Violence Act, but are not. Perpetrators from outside of the family, from the general public also get away with harassment and violence towards them. In one case, a sex worker became disabled due to the injuries she received at the hands of the police. Yet, the stigma attached to her made it impossible to claim compensation. There are frequent kidnap cases (lodged by parents) against the partners of their daughters, which they have had to deal with. Since the legal and institutional structures for helping women pertain to those who conform to gender and sexuality norms, these are not an option for queer women.

The support offered by queer activists operates within a context where recognition of violation and responses from the state agencies are not available, and where disclosure of sexuality might aggravate the harm or violation in a given situation. To navigate this scenario, they have developed an 'elopement manual' to help young people cope with kidnap cases filed by parents against the more masculine partner in a consensual relationship. The guidelines in the manual advise young people to tell the family that they are leaving singly, without ever mentioning the partner; also providing guidance on dealing with legal issues such as Habeas Corpus petitions, conditions of trauma and even suicide. This information resource is one amongst the other forms of support that are essential, as both the police and the courts work against them. The media too cannot be relied upon, given their desire to sensationalize.

Shelter homes too do not accept women who do not conform according to gender and sexuality norms (since they are seen as a corrupting influence), besides being unaffordable. On many occasions the homes of activists is the place of refuge and shelter. Many people come to Bangalore from the rest of South India looking for freedom and a chance to build another life away from the discrimination and harassment they have known. Finding work for those they support is extremely difficult in an overall hostile society. As a result they tend to often find some employment in NGOs, which really does not equip them to work independently or in the mainstream job market.

Audrey D'Mello, Majlis, Mumbai

Emphasising the value of victim centric approaches for Majlis, Audrey D'Mello shared the findings of the 'Rahat' programme through which Majlis provides support to rape survivors in Mumbai. At Majlis they provide a helping hand to the victims of sexual violence through the legal process, by ensuring that proper procedures are followed at every step, and at no time are the rights of victims compromised. That the law will be followed and implemented to protect the victims is something that cannot be taken for granted. Particularly after the 2013 amendments, it is necessary to ensure availability and implementation of victim centric procedures and remedies for the victim. Only through such support to victims can one ensure that the law works for them.

Their cases undertaken by Rahat show the profile of the victim and perpetrator, indicating that most of the rape cases are by family members, not the stranger gang rapes as high profile cases seem to suggest. A large number of cases involve rape by fathers or other family members in very poor brutalised contexts; there are cases of 'promise to marry', as well as cases of statutory rape that involve consensual sex with a minor girl. In most of these cases, rape is not an isolated incident and not the only abuse that impacts the victim. In fact, the rape seems to be part of complex situations that precipitate in rape, all of which are oppressive and violent, in need of attention. Unfortunately, convictions remain very low, with the convictions most likely to be in cases of very young victims or in cases where the rape has been particularly brutal. Despite the low conviction rate, the cases supported by Rahat have a 68% conviction rate because of their investment in supporting the victim.

Despite not being a rape crisis centre, Majlis supports victims at every stage of the legal process, trying to provide social and legal support to rape victims. Manodharya has a good scheme for compensation to rape and acid victims in Maharashtra, which they help victims access. They also have active linkages with organisations providing rehabilitation, as part of giving holistic support to victims.

Vidya Reddy, Tulir, Chennai

Speaking about Tulir's crisis support for children, Vidya Reddy emphasized the value of working with the families of the victims, the need to work with the victims and the difficulties of presuming that the legal process and confrontation are likely to help the child. To get a perspective on the potential of legal redress, she called attention to the fact that child sexual abuse remains largely unreported. Of the large universe of child sexual abuse, not more than 2% of cases get reported; and within this miniscule 2%, barely 12% of the children disclose the identity of the perpetrator.

Another aspect that qualitatively distinguishes the domain of child sexual abuse from other categories of victim is the basic dependency that children have on persons in positions of authority. Children are easy to work with, but it is the families of such children that are difficult and in a state of flux. Since the power to act for the child is entirely in the hands of the family, it is absolutely necessary to do everything through and with the family, which is why Tulir works with the families. This is critical because often families do not think any intervention is necessary, simply because the child was acting normally. The most important aspect about children when they speak up is that they want to be believed. So children are not concerned with conviction or punishment, but primarily about being believed. In many cases the children do not want to go to the courts. In some cases, when there is no intervention, children get caught in a cycle of violence and later might become perpetrators themselves.

Addressing child sexual abuse is not easy. Even when a child is ready to confront the issue and the perpetrator, there is the need to prepare them for unexpected outcomes of such a confrontation. Justice in this scenario is a difficult option that cannot be prescribed through one solution for all. It must be based on hearing the child before making any decisions in the case. For this reason, she is against mandatory reporting of cases as required under POCSO, the law on child sexual offences. This mandatory reporting drags the child into a legal process before being prepared, before coming to terms with what has happened, and aggravates the child's trauma by requiring the story to be repeated again and again. Mental health

consequences of such processes are yet not well understood. Some organisations working with children are not concerned about this problem with the law. They are primarily concerned with racking up the numbers of cases done, so for this and for other reasons, there remain major ethical concerns as to how NGOs deal with child sexual abuse cases.

DISCUSSION

One Stop Crisis Centres operate with different models. Hussain Ali Khan, from Gaurvi, Bhopal explained that their centre operates from a space provided by the JP Hospital. Their team comprises of a telephone operator, two attendants, counsellors, one coordinator and an outreach team. Most of their cases relate to domestic violence cases, rape, dowry, with one case so far on witch hunting. They provide phone as well as in-person counselling. They are well resourced in terms of ample space and financial support from Action Aid, and in their day to day running have linkages with a shelter home and call upon support of the police, when required.

In terms of providing holistic or comprehensive support to victims, how do we view young persons under 18 years in consensual relationships? Can we view them as victims of the law that disregards validity of their sexual consent, and bars them from entering into lawful marriage? Once in a relationship, their natal homes turn unsafe forcing them to flee, and when they are placed in care homes their studies get affected. There are other complicated situations too. In cases where the abuser is the father, the entire family loses its sole breadwinner and suffers when he is sent to jail. Comprehensive support to victims varies with the kind of victim, making interventions and options really relative to the kind of case one is talking about, and often, without any easy solutions.

