# Chapter-III

Institutional Paradigm and Domestic Violence

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prelude</td>
<td>208</td>
</tr>
<tr>
<td>3.1 Non-Governmental Organisations</td>
<td>209</td>
</tr>
<tr>
<td>3.2 Help Line</td>
<td>213</td>
</tr>
<tr>
<td>3.3 Local Self-Government</td>
<td>214</td>
</tr>
<tr>
<td>3.4 Mass Education Programme</td>
<td>216</td>
</tr>
</tbody>
</table>
Chapter-III

Institutional Paradigm and Domestic Violence

Prelude

The interplay between Governmental and Non-Governmental Organizations (NGO)\(^1\) is been provided in the Act itself. The Act is an example of the interplay between NGOs and Central/State Government organizations. It recognizes NGOs and other private organizations and makes them equal stake holders in the enforcement of the Act. Section 5 of the Act prescribes the duties for Police officers, Magistrates and Service providers.\(^2\) On a reading of the Act, it is clear that the three functionaries under the Act have an equal obligation to assist and protect victims, educate them of their rights and ensure the provision of services available under the Act. To ensure effective implementation, the Act contains provisions creating special machinery like Protection Officers. The Act also recognizes NGO's as Service Providers. Thus, the requirement of coordinated effort is recognized in the Act. Hence the researcher conducted and recorded brief study on the organs and their methods in initiating the coordinated approach to assist the reduction of domestic violence. The coordinated efforts provided by NGO's, helpline, local-self government, academic curriculum and other legal aid and legal literacy programmes are expected to contribute for the success of the approach.

In preventing the incidence of Domestic Violence other than legislative and judicial measures, institutional measures are also playing

\(^1\) The term Non Governmental, or more accurately non profit is normally used to cover the organizations which go to make up civil society. Such organizations are characterised, in having as the purpose of their existence something other than financial profit.

\(^2\) A detailed discussion is made in the previous chapter in 2.4.
a pivotal role. The study of these institutions in preventing domestic violence is found essential here. These institutions help in creating awareness among the women in availing support through law and other agencies. Moreover, options for the parties to resolve the dispute amicably are possible only through these institutions.

3.1 Non-Governmental Organizations

Approaching a women’s organization or a Non-Governmental Organization (NGO) is a pre-litigation option that does not involve the law and the courts. There are several types of NGOs and each may offer a special type of assistance. Some NGOs will themselves assist in generating the options; it always helps to have an idea of kind of assistance the victim wants. They are the service providers to the victims. The services provided by the NGOs include shelter, medical assistance, conciliation, counseling, removal of property from spouse’s house, financial or entrepreneurial assistance and skill training.

An NGO would deal with a person seeking assistance based on its organization policy, its expertise, resources and infrastructure, the stage of violence and the background of the person. Rehabilitation Centers, Short Stay Homes run by the State are providing in-house facilities and counseling and also aid women in approaching lawyers, police and doctors. Three historically significant organizations; the Association of Social Health in India (ASHI), Bangalore, Jyothi Sangh, Ahmedabad, Kasturba Stree Vikas Gruh (KSVG), Jamnagar work towards the target groups like widow, unwed mothers, destitute and deserted women.

3 The short stay home for women and girls scheme was launched in 1969 by Department of Women and Child Welfare, to protect and rehabilitate women who are victims of domestic violence, also the scheme envisages various facilities like medical care, psychiatric treatment, education, occupational therapy vocational and social facilities for adjustments.
With the help of funds coming from the Central Social Welfare Board (CSWB) they run family counseling cells.

These NGOs collaborate with the National Commission for Women, New Delhi to conduct the Parivarik Mahila Lok Adalats. They monitor vulnerable families through home visits. However, their major constraint is the paucity of funds as the funds provided by the CSWB are meager.

