



"Violence against women: Good practices in
combating and eliminating violence against women"

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Strategies for Combating the Culture of Dowry and Domestic Violence in India

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This paper deals with the varied strategies used by *Manushi* and other women

become the defining symbol of the vulnerable plight of Indian women both within India and internationally. However, by 1984 *Manushi* was forced by circumstances to revise our approach.

Most women's organizations interpreted the continuing hold of dowry as a sign that the anti-dowry law is "weak". Therefore, they pushed for further amendments to the anti-dowry law and demanded that it be made stringent and draconian without ensuring that the existing laws were adhered to at least by those who claimed to be anti-dowry.

The anti-dowry campaigners overlooked the fact that flagrant violation of the law was evident even among feminist activists. Many of those who vociferously shouted slogans outside other people's homes and in public fora calling for a social boycott of all those who gave or accepted dowry, did nothing whatsoever to ensure that dowry is not given or taken in their own families. Therefore, we at *Manushi* felt that if we did not lead by example, we had no moral right to condemn others. That led to my issuing a call through *Manushi* appealing to women activists and organisations to boycott all such marriages in which dowries were either given or taken to build a pressure among our own families for dowry less weddings. This resolve to try and practice what we preach became one of the most useful self-correcting mechanisms in *Manushi's* approach to dowry as well as all other interventions.

The first humbling jolt came when I found that except for my own immediate family and half a dozen *Manushi* volunteers hardly anyone else heeded our Boycott Call (See "Beginning with Our Own Lives, *Manushi*, No. 7, 1979). The marriages of both my brothers in 1990 and 1991 were strictly dowry less out of sheer love and respect for me. But other than that the boycott call did not evoke much of a response even among women's organizations and activists.

I was then too young to understand the reasons for our campaign being a flop and attributed it merely to double-speak and hypocrisy. As a result, I became even more zealous in observing the boycott in my own life and in the process ended up causing needless hurt and estrangement to some of my dear friends and relatives.

A dowry-less wedding, in my view, meant the bride going to her marital home with only her existing clothes and items of daily use. There was no place even for new clothes and jewellery for the bride. This rigid definition was in response to what I saw as the convenient escape route adopted by all those who claimed to be anti-dowry but routinely provided or accepted the customary gifts for marriages in their own families. I then believed that if we applied a very rigorous definition, we could then not only prove our conviction but also make the law more effective

neighbours argued with me vehemently saying that my stand was absurd. Their logic was as follows:

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Distortion of Tradition

The idea of protesting outside the residence of the accused family was born out of the realization that getting justice through police and law courts was a remote possibility, given the high level of corruption and inefficiency endemic in these institutions. In India the verdict of one's neighbours, relatives and other close associates continue to matter much more for most people than the verdict of government appointed law courts. The notion of *izzat* or honour is a far more powerful determinant of social behaviour than the laws enacted by the Parliament because the colonial structure of our government machinery and the tyrannical behavior of its functionaries do not enable state agencies to command respect from citizens. Government laws often run contrary to popular opinion and social consensus on various issues. Therefore, in India people's protests in both rural and urban areas often take the form of protests outside the house of the family accused of wrongdoing. There are any numbers of instances of village drunkards and wife-beaters being paraded round the village lanes after their faces have been blackened by the women of the area to bring shame on them.

The historical roots of protesting outside the house or business establishment of the wrong doer through a mass protest are traced in Dharampal's book *Civil Disobedience and the Indian Tradition*, which shows how Mahatma Gandhi's choice of *satyagraha* as a weapon to win over public opinion, both within India and internationally, was rooted in a well established ancient tradition of building collective pressure through peaceful but determined gestures of protest including inflicting dignified suffering on oneself through acts such as fasts unto death and other moral means to de-legitimize the actions of the wrong doer. However, those of us who are not deeply rooted in the Gandhian worldview or are also influenced by left politics with its emphasis on militancy and desire to see the oppressors defeated and humiliated, tend to bring an element of violence and coercion in it, leading not so much to redressing the power imbalance but to a permanent state of enmity.

public domain. But they neither succeeded in eliminating violence, nor reducing the hold of dowry.