SHELTER HOMES

Shelter is generically used to refer to different kind of spaces run by State and independent agencies for children and women. It is recognized as a key support service to women in the context of domestic violence, where the home becomes unsafe to live in. In contexts of those who transgress social norms of gender and sexuality, be they trans, same sex desiring women, or couples in inter-caste and inter-community relationships, shelter is articulated as a need for safe space. The State, in its capacity as parens patriae has legislated shelter for women in contexts deemed undesirable for the public good, law and order – such as soliciting for commercial sex work, trafficking, beggary or for simply being destitute, a woman may be consigned to a shelter without her consent. Having thus rescued women from such conditions, shelters are projected as spaces of rehabilitation. The history of shelters combines welfare and carceral motivations, to manage undesirable populations. It is not surprising therefore that these spaces have been closed to external scrutiny, which also explains the efforts such as those by Lotika Sarkar, to seek judicial intervention to investigate into conditions inside shelter homes with a view to reform these. The demand for safe empowering spaces that provide short term and long term shelter continues, but with it, has evolved an understanding of the need for different kinds of spaces for women, to respond to different needs. The panel will discuss the extent to which legal interventions, reform and recommendations, and an evolving understanding have impacted the way shelter homes are conceived and run. This panel will explore whether the critiques with passage of time have helped improve the way shelters are conceptualized and run; and whether they are responsive to diverse needs and recovery.

Chair: Anjali Dave, TISS, Mumbai

Drawing from her earlier engagement on shelter homes, Anjali Dave recalled that very few women actively ask to be in a shelter home. This reluctance is in part on account of caste, class and morality issues at play, as well as on account of the stigma attached to shelter homes, since it understood

that mostly 'bad' women are kept there. Most women tend to opt for alternative spaces known to them so as to *not* stay inside these institutions.

In the context of shelter homes, Anjali pointed out, while there are different forms and approaches to shelter, one must bear in mind that shelter ought to be more than a place of physical refuge. Another aspect that needs attention is the extent to which interventions including shelter, ensure that decision-making remains with the victim, or enables the victim to do so. Justice and indeed, survivor-hood requires that decision making remain with the victims. She hoped the panelists explore these aspects in relation to different types of shelter homes.

Meena Gopal, Forum Against Oppression against Women (FAOW), Mumbai

Meena Gopal clarified that her presentation would indirectly touch upon shelter homes, as its main focus was Navjivan Mahila Griha, a women's protective home in Mumbai meant for women rescued under the Immoral Trafficking Prevention Act. FAOW had undertaken a study on this home in the aftermath of the ban on the bar dancers in Mumbai, when some of the bar dancers were brought by the police to these homes. With their livelihoods snatched away with the ban, these women were now under state protection. What was the profile of these women, and what was the nature of protection offered, were some of the aspects this study looked at. The bar dancers were there as part of their 3 weeks remand for purposes of rehabilitation. In addition, there were also women who had been there from 6 months to 1 year.

At the time of the study there were a total of 65 women staying in the home, of which they were able to talk to 42 women. They found that 60% of the inmates were below 25 years, 50% were illiterate and 70% had turned to sex work after trying all other kinds of work. All these women were migrant workers in Mumbai. A majority of them were Bengali-speaking of which 30% belonged to Bangladesh and 11% were from West Bengal. They learnt that the condition in the protection home had improved from what it was before, although problems relating to bad food and broken

toilets/ baths persisted. The skill training offered, making soft toys for example, was not a viable source of livelihood. They looked at the Dharmadhikari Committee Report on shelters, to see the extent to which the home complied with the official guidelines they were meant to conform to. The guidelines state that women should only be kept voluntarily, they should have access to counsellors-psychiatrists, and training centres; and that women cannot be forcibly tested for HIV. Yet, they found that these women were locked-up and treated like prisoners; there were some HIV positive women from Karnataka, who were neither informed of their status, nor provided any medical treatment. The progressive recommendations of the Dharmadhikari Committee were not being implemented.

The study attempted to connect the migration trajectory of these women, who either migrate or fall into illegal trafficking and end up in shelter homes after police raids. After police raids, these women are treated as criminals rather than victims, as there is no space for decision making, consent, medical treatment, or even realistic and meaningful rehabilitation. The study raised many concerns and questions about the brazen non-compliance of shelter homes with official guidelines, openly flouting government norms. In fact, these homes seem unmindful of their very role as protective homes. Apart from areas of non-compliance, some of the formal rules themselves need to be questioned – such as why women who cross borders in search of work from Bangladesh and Nepal, are treated as trafficked victims to be rescued or a national security risk rather than as economic migrants that they in fact are.

Seema, Anandi Baroda

Seema made her presentation in the context in which ANANDI (Area Networking and Development Initiatives) filed its PIL in the Gujarat High Court seeking an inquiry into the conditions on shelter homes. She explained that as part of their work with over 10,000 rural poor women in several districts in Gujarat, the organization runs a women's justice cell where they take up cases, some of which need police intervention. As part of this initiative, they experienced difficulties in connecting with the women they

have supported once these women are sent to the state run Nari-Niketans in Gujarat. The problems they encountered relate to lack of access, lack of safe transport for women, and once a woman is admitted, social workers/ outsiders are not allowed entry; neither is the inmate permitted to keep in touch with the organization that referred her, as a result of which they have absolutely no information about the woman they supported.

This got them to inquire into the shelter homes, and they found that the living conditions are miserable, with 20-25 inmates living in small, cramped over crowded rooms. The counsellors in Nari Niketans invariably persuade women to go back to their abusive families regardless of the risks these women face at home. For example, a woman who had sought to file a case against her parents for trafficking her was advised by the shelter home counselors to return to her family. Given these concerns, ANANDI along with other organisations in Gujarat filed a PIL calling for improvement in the condition of Nari-Niketans. In response, the High Court constituted a 4 member committee of prominent activists with the WCD Secretary and a judge, to inquire into conditions as well as violence within shelter homes. This is an important area of engagement since the shelter homes that seek to provide refuge and dignity to a victimized woman, are poorly run and closed to scrutiny. They seek to get recommendations through judicial scrutiny and intervention.

Bharti, Shakti Shalini, Delhi

Bharti talked about her organization Shakti Shalini that runs a shelter home in Delhi. Shakti Shalini is an exceptional shelter because of its historical origins, founded as it was in the early years of the women's movement in Delhi by women whose daughters had died due to dowry harassment and other forms of domestic violence. It was not conceptualized as a rehabilitation center, but as a feminist space that shapes its approaches and orientation. They follow a two pronged approach to violence against women – with prevention at one end, and provision of crisis support cum shelter in cases where violence has occurred.



The organisation's crisis centre and shelter home work together. At the shelter, their goal is to provide an identity, dignity and respect to women, to help the woman re-gain self hood. To achieve this, they function democratically, with a focus on restorative justice. If a woman comes with children and wants to stay for long, they facilitate linkages with the juvenile justice system. Their approach to counselling involves not just the woman, but may also involve her family, relatives, social networks, all of which is based on the decision of the woman. They work with what the woman decides – who to involve in the counselling process, when she wants to go back, and when she does return to her family, they set out the terms to ensure that her dignity is maintained.