Similarly many women approach the NGOs hoping that the organization will solve all their problems. But disappointment at not reaching a favorable solution, leads women taking the law in their own hands. Beside from working with the government, the NGOs should also reach a mutual consensus on how they approach the issue. The NGO has launched ‘Bell Bajao’ (ring the bell) campaign which urges local residents to take a stand against physical abuse through simple acts. The campaign was launched on August 20 in collaboration with the Ministry of Women and Child Development, UNIFEM (United Nations Development Fund for Women) and the UN Trust Fund.

This shows that society and the community believe that it is not their business to interfere in somebody's household matter. However, this campaign aims to encourage local residents to intervene when they encounter domestic violence. Apart from this, the campaign also features a video van, which will travel to six districts in 150 days and

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4 'Bell Bajao' campaign by NGO urges people to help stop physical abuse, http://www.dnaindia.com/mumbai/report_ring-the-bell-stop-domestic-violence_1186520 The next time you hear your neighbour beating his wife, ring the doorbell and ask for a cup of sugar. This is what Breakthrough, a human rights organisation, is urging people across the country to do when they encounter domestic violence.

5 But according to the survey carried out in Uttar Pradesh, Karnataka and Maharashtra, findings reveal that, 80% people believe that only family members should intervene if the husband abuses his wife.
spread awareness by engaging the local community in street plays, games and other fun activities to create awareness among the people against domestic violence.\textsuperscript{6}

Attempts are made in Gujarat. A study conducted by a group of non-governmental organisations, "Saurashtra Kutch Network", on violence against women shows a rise in domestic violence against women in Gujarat in general and Saurashtra and Kutch in particular. The scale and seriousness of the issue of violence against women in the society is phenomenal where 40-60 per cent women have suffered from one or the other form of violence. In Gujarat, 89 per cent women in Saurashtra and Kutch regions reported undergoing violence. As opposed to what is being publicized these days, the experience at the field level showed that not only have crimes increased but the nature of domestic violence have become more complex and intensive.\textsuperscript{7}

In Uttar Pradesh also NGOs are contributing in creating the awareness of the Act. Olakh, a NGO working for the cause of women in the state, is organizing a variety of programmes till December 10 as a part of the "International campaign to stop violence against women and girls. The NGO members also distributed white ribbons among the people in protest against this kind of violence. The day is also observed in various parts of the world as the White Ribbon Day.\textsuperscript{8} To create better understanding among women about the law against domestic violence, two organizations based here will kick off an awareness campaign on

\textsuperscript{6} http://www.expressindia.com/latest-news/state-gives-a-cold-shoulder-to-womens-protection-ngos/232733/
\textsuperscript{7} Opined Pallavi Sobati, women's programme coordinator of Uththan, one of the NGOs of Saurashtra Kutch Network.
\textsuperscript{8} <http://news.oneindia.mobi/2007/10/26/470945.html>
the act in five states in India. Realizing that a surprisingly low number of cases were being registered under this act in states, the Centre for Social Research and Women Power Connect, two Delhi-based organizations working on women's issues, will launch August 6 a major awareness drive in Bihar's capital Patna. The drive will see discussions with bureaucrats, law enforcement agencies, elected representatives at the state and local self-governance levels, civil society organizations, community members and journalists. There will also be capacity building programmes of service providers through trainers' workshops. The campaign, after being initiated in Bihar, will be moved to Shillong, Chennai, Mumbai and finally to Delhi.

It is submitted that a well known fact that when ten crimes against women were committed, hardly one get reported. This under reporting against perpetrators of violence is based on various reasons like, social and cultural constraints, lack of support for doing so, fear of going to a police station to lodge a complaint, high expenses and long drawn procedures of the court, lack of economic independence. The Act tries to eliminate these factors considered responsible for women's continuous sufferings and stay in a violent relationship, by assisting the aggrieved in approaching the NGO and getting the required relief.