Positive Potential of Family's Role

If one set of parents want help in taking “revenge” at the other end of the spectrum were parents who came with the expectation that we would help their daughter by pressurizing their abusive husbands and in-laws into a compromise and take the woman back. Often parents narrated bizarre stories of how they went on suggesting newer and newer “adjustment” formulas to their daughters in the face of untold humiliations and brutal torture and how time and again daughters were sent back to their marital home even while they were being subjected to sadist tortures.

In the early years, we used to respond with impatience at the number of relatives -

Viewing family as a source of support is anathema to many feminists. Many of them view, family in general and the Indian family in particular, as a site of oppression, tyranny and subjugation of women. It is seen as an instrument of patriarchal control over women's lives, bodies, sexuality and social relationships. While there is no denying that in most parts of the world family is the primary instrument for socializing women into accepting a subordinate role in society, it is also the most important source of support, protection and fulfillment for most women. The best of government laws and shelter homes for victims of violence cannot do for women what a supportive family can do.

The fact that in India commitment to family is not limited to parents and siblings but extends to a large network of kin and relatives makes it possible for a woman to draw support from a very large and diverse range of people. This is particularly helpful in raising children because those who are able to get emotional nurturance from diverse sources grow up to be far more healthy and resilient than kids whose emotional nurturance comes from a small nuclear family and that too not a very stable one.

Conversely, if one's family and kinship group, or the dominant males within it, turn against women, the life of such a woman becomes truly endangered.

Rights become meaningful only when others vis a vis whom they are defined respect them, honour them, even celebrate them with you and treat them as your due which they feel duty-bound to give. If rights are continually asserted in a hostile environment it seriously damages a person or, group's sense of selfhood.

Why Have Draconian Laws Against Dowry Failed

Even though I maintain that dowry per se is not the cause of domestic violence, there is no denying that dowry demands and sharp escalation in the amounts of money being spent by families in putting together dowries has contributed to viewing daughters as a burden and consequent devaluation of women's status. The culture of dowry giving is spreading even to communities which had no such tradition a generation or two

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person, to either party to the marriage or to any other person at or before [or any other time after the marriage] in connection with the marriage of the said parties.”

2. As per this law “dowry” is forbidden but “gifts” are allowed.
3. The anti-dowry law cannot be invoked against the giving of presents at the time of marriage to the bride without any demand having been made “provided that such presents are entered in a list maintained in accordance with the rules” made under the anti-dowry Act.
4. Presents given to the groom are also exempted, provided no demand has been made and they are entered in a list.
5. The gifts to the bridegrooms are legal provided that “such presents are of a customary nature and the value thereof is not excessive” in relation to the “financial status of the person by whom, or on whose behalf, such presents are given.”
6. Women’s organizations also pushed to get a new category of crime included on the statute book via an amendment to the Indian Penal Code. This crime – named “dowry murder” or “dowry death” is co

7. Two amendments enacted in 1984 and 1986 made dowry giving and receiving a cognizable offence. This means, a court can initiate proceedings upon its own knowledge or on the basis

grave injury, bodily harm, or danger to life, limb or physical health, but also includes mental health, harassment and emotional torture through verbal abuse. This law takes particular cognisance of harassment, where it occurs with a view to coercing the wife, or any person related to t

and inalienable rights t

marriage his wife may not allow him to support his own parents. As long as joint families were the norm and most parents could count on their sons to support them in old age and treat their income as belonging to a common pool, dowry demands were not much of

transactions at the time of marriage, there is ample scope for false claims and fraudulent denials.

Even the most active proponents and defenders of the anti-dowry law cannot claim that the law has been a success. Instead of fine-tuning their campaign to the realities on the ground, the anti-dowry agitationists have continued to demand that the law be made still more stringent. Since the wide gap between precept and practice, between what they say and what they do has never bothered the rhetorically militant social reformers, not surprisingly, the bizarre results produced by such a “high-on-emotion, low-on-common-sense” anti dowry campaign have not been paid due attention.