They find that most women who come to their shelter feel better, demonstrating signs of emotional, physical and mental recovery. This is because the shelter's environment enables and encourages a woman to make decisions about her life. They use different kinds of creative approaches to develop the woman's self worth and capacities. As part of this approach the women are exposed to personal grooming, beauty-culture, creative art and social entrepreneurship. They have linkages with the National School of Drama to use theater as a therapy, which enables the women to stage plays and music performances. They provide nurturing care, and to some extent address medical issues but are unable to provide psychiatric assistance. They have an active interface and dialogue with the community.

Sometimes men also come to them, not for shelter but for counselling. Once, a man approached them with the request, asking for his wife to be counseled as she was obstructing their daughter's aspirations of becoming a sportsperson, which they responded to.

They also face sustainability challenges. Funding is typically linked to quantitative not qualitative results. The Delhi Urban Development Board assigned this institution to the management of Shakti Shalini, with a license to shelter 10 persons. Despite their restorative approaches, their funding was stopped because they were unable to run it to full capacity. Their goal is not in how many numbers they can provide shelter to, but how well they are able to rehabilitate the women they take into their shelter.

Avantika, AALI, Lucknow

AALI is in the process of mapping the conditions of shelter homes as they often have to refer women and girls to such institutions as part of responding to cases of violence, honour killings, sexual harassment at the workplace, freedom of choice, and so on. Avantika clarified that she will be sharing the preliminary findings of the field work to document conditions of shelter homes in Uttar Pradesh, Jharkhand and Haryana, as the field work is still underway.

She categorised shelter homes she has visited into three kinds - government run (Nari Niketans), private but run with government aid, and those that are fully private. In Jharkhand, the Nari Niketan is housed in a private building although funded by the government. The state government is planning to open another Nari Niketan in Ranchi shortly. Haryana has only one Nari Niketan located in Karnal. Uttar Pradesh has 10 Nari Niketans, each of which is differentiated on the basis of categories in which the state govt has divided women, such as - women who are mentally retarded, trafficked women rescued under the ITPA Act, those associated with criminal cases as well as witnesses in cases. The conditions of each of these are uniformly bad and prison like. Women are exploited inside, their complaints ignored, hygiene and basic cleanliness missing with basic necessities being far from adequate. In most of the cases, police refer women to shelter homes for a couple of days, but they are kept inside for much longer. Often women who are sent to Nari Niketan are the victims of domestic violence, illegal trafficking or some form of abuse. Many of them suffer from mental health issues. The superintendent or those in management in these homes do not have the required training to deal with the cases that they receive.

In the course of the field visits, they found violations of law by these institutions at many levels. Minor girls who come into the system, are not to be sent to Nari Niketan but are required to be sent into care and protection under the Juvenile Justice Act. Yet, they are lodged in a Nari Niketan because of the assumption that sending girls who have had an exposure to sex, will corrupt the other minor girls housed in the care and protection homes for children. Such girls are even prevented from accessing education. There

are also cases where older women are made to stay in the Juvenile Justice homes because of manipulation in the age-proof which relies on educational certificates only. In some instances, they found girls from well off families such as the daughter of a magistrate (the SDM), confined on parental instruction to teach her a lesson as she was involved in a love affair. In one instance in Balia district in Uttar Pradesh, 16 women managed to run away from the Nari Niketan but were chased by a police force of 250 personnel, caught and sent to jail. The government and police perspective of rehabilitation comprises of coaxing the victims to return to their families.

There is a government-run protection home for couples in Haryana, for protecting those targeted for honour crimes/ *intra-gotra* marriages. Here they found that the inmates were left entirely to their own devices, in cramped conditions, with no provision for toilet or personal hygiene. There is no budget allocated by the government for such protection homes, which currently run in a tiny building provided by the Red Cross division in that region.

DISCUSSION

The problem with what we have as shelters is an outcome of importing the idea from liberal contexts in the West where several facilities and social security exist. Shelters in our context are an outcome of the State's patriarchal and carceral ideologies, which also explains why it's so poorly resourced and faces constant budgetary cuts. The larger problem is that shelters are not conceptualized as feminist spaces. They are at best places of boredom, at worst, an outcome of patriarchal thinking. In this conception of shelter, a woman has to place her life on hold, and how long can she do that? Then there is the issue of how these shelters are run – which is contrary to their own rules.

There are different reasons that lead women to look for shelter which is often not taken into account in designing the appropriate spaces. There are homes for destitutes, and institutions like Asha Sadan focus on trainings and reintegration. Some serve as a temporary refuge for women escaping violence, yet others are thrown out of their homes and need a place to

stay. Unlike the typical victims, there are women who want out of oppressive inequality, which is treated as an abnormality. Shelter homes are not designed for them, or want to cater to them.

There is a need to think afresh about shelter in ways that correspond to different needs of women for it to be meaningful. This would include housing for women, in addition to transitional spaces that offer support to women coming out of violent situations, that help them find work and rebuild their lives; as well as drop-in places that provide a safe space outside traditional patriarchal ones, for women/ girls to talk, seek advice, collectivise for addressing common challenges.

An aspect of the way shelters are conceptualized is that they patronize women as children instead of responding to their needs. Inmates are never involved in the management of such places, when in fact, as adult women they should. There are instances of homeless people, especially women, who have used community based management to respond to health issues, as well as their own recovery and shelter. There is a distinction between the State's approach of rescue and rehabilitation, from an enabling safe space that allows women to stand on their feet. For this we need to ensure inclusion and not define livelihood in limited terms, or by timeline.

DAY 2

COUNSELLING

Counselling is a ubiquitously used term to mean many things across different contexts, traditional spaces. Counselling encompasses state led institutionalized responses, activism related to women, children and queer persons, in addition to being a specialized response towards trauma. For women's organisations counselling has largely been a means through which victims are gradually enabled to navigate their oppressive situations to take charge of their lives through decision making. It is also a generic response to matrimonial conflict that combines mediation with couple-counselling to typically agree upon terms and an undertaking from the husband, to allow his wife back within the matrimonial home. With increasing recognition of physiological harm, it has also emerged as a specialized intervention to help victims come to terms with and overcome their trauma. The more colloquial usages tend to describe almost any kind of dialogue or engagement with the victim as counselling. What are the different approaches to counselling in progressive initiatives? What challenges do they face, and how do these initiatives evolve their approaches or guiding principles in their spheres of work?

Chair: Kalyani Menon-Sen, WSS Delhi

In view of the divergent and contradictory approaches that are prevalent in the name of counseling, Kalyani Menon-Sen emphasized the need to identify some key principles of what might define feminist counselling. Much of what goes in the name of counselling also involves coercion and brainwashing of the woman, in an effort to restore the status quo by returning the woman to the very situation that she seeks to escape/ confront through the intervention. There is lack of understanding of counselling as a journey in which the counsellor accompanies the woman to enable her to amplify her voice. What is it that counsellors should be doing to achieve that, and what is it that counsellors should not be doing is what we hope to discuss in this session. This session can help us focus on the needs of

the 'victim', to identify what kind of counselling serves them and what must be avoided.