Prior to the passing of the Act all the above functions were performed by the machineries in the name of help lines.
3.2 Help Line

The help lines act as the service providers to the women who are in distress. They are established by the NGOs and aided by the State Government. They are established at local levels. They provide services like counseling and conciliation. Prior to the passing of the Act all the above functions were performed by the machineries in the name of help lines. These help lines function as community based assistance system. Since domestic violence is deeply entrenched in the social fabric, it will not necessarily or at least completely be addressed by the response of the formal mechanisms by itself, howsoever massive the infrastructure may be. To get the complete solution, the problem must be tackled by the community members working in tandem in formal mechanism. The ultimate goal therefore will be to rely heavily on the commitments of the community members. They will not only lighten the burden of the professionals but they are also capable of providing certain services which the professionals are not equipped to provide. However, this goal cannot be achieved unless the formal sectors are first integrated so as to make a consorted and comprehensible approach to the abused, which only will be effectively disseminated to the community representatives to sensitize them and make them aware. These non-formal community based agencies are essential because they are better positioned to detect the abuse which is mostly community based and to be contacted for immediate help and for further referrals.\(^9\)

\(^9\) For help with Domestic Violence in India, 1091 is the women's help line taking care of anything to do with women.
3.3 Local-Self Government

Local Self Government may not mean the organization of Government or other subordinate authorities of the Government. Governing the problem of domestic Violence locally is the concept of local self Government. Community leaders and local representatives shall strive hard to strengthen the ‘domestic harmony.’ If the area where the domestic violence is witnessed in a village, then the village elders may conduct a counseling and advice the perpetrators accordingly. When this approach is not paying the desired results the elders may guide the victims as provided in the Act. To educate the villagers, mass education campaign may be organized through mass education program on the subject along with other relevant subjects. Periodic meeting of different village heads will pave the way for a multipronged, multi level and multi term approach to prevent, detect, stop and rehabilitate victims of domestic violence. It is submitted that the political leaders at local level shall play the role of leaders and monitor the prevailing conditions in their locality by occasional visits to the houses. They should convene regular meetings to educate both husband and wife on the impact of domestic violence. It is their social and moral responsibility to educate and extend counseling to the couples who are in need of it.

Further, women are to be empowered socially and economically, to overcome domestic violence. In our country a comprehensive approach is not available as it is in United States of America\textsuperscript{10}. But we

\textsuperscript{10} The Duluth model is the outcome of the efforts of the Duluth Abuse Intervention Project in its interaction with a receptive community that accepted the responsibility for the safety women with in the home. The model itself refers to a comprehensive, cooperative systems approach, involving a shared victim safety philosophy, case flow monitoring, feedback and information sharing with the response being maintained by an independent coordinating agency like a Domestic Violence Project Coordinator. The other important aspect of the Duluth Model is the engagement in
do have certain government schemes from the Department of Ministry of Human Resources Development and Department of Women Child Welfare. As the problem of domestic violence require a multi-disciplinary approach to tackle, every sectoral departments of the Government has taken various steps in the women empowerment programs, like Indira Mahila Yojana, The Mahila Samriddhi yojana, and their aim is to empower rural women.\textsuperscript{11} Balika Samriddhi yojana aims at bringing attitudinal changes towards the female children. The Central Social Welfare Board places special emphasis on women’s empowerment through education and also maintains an Awareness Generation Program.\textsuperscript{12}

The process of organizing women into Self-Help Groups (SHGs), started during the Ninth Plan\textsuperscript{13} to provide them a permanent forum for articulating their needs and contributing their perspectives to development, has made tremendous progress as it brought into action more than a million SHGs all over the country. The groups have been very effective institutions at grass root level in facilitating access to women, be it for financial or material resources or services or for information.\textsuperscript{14} Further, Rashtriya Mahila Kosh provide the financial support to research and academic institution and voluntary organization