The Tide Turns

In the first decade of *Manushi*'s existence, most of those who came to us for legal aid were women who alleged abuse in their marital home. In the last few years, a good proportion of the cases coming to us involve complaints by mothers-in-law and other women of the groom's family about the misuse and abuse of laws, especially sections 498A and 406. Such cases are invariably brought to my notice, not only by aggrieved families and their friends, but more often by members of women's organisations themselves.

During the 1980's, far reaching changes were introduced in our criminal laws to deal with domestic violence. Prior to 1983, there were no specific provisions to deal with marital abuse and violence. But husbands could be prosecuted and punished under the general provisions of the Indian Penal Code dealing with murder, abetment to suicide, causing hurt and wrongful confinement. Since marital violence mostly took place in the privacy of the home, behind closed doors, a woman could not call upon any independent witnesses to testify in her favour and prove her case “beyond reasonabl

However, since the new police cells for women are run by the same police personnel,

the complaint as most husbands make it a precondition for any negotiations. If she has decided to opt for a divorce and the husband is willing for a settlement and a mutual consent divorce, again withdrawing the complaint is made a precondition for such settlement.

If she wants to separate or divorce on the ground of cruelty, she would have to follow two cases — one in a civil court and the other in a criminal court. This exerts tremendous pressure on the woman especially when she is at a stage o0TD(e)Tj 23 0 TD(l)Tj 12

Since he did not succumb to the pressure of leaving his parents, she got both her father and mother in-law arrested and put in jail for several days

The basic problem with the present laws dealing with domestic discord and marital abuse is that instead of providing effective remedies through civil laws, the whole matter has been put under the jurisdiction of criminal laws, with very draconian provisions to make their implementation stringent.*

This is what scares many women from approaching the police or the courts for protection, because once they put their husbands behind bars, they know then that they are in a fight to the finish. Most women are not prepared for that. Instead, they prefer to approach organisations that can mediate on their behalf and work out a better solution for them. In some cases, where the Crimes against Women Cell personnel are sensitive and honest to their job, they do perform the role of mediators well. But in most cases, the police make such cases an occasion to make money by squeezing the husband's family, in return for the woman withdrawing her opposition to grant of bail.

Wealth of Aliens, Herself Poor

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“giving” would have more meaning for their daughters if it takes the form of income generating forms of property rather than spending vast amounts of money on consumer goods, most of which depreciate fast in value, leaving nothing substantial in the hands of their daughter in case her marriage failed or turned abusive.² This approach of giving solid assets in the name of the daughter has influenced numerous families who have come into contact with *Manushi*.

How did the culture of disinheriting women come to acquire such power despite the claims made by Jawahar Lal Nehru’s government in the 1950’s that a revolutionary new law for giving equal inheritance rights to daughters was being enacted in the form of Hindu Succession Act (HSA)

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on the emotional appeal of blood bonds. This bond is easier to sever where the parents are dependent on the sons for old age support while the few who are wealthy may succeed in using their property as a glue to keep their married sons close to them.

This anxiety and uncertainty about their fate vis a vis their sons is partly responsible for strengthening the culture of "dowry demands". In recent years I have heard any number of parents tell me that marriage no more means "*kanya daan*" (gift of a daughter) but "*putr samarpan*" (handing over of son to the daughter-in-law). They have to be prepared that even occasional visits to the son's house may be resented and blocked by his wife, if she succeeds in winning him over to his side. That is why one finds parents try to marry off their daughter before they arrange their sons' marriages because of the fear that they may not be allowed to contribute to the expenses after they get married. This is also the reason why dowry is taking the form of "groom price", with parents expecting that a certain sum of money be given to them almost as "recompense" for their handing over the income and assets of their son to the woman who becomes his wife.

If we want domestic and inter-generational harmony, it is necessary to work out new and more egalitarian norms for co-living, with every member feeling assured that his or her rights are well protected, well respected and inalienable. This was one positive feature of traditional Hindu law. Each member had the right to be maintained from common resources of the family, with the

due share because the best of laws can be rendered useless if people are not convinced of their worth. I wanted to see whether the success we had in convincing individual families in Delhi to avoid chasing police and law courts and instead ensure that women got justice within the family itself could be replicated on a large enough scale. The product of this collaboration between *Manushi* and *Shetkari Mahila Aghadi* was a unique campaign called *Lakshmi Mukti Karyakram*.