Renuka Pamecha, MSSK Jaipur

The perspective and approach adopted by Renuka Pamecha's team at the Mahila Salah Suraksha Kendra, Gandhi Nagar thana, Jaipur, is best exemplified by the fact that they do not refer to the women who approach them as, *peedita* or victim. Instead they are referred to as *sangharshsheel mahila*, or those struggling, because this captures MSSK's approach towards the journey of the women towards becoming *sashakt* or empowered. Renuka Pamecha emphasized that this terminology reflects and informs their approach which is to enable women's capacity to make choices. When women are initially asked what their decision is, they are taken aback in shock, sharing later that no one had ever asked them what they want. In most of the cases they see women are caught within bad marriages and violent family situations. She is typically advised by those around her to put up with the situation to save the family. At MSSK, they don't ask a woman to return to violence, because a violent space cannot constitute a home. They help her understand her location, in terms of her personal history of violence as well as caste, class, poverty etc, building her capacity to decide to enable her to navigate through her circumstances.

Renuka credited TISS and Anjali Dave who helped them institutionalize this model of working. The first MSSK centre opened in Jaipur in 2002. Later in 2010, the government decided to set up such centres in all districts of Rajasthan, with support of the Women and Child Dept (WCD), whose core agenda includes violence against women, among other issues. When it began, the aspiration was that the WCD, police, Zilla Parishad would partner with NGOs to run this. Over time, the government marginalized the NGO members, with this being mostly government run.

They train counsellors to listen, provide confidentiality, encourage independent decision making, and so on. The counsellors do not encourage girls to leave the home, as the woman then loses a home, without viable and sustainable options for shelter or food outside. It is an illusion that

there is a viable system outside. The counsellors rely on counselling combined with a follow-up and a monthly review of cases with the police and with an internal team.

The MSSK faces many challenges. Mainly these relate to who runs the centre, their approach to women's empowerment as well as the investment in training of the counsellors. With such low salaries, and meager resources and little attention to training of counselors, it is not possible to have high expectations from counsellors.

By way of conclusion, she noted that time has come to move beyond the idea of women's police stations, to embrace the idea that every police station be women friendly. This can be achieved through setting up women's desks, training and orienting those at the women's desk, and through conscious effort to change the culture.

Anuja Gupta, Rahi, Delhi

Rahi's concept of counselling must be understood in relation to its primary focus, that of working with adult survivors of incest and child sexual abuse. Rather than framing the journey in terms of victim to survivor, Rahi stands for a journey from trauma to recovery. They started with the understanding that child sexual abuse is a social problem for which the demands for justice need to be framed in terms of recovery. Justice for survivors relates to their recovery, which is to say, it correlates to receiving an apology, getting an acknowledgment – rather than prosecution, punishment or incarceration. Revenge is not a good thing for anyone.

The role of the therapist is to look after, guide and help the survivor through the trauma, help them express their true feelings. Since secrecy prevails regarding the abuse, most times the truth manifests as symptoms. Therapists have the knowledge with the power to help, but the question is not of capacity, but of approach — how to use that knowledge to help. At Rahi, they move from individual therapy to group therapy and social action. Group work breaks the isolation felt by the individual and this can be followed by social action, which has the potential of being powerful for the

survivor only if it happens at the right time. Talking therapies serve an important purpose because there is need to talk, despite which trauma remains stored in parts of the brain not accessible by words. Hence, non-talking therapies also need to be availed of. Disclosure and confronting are important, but these are not forced or even encouraged till the survivors are ready and willing. Such counselling that proceeds from one level to another, calls for expertise and qualifications, otherwise the situation can backfire for the survivor.

The mental health community is largely not ready to deal with incest and child sexual abuse, as the specific needs of survivors are not very well understood. The knowledge that they are sexually abused is a terrible truth yet there is need to deal with it. Often the hysteria and hype about hating child molesters, focusing on stringent punishment to them serves to remove child sexual abuse from our conscience and takes attention away from the survivors.

Rituparna Borah, Nazariya, Delhi

Nazariya mainly works with LBT people. For them counselling is a formal technical term, that is to be imparted by a trained professional. None of them at Nazariya are trained or professional counsellors, yet they work with people seeking help. In fact there are many LBT people seeking help, but with hardly any organizations dedicated to them, Nazariya has been responding as best they can. They tend to draw upon their shared and lived experiences as LBT, with the focus on not just violence but also sexuality issues. In this sense, their approach has led to conflicts with certain feminist approaches. Since there just *aren't* any counsellors for queer people, the cases get referred to them and they have to respond as best they can drawing upon their lived experiences.

People who come to them need affirmation that is both psychological and social, and there are situations of crisis in their lives that might even lead to suicidal conditions. In such situations, the most important response is to let those traumatised know that they are not alone; that they're not the only ones suffering for what or who or they are. This is why it is



necessary that Nazariya comprises of people with similar experiences since it is most responsive to the trauma the person is dealing with. So despite their lack of professional expertise, they are able to reach out and help.

They face several dilemmas in their work. For example, when a transman assigned female at birth, wanted to leave home on account of domestic violence and pressure to marry him off, they advised him to not leave home, because they knew the State and police would not help, and there are no shelter homes where he would be understood or be safe. With shelter homes, there is also the problem of class difference and conflict of interest in taking a transman to a women's home. In fact, the police could make the case worse by taking the side of the family.

Rituparna Borah said that while playing the role of trainers and support persons, they recognise their dual role as counsellors and victims, in the sense of having experienced similar situations. This positions them uniquely as helping establish a bond through shared experience with the victims, reducing the inequality between them and the victim as they too have been in the victims' shoes in the past. Moreover, when they disclose that they are not professional trainers and counsellors, the persons who come to them trust them more.

Working with LBT people throws up challenges that they have to address. In some cases, the victims often need parental approval to even see or talk to them, which is a limitation. It is not easy to provide guidance, since these people's very existence and choices are against social norms, so they navigate through difficult strategic choices. For instance when a trans person wanted to live with his girlfriend they had to advise against doing so since it would be treated as an abduction case.

She said that for Nazariya, the question they seek an answer to is not whether there are any feminist principles of counselling, but whether there are any specifically queer principles of counselling. For them, simple feminist principles of counselling do not work, since they do not adequately respond to the complexity of the lives and challenges of LBT people.

DISCUSSION

There may not be much of a consensus on what feminist principles of counselling might be, and there might even be problems with claiming to have them ready at hand. There are a diversity of feminisms, so we cannot expect a uniform set of principles for counselling. Nonetheless, it is worth drawing out key learnings from different feminist experiences of counselling, such as the those brought out for practitioners by Cehat.

It is worth probing the issue of feminist approaches, not so much as to produce a definitive check list, but to engage and reflect on interventions in particular categories of cases. For instance, women's groups have for long critiqued interventions through which compromises restoring women to violent matrimonial homes are forged. In the same way, we need to introspect on approaches of counsellors and organisations to cases of breach of promise to marry. Such cases are embedded in notions of patriarchal honour, legitimate sex and interventions are sought for restoring honour through marriage, or punishing the boyfriend/ perpetrator with rape prosecution. What might a feminist response be? Should the counsellor endorse the victim's sense of victimhood or should the intervention aim at helping the woman question the social norms that define her victimhood?

One key aspect is to ensure that the counsellors do not burn out, making it as just as important to think about counsellors (as one does for victims) and look out for them. There needs to be a therapist for counsellors to advise them not just for professional skill building, but work with them through their personal problems also. At Swayam in Kolkata, they share the problems in relation to counselling with other groups as well, to come to some sort of consensus on what might be appropriate solutions. There needs to be some distinctions between counselling, therapy and activist forms of support.

There is a difference between institutional approaches from those adopted by activists. Often the latter cannot try to do things in a 'professional' manner or use feminist principles. As activists, there is an impulse to act in a given situation even if one is not a trained counsellor. In many general

feminist meetings people's genders and sexual identities are simply stamped out, which does not allow differences of experience to surface.

Among the problems with counselling undertaken in most police led special cells for women, is the focus on joint counselling and settlements to help restore the woman back in the abusive family. In Maharashtra, very conservative and traditional organisations under the guise of being NGOs also collaborate with the police in running these cells. In Rajasthan's MSSK however, women's groups lead these cells. Despite this exposure to complexity of cases at these cells, the police still project women as liars and are prone to corruption.

To some extent, the confusion around the casual usage of the term counselling to describe a wide variety of interactions with the victim comes from it being an imported term alienated from our traditions of intervention and healing. Is it possible to draw upon alternate traditions in our own history that can deal with our cultural issues and the resulting harm to individuals? Does the use of the term counselling make the intervention more professional, technical and resource-worthy? For instance, earlier in Delhi, the basti women associated with Action India were part of a larger feminist *mahaul*, active in meetings and forums. There was engagement with the women's groups. The situation has changed although there are 89 mahila panchayats in bastis of Delhi, all of which are political and each works as a mahila sangathan now. They intervene in cases too, but do not get funded. In contrast, counselling gets funded and viewed as part of crisis support. Our conversations must include the women working in communities to engage with their work and with them.

Working with survivors is critical but all activist interventions do not constitute counselling. It is important to distinguish between the two without privileging and discounting any of these interventions. Expertise is very important to enable the journey to recovery, so if there are gaps in knowledge these must be acknowledged and bridged. At the same time, it is important to recognize the expertise and professionalism of activist counsellors too. Working with children requires approaches very different from those used for adults that have yet to be understood, even by experts.

**SESSION - V:****ADDRESSING UNDERLYING CONDITIONS OF VULNERABILITY**

Women's victimization and violence cannot be de-linked from the systemic oppression and inequality they are situated in, or from unequal access and control over resources. Transformatory interventions seek to go beyond addressing violence and trauma, to journey through processes that seek to build her capacity for decision making, facilitate peer support, enable access to resources to change her socio economic status. Feminist interventions that combine crisis support with long term processes seek to re-build lives and change status quo, and often do. These processes are long term, complex and difficult in the best of circumstances, but can seem impossible in contexts already structured by social disadvantage. This panel explores efforts, challenges, and struggles in contexts that aggravate vulnerability and marginalization.

Chair: Anuradha Kapoor, Swayam, Kolkata

Introducing the panel theme, Anuradha Kapoor noted the importance of strategies that help the victim chart a future life that is free of violence. At Swayam, they recognise the continuum from victim to survivor to a support person, in the cases they intervene in. For them, it is a long journey that begins with case follow up, using different kinds of strategies that provide support to the woman. After handling such cases of violence, they involve women who come to them in various activities aimed at creating self-confidence to equip them to move forward in life. Women survivors from different backgrounds and contexts, come together to discuss gender, patriarchy and many other issues to help them recognize the structures that create conditions for their oppression. Through this process, they gradually evolve into a peer-support group that provides comfort to each other outside of the family structures. They use creative arts, writing including magazine writing to enable women to express themselves. The panel is about interventions that go beyond the immediate crisis. These may include interventions relating to education, skill development and

livelihood for survivors, but need not be limited to these. Each of the interventions seeks to address the pre-existing vulnerability, through inputs that strengthen capacity of women to re-build their lives. Yet, contexts of multiple marginalization bring with them additional limits and challenges which the experiences shared by the panelists bring out.

Manjula Pradeep, Navsarjan, Ahmedabad

As a long time activist in the Dalit movement, Manjula Pradeep talked about the difficulties of being able to frame and address issues through the intersectional prism of caste and gender. In her work with the Dalit movement in rural Gujarat, she began working with issues of bonded labour on which there was a shared perspective in the movement. Yet, she found herself struggling with patriarchal understandings and blindness to experiences of sexual exploitation within the movement, posing additional challenges for her engagement with these issues.

She said that it remains a challenge for the Dalit movement even today, to talk of caste without neglecting gender. In a case of gang rape of a Dalit girl by six male professors, extensive support to the victim was required until the time of conviction. On this, her organisation found it difficult to understand why so much time needed to be invested in one case alone. She referred to other severe cases of sexual violence, one of which involved a young girl who was raped on her way to school, which also required continuing support to the victim through the legal process. Although the conviction was obtained in the case and the organization viewed it as one where justice was achieved, yet, from the point of view of the girl herself, she was defeated. She was not allowed by her father to continue studies after the rape although she dearly wanted to. She was also subjected to many restrictions, so much so that one day she died with 90% burns. Issues of violence against women, especially where multiple discriminations and marginalization are at play, require intensive and gender sensitive support, with interventions at multiple levels – in relation to the system, the girl, her family and the context of larger oppression. Without such an appreciation and understanding, it is not possible to intervene

meaningfully, and organisations must be fully cognisant of the issues to be able to respond to these cases.

Looking at such cases, the question is how do we work on violence against Dalit women? How do we address issues of education, livelihood, skill development when movements and organisations do not prioritise Dalit women's leadership sufficiently or recognise caste and gender simultaneously in their work?

Shampa Sengupta, Sruti Disability Rights, Kolkata and National Platform for the Disabled

To understand the possibilities of re-building lives, Shampa Sengupta said that it was important to recognize the nature of victimhood. In the case of women with disability, the specificity of their context differentiates them from other women in many ways. As an executive committee member of the National Platform for the Disabled, they follow a large number of cases throughout the country, which bring out two aspects. The first is that there is a two way relationship between violence and disability – in that violence happens because of the disability and also, that disability is frequently a result of violence. The second is that disability is not a separate component but intersects with all other forms of discrimination and marginalization.