Sharad Joshi announced in 1989 that any village which performed the following three acts for women's empowerment would be honoured as a Jyotiba gram:

- 1) Ensure by consensus the victory of an women panel in panchayat elections,
- 2) Close the village liquor shop by mobilising the whole village in order to curb drunkenness and wife beating.
- 3) Voluntary transfer of a piece of land to the wife's name by a hundred or more families. Such a village would be honoured as a *Lakshmi Mukti gaon* (a village which had liberated its hitherto enslaved Lakshmis) through a public function in which Sharad Joshi would personally distribute certificates of honour to each such family.

A small remote village named Vitner in Jalgaon district made history by performing all the above tasks within a month and received the Jyotiba Phule award from the then Prime Minister of India. I reported on the amazing change in village culture as a result of these achievements. Thereafter the Sangathana launched a movement for the implementation of Lakshmi Mukti in all the districts where they had a stronghold. The only incentive offered was that Sharad Joshi himself would go and bestow certificates of honour to each such village. However, the movement sustained itself for a long while even when he could not go and I went as a substitute.

The nomenclature and symbolism of this unique campaign is itself fascinating. The goddess of wealth is named Lakshmi. However, a wife is also traditionally referred to as "*griha Lakshmi*" – i.e. goddess of the household. Likewise the birth of a daughter or daughter-in-law is also meant to be celebrated as the coming of Lakshmi in the family, even though many communities have come to see females as a burden rather than a blessing. Thus, the message of the *Lakshmi Mukti Karyakram* was that by enslaving their household Lakshmis, the farmers had invoked the curse of poverty. Therefore, in order to free themselves from economic bondage, they had to liberate their own Lakshmis and earn her blessings. My own campaign speeches were more focused on the advantages *Lakshmi Mukti* would bring to farm families but Joshi's speeches dexterously used economics, mythology, and sense of the sacred and dharmic responsibility to get his point across. Joshi would introduce the *Lakshmi Mukti* campaign by saying that so far Sangathana had worked tirelessly to get various exploiters off the farmers' backs and ensure that farmers got fair and remunerative prices for their produce. Now it was time for Sangathana to ensure that men

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Even if you put a value of zero for all the love, care and loyalty that are the foundation rocks of your family, surely you ought to recompense her at least for her economic contribution to farming operations. Even if we calculate her labour cost at Rs.20 a day, the current minimum wage for 8 hour work fixed by the government for agricultural work: (this was for the year 1989-90), for working 365 days a year for 20 years, you owe her wages worth Rs.1,46,000. She has never claimed this debt from you in the way the evil deities (*ongal devatas*) presiding over banks do by kicking and humiliating you when they come to confiscate your household goods at times when you have failed to pay loans taken from the bank for purchase of agricultural inputs. But surely *mangal* (auspicious) deities like your Lakshmi ought not to be treated with such disdain that you offer them nothing in return for all the services they render you, Lakshmi Mukti is a humble token offering to your Lakshmis without whom your household cannot run. It is a long overdue debt which ought to be paid with gratitude because her full debt you can never repay. Think of how poorly we men treat our Lakshmis? Often no better than God Ram (the hero of Hindu epic Ramayana) treated Sita, one of the best wives anyone could have".

The speech would then move on to recounting the kind of sacrifices Sita made for Rama and talk of her devotion and loyalty:

"When Rama was banished to 14 years' of forest life Kaikeyi had not demanded that Sita go with him. She could well have stayed back in the palace, but Sita insisted that wherever Rama goes, there goes Sita. She said, my place is by Ram's side. She suffered numerous privations for him joyfully. Finally Ravana abducts Sita for no fault of hers but to teach Rama a lesson for his misbehaviour with his sister. Though Ravana respected her chastity and did not violate Sita against her will, her own husband subjected her to the cruel humiliation of *agnipariksha* (fire ordeal) to prove her chastity. Even fire could not touch her but on their return to his kingdom, at the mere hint of a slanderous remark by a washerman, Rama asks Lakshmana to take away Sita and leave her in a forest. He does not ever personally explain anything to her."