Given the interconnectedness of disability with other marginalisations as well as difference from them, the question for us is how to connect with disability groups and also, how do disability groups connect to other groups. Should there be more interaction with different groups to establish a similarity or should victimhood for disability be overplayed as it often must be, in order to evoke a response, be it typically charitable, from society. Yet, it is equally difficult to use the term 'survivor' when it comes to the disabled.

The difficulty of transformatory interventions is illustrated by some cases. A 12 year old girl with cerebral palsy was raped and thrown in a meadow, soon after the POCSO and the CLA 2013 had made specific victim centric provisions for child victims and those with disability. With the police

being unaware of the legal changes, no action let alone special procedural steps or compensation being offered, except to give Rs.100 to the family. The family was overjoyed with this as they expected nothing to come of the case, and the girl eventually died. This is the context within which we have to understand violence against the disabled – a context where violence is all pervasive taking many forms, within which an act of rape is but one incident that gets noticed. In a case of a 19 year old with intellectual disabilities, which made it difficult for her to take decisions of her own, the question before us is what are her desires, autonomy and forms of expression. In this case, like most others, sexual abuse surfaced with pregnancy, but unlike most other cases, where the identity of the abuser often remains a mystery, she was able to name the neighbour. Yet, the state's bureaucratic blindness took no note for her vulnerability, violence and resultant motherhood, as all its interventions to secure her compensation, or a hostel, let alone a livelihood hinge on very difficult preconditions of a disability certificate. In trying to procure the certificate they learnt that being from Bangladesh, she was not entitled to one without proof of residence. Since disability certificates are a pre-condition for relief, this in turn raises issues of citizenship and questions of domicile. In this case, when they sought a certificate to claim relief, the police obtained the wrong certificate, confusing very different forms of disability.

Another dimension of disability is that of domestic violence against the mother who gives birth to a disabled child. When such a woman approaches the court for child support, the lawyers and judges are blind to the special needs of the child, fail to provide maintenance appropriate for such a child who needs therapy along with other protections. In a case that involved the rape of a deaf mute athlete who was a national champion by an auto driver, the entire focus was on awarding capital punishment to the accused, without any attention to providing justice for the girl in terms of addressing her needs. It became necessary to shift her from the village she resided in because she was perceived as having brought 'disgrace' to the village, of 'damaging' the village's asset. Yet, moving her out of her village into an institution contradicts all principles of community-based intervention. This made it possible to provide her vocational training to

help her move beyond the trauma. What these different cases and situations bring out is that at every level, across contexts of disability, there is no understanding within the institutions on how to deal with cases of disability.

Rehana Adib, Astitva Saharanpur, Uttar pradesh

Rehana Adib highlighted the additional challenges faced by feminist organisations led by Muslim women in addressing the victimization of Muslim women, when working in a context of growing communalism, such as has been witnessed in Muzaffarnagar. In challenging times like these, the women's movement needs to strengthen support to organisations like Astitva, which has in fact, weakened as a result of not getting the kind of support it expected through difficult times. Being part of grass roots movements for many years, collectivizing women to run Nari Adalats, she spoke poignantly of having missed the kind of support while dealing with communalism that she received from the women's movement in the earlier years. This she attributes to a weakening of the women's movement itself. In a context that magnifies victimhood, their ability to help women rebuild their lives, and to confront religious fundamentalism internally, has been increasingly diminished in the face of rising communalism.

She recalled taking up the case of Imrana several years back, where they were able to confidently challenge fundamentalist forces within the community. When Imrana was raped by her father-in-law, it took them nine days to lodge an FIR against him. Despite pressure and delay, they succeeded in doing so. Knowing Muzaffarnagar well, they were able to stand up against the *moulanas* and their *fatwas* that declared the rapist father-in-law as her husband, and consequently, her marriage as incestuous after the rape, since in their view, her husband was now viewed as her son. Astitva garnered support from Imrana's parents in their struggle against the *moulanas*, the police and the doctors – with only the media on their side. The then government of the Samajwadi Party, did not intervene on the ground that this interfered with the autonomy of the Muslim community. The government weighed in favour of the fundamentalist Muslim leaders, rather than stand with those vulnerable and victimized in the community.

Despite having taken fearless positions within the community, they face an immense push back in the aftermath of the Muzaffarnagar riots and growing communalism. After the riots, with the abysmal state of affairs in government's camps with no food, medicines and safety, matters became worse with the *jamat-e-ulema* taking charge of the managing committees to corner whatever little resources were available. They organised group marriages of young girls to save their honour, but who were subsequently divorced. Women were blamed for the communal situation, saying that by watching television and going to college, women had neglected the *namaz* and the *Shariat*, and gave out calls for halting these modern things.

Astitva was intimidated into vacating its office in the Jat area at short notice, and forced to re-locate in the Muslim areas, amongst the very fundamentalist forces they have resisted all these years. So internally, the space Astitva had to resist fundamentalism within the community has shrunk considerably. She for instance faces two levels of hostility for her activism in Muzaffarnagar – one for not being a Hindu, and the other, for not being a 'good Muslim'. Yet, they have worked through these challenges and witnessed important gains, like getting the riot affected children admission in schools, or giving Muslim women vocational training to support themselves, and helping women speak up during panchayat meetings. Their efforts have yielded positive results evidenced by girls being sent back to schools despite lost documents, that there are zero drop outs, and also by mobilizing volunteers for enabling this. These successes however remain tempered by the external and internal challenges they navigate.

DISCUSSION SESSION

The context for some is more challenging than for others, with all the presentations showing the multiple barriers and obstacles faced by so many women. We must applaud the struggle of groups such as Rehana's, who invest enormous energy to sustain their work and fight the status quo within the community and with the State. The anguish she expresses is part of the struggle of working through hard times, which also must be shared amongst us alongside stories of positive achievements. We must



have the space to share emotions for these too are integral to our sisterhood, and is therapeutic.

It is necessary to support each other and draw from each other's struggles. We must realize that nothing will change unless we keep abreast of policies, work collectively and push for change. Without our efforts to push for change the State will not act. We need to share our strategies, our successes big or small, across different contexts recognizing some as more adverse and challenging.

Anandi has worked a lot on livelihoods, in ways that go beyond skill building or beyond the government saving schemes of NRLM. The women they work with realise that their biggest asset is their work, and we need social protection as a facilitating factor, to overcome issues of access in order to ensure socio economic rights. The State programmes often do not appreciate the context, and end up being exclusionary. For instance, in one case a government agency in Delhi sought to run a training programme for rural women in Guwahati, Assam, but they were unwilling to provide accommodation and food. So the way these programmes are conceptualized, where the resources go do not serve the ends they seek to fulfill.