And then step-by-step Joshi would build on the cruelty of Rama, how even if his duty as a king demanded the sacrifice of his marriage, he could have behaved more humanely towards her.

"In that entire capital of Ayodhya, this queen could not call any place her own for mere shelter. Could Rama not have told his queen that though they could not continue living together as husband and wife because of *praja's* opinion, she could live apart in another palace? Or offered her a small house? Or at least a small *kothri* (room/dungeon) where she could live quietly with her children? But no, Maharani Sita became a *bhikarin* (beggar) overnight simply because her husband turned against her and pushed her out. It did not occur to him that if his

subjects were not willing to accept her, that he too could have followed her example. He could go along with her after saying to his subjects 'If Sita is not good enough to be your queen, then my place is by her side. I cannot stay here either.' Instead he left her to live the life of a destitute beggar even while she was carrying his children and himself remained on the throne."

Joshi would then go on to narrate the legend associated with the Sita temple at Raveri village in Yeotmal district whose existence was brought to our notice by Sangathana workers from that area. There is virtually no Ram temple without the Goddess Sita but there is atleast this one Sita temple without Ram. The region's lore has it after being banished by Ram, Sita roamed from village to village as a destitute. When she came to Raveri village, she was in an advanced stage of preg

The occasion would attract many people from neighbouring villages. After each public meeting, men from surrounding villages would come up and volunteer to effect similar transfers of land in their own village provided Joshi joined them likewise for the celebration. Thu

message of a respected leader could move hundreds of thousand of families into changing repressive norms towards women.

Despite these and other limitations, the movement clearly showed that the attack mode of social reform is usually counterproductive while building a campaign based on compassion, trust in the inherent goodness of human beings and making them active agents of redressing wrongs works far better than attempts to make them passive and supine recipients of authoritarian measures of reform carried out through threats of punishment to ensure compliance. This is evident in many other movements as well– a notable example being the Swadhyaya experiment in Gujarat founded by Late Pandurang Shastri Athavle, its main areas of influence being, Gujarat and pājthā t ehu imāḍ

collapsed, these societies are witnessing flourishing sex-trade and numerous other forms of sexual abuse of women.

Government the Big Culprit

Today, the biggest threat to women's lives and well-being comes from the utter lawlessness of government agencies. This is an important reason why the colonial minded Indian State lacks the credibility to act as an effective instrument of social reform. Since most government offices, including police stations and law courts, function primarily as extortion centers, government functionaries patronise an army of touts and anti-social elements to assist them in their operations. This adds to the vulnerability of families who do not have connections with power wielders in the government. Their rights can be violated with impunity because the police rarely come to the rescue of victims who can't pull strings. The slow, inefficient and corrupt law courts consume so much time, energy and money that mainly those with money power and clout come out winners. This colonial system of administration institutionalised by the British has grown progressively more tyrannical, as its outreach as well as greed has grown manifold since Independence. Leave alone women, whose security is being daily jeopardised by the mD(6Tj 14 0 T5v 0 TD(o)Tj 26 0 TD()T

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the very first stage, 2,50,000 people would have tested the viability of the measure by adopting it in their own lives. This group of 500 can then claim the right to push for it as a national or state level legislation depending on the issue at hand. This process could easily be completed and reviewed in two years. If our ideas of reform are first put into practice in our own community and neighbourhood through moral persuasion, we will soon find out the strengths and weaknesses of those measures. If we avoid relying on legislative coercion or other forms of force and violence as the first step, we will be allowing people the freedom to reject those measures they consider unsuitable or inappropriate, our efforts at reform are more likely to succeed and yield more practical laws because they would be tuned to people's own requirements.

Role of state interventions: The next step involving state intervention, including legislation, should also go through a similar test. If the government of the day is convinced that a particular law is worth enacting

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go into feeding the girl child, the family would develop a high stake in keeping her alive and healthy because by her very being she adds to the family income and well being.