One very valuable activity that hasn't been done enough and needs doing is documentation of experiences. This is therefore a request to share documents and reports, as these are of immense value. Our struggles and activism makes us too fatigued to document, but we must. It may not be possible to find solutions just through coming together and through our camaraderie. What we learn from Muzafarnagar is that no matter how strong the push back is, we don't quit, but find ways within that context to sustain our work.

It is true that being Dalit or Muslim or disabled compounds disadvantage on top of everything else. The discussion on women's socio economic rights becomes more complicated when taking into account levels of disadvantage, discrimination arising from our intersecting identities. It is important to link socio-economic rights and entitlements with our work on violence, as these co-constitute each other, and both are part of the struggle for enabling victims to move forward.

COMMUNITY DIALOGUE

Community outreach and dialogue especially in rural contexts is both a pre-condition for taking up cases of violence against women, as well as a necessary follow up to a case of violence. For many community based organisations community dialogue is a means of raising awareness on gender issues, learning about issues that affect women in that context; it is also a means mobilizing support and opinion building within the local context, enabling possibilities of restorative justice for victims of violence. In several cases of violence against women, especially but not only cases of sexual violence and witch hunting, the victims live in stigma or are compelled to re-locate. Community dialogue through shivirs, meetings, nukkad natak and through initiatives that collectivize women – these have helped evolve a consciousness and questioning of inequalities, discrimination and social wrongs. This panel looks at strategies adapted to different contexts, and their relevance to addressing violence against women.

Chair: Madhu Mehra, PLD

One critical aspect of survivorhood and justice involves interventions that engage the community from within, to mobilise opinion, question silence on gender based violations, and apathy/ stigma in relation to the victim. Community dialogue seeks to disrupt local consensus by facilitating space for voices and perspectives that get silenced by dominant views. Such interventions have been used effectively to create spaces, conditions and allies to enable re-integration and restoration of dignity and social relations of the victims, and to enable her to live without fear of re-victimisation, eviction, boycott. When does community dialogue become an essential part of violence intervention and victim support, how does it play out, what are the experiences and challenges? This panel of activists working in diverse geographic and cultural contexts, share their experiences of why community dialogue is important, how they initiate it, and its relationship with gender justice.

Indira Pancholi, Mahila Jan Adhikar Samiti (MJAS), Ajmer

MJAS works in a rural context in Rajasthan where violence takes many different forms, one of which is witch hunting. There are limitations of working with rights based approaches in this context, making it more important to work within and with the communities, an approach that involves interconnected strategies of women's collectivization and empowerment, for changing the status quo as well as for addressing cases of violence.

In their context, Indira Pancholi said that they cannot take up cases of violence without undertaking long term processes of working within the community, particularly to collectivise girls and women through interventions that create the space for them to discuss their concerns and the violations they have suffered. This is a means towards empowerment. Their interventions prioritise the leadership of girls in villages and in *bastis* by collectivizing them, bringing them together to talk about their issues. Women share a range of concerns at participatory meetings organised for them, including those relating to different forms of violence and its impact. Here they build an understanding of the how the violation is perceived from the standpoint of the victim and her community. These meetings are also spaces of legal awareness and empowerment. This participatory process is a means through which continuing dialogue is sustained, and provides the basis on which other interventions are developed and carried out.

Through these women, they carry out a wider dialogue within the community to address common concerns and problems, including cases. Their experience shows that it is never that the entire community is against the victim or against women, rather it is smaller groups of men who put up the most resistance and threats. They therefore recognize the value of identifying allies within the community, as well as that of identifying the various standpoints men take with respect to women's empowerment.

Equality and justice do not involve revenge in their work. In most cases it may not involve a confrontation. They have found it valuable to leverage any space available, including through the local culture of hospitality

within the families and homes, to sustain conversations even with those who strongly oppose them or differ ideologically. They have leveraged spaces in the panchayat, which have opened up through the elected women representatives, although they have not seen such support from the *jaati panchayats*.

Geeta Rani, Assam Mahila Samata Society (AMSS), Assam

The main process adopted by the AMSS in Assam has been to enable women to understand their rights and entitlements, and through that, broaden the dialogue to involve the community, the administration and the police. AMSS works through a federated structure with the women's collectives or *sanghas* at the village level, who identify and raise issues and cases that are collectively taken up. They promote collective reflection, decision making and collective action as a means of empowering women, who then lead social change. The examples below illustrate how this approach is applied to address both individual cases as well as larger issues. Each of these involves dialogue with a range of stakeholders.

On the issue of witch-hunting, it took nearly two years to open up the discussion among the *sangha* members because of the adverse reaction to the very word '*dayaini*'. Their focus was on making women realize that witch hunting is a means of oppressing women, that it is a gender issue. Once this understanding was achieved through this process, the women who were earlier reluctant to even mention the word began bringing a large number of cases, revealing another critical aspect that this problem affects the poorest the most. The main resistance came from the police who justified inaction on the grounds that witch hunting is a 'tribal problem' that is best left to the community to deal with. When pushed, the police did register some cases. Yet, the AMSS resolved many more cases through dialogue at the community level. The State government eventually came up with a special law on the subject only because of the pressure from women's groups.

Women's collectives have also dealt with trafficking of minor girls from the tea garden labour (who are bonded) in Sonitpur to Arunachal

Pradesh. After leaving, the parents never hear from their minor daughters, so AMSS began awareness raising with the tea garden communities, and later, facilitated their meetings with district authorities. After a long process, the administration was compelled to establish child protection committees in the district.

In 2012 there was violence between Muslims and Bodos in Kokhrajhar district – an area where the AMSS works. This led them to work in relief camps for Muslims, where they noticed that the Muslim community was arranging group marriages of minor girls to save the honour of the family and the community. Having identified this, they intervened through dialogue with community leaders that helped address this problem to some extent.

At the grassroots level, interventions on violence against women are possible only if the women in the community lead the change. This requires dialogue and long term processes that engage the women, build their leadership so they in turn may engage with the rest of the community and the state agencies.

Usha Saroha and Anju, AIDWA, Haryana

AIDWA's work involves intervening in cases regardless of the community concerned, as they take up cases of women who need a voice, be they Dalit or the poor. They often become the only source of support for the victim and her family, providing even basic information on how to file cases, and follow up their cases to track if any progress is made. In some cases involving Dalit women, AIDWA members were told not to enter the community space as they were not a Dalit organization. This did not deter them, because they believe that they must take up the case of victims, regardless of her caste or religion. In their view, it is not just caste but also class that render the victims more vulnerable and powerless.