- 2) After 5 years of age upto the age of 19, the Smart Card would entitle the girl child and her family to an additional Rs. 20,000 per annum. They would be free to encash the entire sum for the girl's education at a school of their choice as well as health care for her and her siblings. By thus linking the well-being of even her brothers to the healthy survival of the girl child, the girl would become an asset for all in the family. The Smart Card would become invalid the day the girl is withdrawn from school.
- 3) After her marriage, the Smart Card would bring similar benefits to her husband and in-laws.
- 4) Educational curriculum should be revised to provide technical and entrepreneurial skills aimed specially at girls which allow them to earn independent incomes by generating self employment, since government and the organised sector of the Indian economy do not generate enough jobs in India.
- 5) Banks and credit societies should give preferential soft loans for setting up micro enterprises by women.
- 6) Enterprises owned by women should be given 50 percent tax rebate. So also property owned by women should be given 50 percent tax exemption. These two simple measures are likely to create a cascading effect with families developing a stake in registering businesses and enterprises in the name of women.
- 7) Any legal testament or will through which a father disinherits his daughters and passes on the property only to sons should be considered an illegal document. Among Muslims, daughters are entitled to at least half the son's share in property but few families honour this. It is time to make an all- India law making it both il

- 9) Any village *panchayat* which starts employment generation schemes for women with a minimum earning potential of Rs. 1000 per month per women should be entitled to Rs. one crore per year for further improvements in the village infrastructure.

These measures are likely to show exponential results far beyond the realm of women's rights.

- a) Substantial amounts of money and services will reach poor families directly rather than through corrupt bureaucratic channels.
- b) Girl children will be viewed as assets rather than liabilities.
- c) Girls will get educated to atleast secondary level and each one will get trained into atleast one marketable skill leading to substantial rise in family incomes.
- d) The health and nutritional status of the entire population will rise swiftly and dramatically.
- e) If a large proportion of women become income and wealth generators, their status in the family and society will be enhanced.
- f) The age of marriage will rise fast without any coercive measures.
- g) When majority of women own assets of their own and earn independent incomes, the practice of dowry or groom price will start disappearing and women are far less prone to taking abuse and violence in marriage. Their families too are less likely to force them to stay in abusive marriages, if they are not perceived as liabilities. Once women's status rises in their own natal families, they can command greater respect in their marital families.
- h) At the moment it is mainly grooms' families that dictate terms for marriage. If daughters become valuable assets, their parents too will have greater bargaining power in marriage negotiations.

Traditionally, wedding ceremonies among different communities include a series of vows of mutual love, fidelity, respect and care taken in the presence of relatives and the officiating priest. However, these vows have become ritualised, and the community members who witness the ceremony do not feel obliged to see that the vows are adhered to.

From time to time, however, efforts have been made to revitalise the concept of mutuality in marriage

It is significant that both Gandhi and Phule introduced the idea of marriage as a publicly made contract even while maintaining its value as a sacrament. Today, we need to carry the tradition of such reforms a step further.

The concept of *Kanyadan* (gifting away of daughter) currently prevalent among many Indian communities, amounts to the bride's parents practically forsaking their rights and responsibilities. What we need instead is public pledges by the groom's and bride's parents that they will help the couple build an egalitarian and mutually respectful relationship. In addition, the groom's family should pledge in writing that they will ensure the bride's safety and well-being. Registered marriages also involve a contract of sorts. However, even that is not sufficiently based on principles of mutuality. What we need is a model secular marriage contract which can be adopted by people from all communities, even if their marriages are solemnized through their respective caste or religious rituals.

To put content into the agreement, the following could be the affirmations and guarantees to be publicly made and registered as a contract:

1. The woman's natal family should give a commitment that they are not washing their hands of her or giving her away but that she continues to have as much right to their home as their sons, and can call on them for help at any time. They should commit themselves to giving her an equal share in inheritance which she will receive with her brothers, if any, at the time of her parents' death, or earlier, if her parents so desire.
2. Her husband and in-laws should also sign a pledge that they promise to ensure her physical and emotional well-being. As and when serious conflicts arise, they will be settled through dialogue and discussion in the