AIDWA works through women's sangathanas, and often use protest to draw attention to injustice, police inaction and administrative neglect. In Haryana, most cases involve perpetrators who are part of the local elite, socially and economically more powerful than the victims – which is why

the local police typically do not register cases unless there are protests by women's sangathanas. Most sexual harassment cases are related to political persons, which can only be tackled through the intervention of women's organisations that wage a long battle to get the cases registered, in retaliation for which they get criticized for taking up such cases. The local elite and the Khap Panchayats in Haryana target the sangathanas, women's organisations and individual activists for their involvement in these issues. Sometimes, the opposition also comes from the police and the courts when they say that women's issues are best resolved by the panchayats.

The examples of cases taken up by them bring out their strategies as well as the challenges and backlash they face. In the case of rape of an 11 year girl by a 72 year old man, referred to as 'Baba', the local police first avoided the matter, then refused to file the FIR against him until AIDWA got involved and led protests. It was only through sustained intervention that the FIR was eventually filed, and on account of AIDWA's constant follow up and protests, the 'Baba' was arrested and jailed.

When the two young girls in Rohtak made headlines for physically tackling the boys harassing women on the bus, they were initially praised as 'brave daughters,' but immediately afterwards a backlash of vicious victim-blaming ensued questioning the mobility of girls, who they declared should remain at home. At this point AIDWA stepped in, to publically question the double standards for boys and girls, which allows boys unchecked freedoms, including the license to watch porn, while expecting that girls be housebound, observe curfew and wear only salwar kameez. AIDWA put their weight behind this case for action against the boys, despite a lot of pressure advising them against taking it up, accusing them of wanting to ruin the lives of these boys.

In the case of the gang rape and gruesome murder of the Nepali girl in Rohtak, AIDWA and Dalit sangathanas led protests, even held up traffic to protest police callousness and apathy, calling for time bound arrests. This eventually forced the police and the government into action, with the accused being identified and arrested within 8 hours. This indifference of the state was telling as they not only took a long time to take action but

also awarded compensation only after the protests. In Haryana, compensation is awarded on an ad-hoc basis as there are no clear provisions or mechanisms for compensation.

In Rohtak, they intervened in the love-jihad case, which created a communally volatile situation for three Muslim families. In this case they were not able to do much, as this required a stronger movement and the presence of more progressive alliances. The political dimensions of such situations make them more complex and challenging for just the Mahila sangathanas to intervene on their own.

DISCUSSION

We need more conversation on how to work with the community. It is not possible to re-locate victims, and neither is it possible to intervene only through 'case-work' to bring about change. What strategies do we have to raise issues and concerns with the community, to find different ways by which to challenge the status quo? Skits, theater, street plays are a great medium to engage the community but what else do we have? We need to explore other strategies as well, for which a conversation amongst us is necessary.

Some of the more common ways in which women's groups intervene in cases is by helping victims go to the police, by rallying support from other members of the community to encourage them to give statements to the police, they talk to the family to make them more supportive of the victim. Women's groups often have to take up all kinds of issues, from violence to water problems to win the trust of the community, to be legitimate in their eyes. Earlier, panchayats were inaccessible to women, but now Anandi has helped set up *satya rani*, women's protection groups who go to khap meetings to speak on behalf of women. They also run awareness programs to dialogue with the people.

That nearly 90% of cases that come to Nari Adalats (in Gujarat) pertain to domestic violence, have been brought forth by the sangha women, highlights the importance of community mobilization. However, Nari Adalats

are only effective for cases from within the same caste/ jaati. So how do we create similar community mobilization for cases involving different castes, greater levels of unequal power relations? What strategies can be think of to spur community support to such cases – for instance, can we consider a Gujarat mahila panchayat, with women panches from different religions?

Although we must support all women victims, it is important to recognize identities and identity politics at play in a given case. Often the lens of identities helps us understand the power dynamics at play, explaining why that violence happened, as well as knowing the challenges and resistance the case is likely to face. Without recognizing these aspects, we cannot move forward.

Also it is important to think about the terminology we use, as it reflects how we understand the problem and what solutions or strategies we respond with. For instance, what we refer to as trafficking (as an outsider to the context) may well be economic migration of women in search of new livelihoods (from the woman's perspective).

We are told 'why don't you deal with it in the village only', a site where unequal roles are so deep rooted. At the same time justice or *nyay* means different things for different people. Yet there are ways to move forward even in such scenario. For instance, in cases of witch hunting, the identification of a woman is carried out before the violence is inflicted, or a formal crime occurs. There are groups that intervene at this point – with the goal not being to immediately register FIRs against the perpetrator, but to intervene in all the community processes to challenge and question the targeting, which is a longer process and helps disrupt the build up of fear that usually silences the dissenting voices in the community. This does not foreclose the filing of an FIR when necessary, but emphasizes the importance of taking the community with you, engaging them in the concerns raised by a case while it is still possible to do so. Sometimes this might diffuse rather than aggravate the problem, other times it is necessary to escalate issues and demand police action. Sangathans, collectives of women in the community are a critical medium through whom interventions, dialogue and identification of cases can be carried out from 'within'.



While law waits for the occurrence of a grave cognizable crime to step in, women's groups engage at an earlier stage when threats begin. The need for dialogue in these situations as these groups have shared, is paramount. This is also possible as experience shows that spaces for negotiation and allies exist within the community, which must be tapped; the whole village rarely buys into the witch narrative even if they remain mute spectators. Depending on the context, they engage and dialogue with the community, panchayats, mobilise protests and confront to address multiple issues and barriers of state apathy, social norms, caste and class and other power relations.

CONCLUDING CONCERNS

The workshop took on the question of victim/survivor centric justice from a range of locations, institutions and perspectives. It brought together very different groups, working on child rights, on disability, on Dalit and anti-caste struggles, anti-communal activism, queer organisations, among others. New questions about what counts as justice emerged, especially in relation to grass roots contexts of organising and in the relationships between such organising and local communities. It is only too glaringly obvious that there is an enormous need to think of restorative justice beyond penal provisions and actions.

Although each case foregrounds structural inequalities that allow the violation to occur with impunity – and each intervention at the community level navigates, protests all these aspects, through prosecution of perpetrators, but the system or structures do not change easily if at all. People in positions of authority and power remain too often apathetic or colluding for the next violation – for which again, an intervention and mobilisation is needed. The default response is to look away, turn away the victim, until pressure is exerted. Despite all the case work, the structures have yet to change in any appreciable sense – so we need to have common platforms to discuss this more, to find ways of how to address the barriers that are both case related and structural in nature.



Finally, however, it has been both sobering to recognise how far we are from the earlier heady days of the women's movement, and yet to see the extraordinary efforts on the ground today to articulate what needs to be done to make justice more meaningful to those who need them the most.





Centre for Women's Development Studies

25, Bhai Vir Singh Marg (Gole Market)

New Delhi - 110 001, India.

Ph.: 91-11-23345530, 23365541 Fax:91-11-23346044

E.mail: cwds@cwds.ac.in / cwdsorg@cwds.ac.in

Website: <http://www.cwds.ac.in>