\textsuperscript{11} Report of colloquium on Justice for women-empowerment through Law, Lawyers collective women’s rights Initiative p.159 to 164.
\textsuperscript{12} Organising women into Self-Help Groups under poverty alleviation programmes like Swarnajatanthi Shahare Rozgar yojana, Training -cum -Production Centers for Women etc. and offering them a range of economic options along with necessary support measures to enhance their capabilities and earning capacities with an ultimate objective of making them economically independent and self-reliant.
\textsuperscript{13} 1995 to 2000.
\textsuperscript{14} Aruna Goel, Violence and Protective Measures for Women Development and Empowerment, p. 33.
to conduct legal literacy camps, Para legal workers training to produce publicity materials, to support seminars and workshop campaign and studies on gender and gender related violence.\textsuperscript{15} These SHGs at grass root level assist in empowering women and thus fight against domestic violence.

3.5 Mass Education Programme

An idea on creating legal awareness is mooted by National Legal Services Authorities Act which stipulates that every woman has a right to free legal aid. However, the awareness is to be created among the women of all walks of life. For this a coordinated efforts are required and the same must be commenced form the grass root level. In achieving the objective of the coordinated efforts, educating the people on these issues is important. This is achieved through legal literacy and legal aid programmes and also mass education programmes.

A separate course curriculum with well defined methodology is to be designed in such a way to educate the mass on the importance of preventing domestic violence. The Proposed course aims to acquaint people especially women folks with the structure and manner of functioning of the legal system in India and they should be made aware of the institutions that comprise the legal system – the courts, police, jails and the system of criminal justice administration and to have a brief knowledge of the Constitution and laws of India, an understanding of the formal and Alternate Dispute Resolution (ADR) mechanisms and public interest litigation that exist in India. The course must provide some working knowledge of how to affirm one’s rights and be aware of

\textsuperscript{15} Ibid
one's duties within the legal framework and the opportunities and challenges posed by the legal system for different sections of persons. Course Content may consist of system of Courts/tribunals and their jurisdiction in India — criminal and civil courts, writ jurisdiction, specialized courts such as juvenile courts, Mahila Courts and tribunals, alternate disputes mechanisms such as Lok Adalats and non–formal mechanisms. The people also must be taught on fundamental rights, fundamental duties, other constitutional rights and their manner of enforcement, with emphasis on public interest litigation and the expansion of certain rights under Article 21 of the Constitution. Knowledge on Human Rights, role of legal aid agencies, Human Rights Commissions, NGOs and Civil Liberties Groups are also to be disseminated before providing awareness on the Act. These programmes must be commenced from school level. If it is done, this knowledge gained will provide them enough confidence and awareness to face the future challenges. Apart from the above certain measures taken by the Government are also worth mentioning. They are, Programmes for information, education, communication from the Department of Women and Child Development16 which caters to the vital needs of ensuring publicity and awareness through multi media. Media have a key role to play in stimulating public debate, exposing the severity and prevalence of violence against women and provides a forum for exploring strategies in other areas.

16 In order to address the concerns of women in society, the Government of India has established the Department of Women and Child Development within the Ministry of Human Resource Development.
In the age of developing technology and mass media, the portrayal of women in the media has a significant impact on women's rights. Print and audio visual media can be used to create public awareness on women's rights and break patriarchal stereotypes. However, any portrayal that is derogatory to women may have the opposite effect of perpetuating stereotypes. Hence there is a need to promote positive images of women in the media while, at the same time, respecting a citizen's right to freedom of expression and right to information.

In addition to the above institutions, rendering assistance in redressing women's rights at its violation, access to legal services is also required in order to achieve the objective of guaranteeing her rights to equality. There is a need to achieve this objective by ensuring a woman's access to legal aid services. Article 39 (a) of the Constitution of India provides that State shall secure the operation of the legal system promotes justice on a basis of equal opportunity and shall in particular provide free legal aid, by suitable legislation or scheme or in any other way. A nationwide network has been envisaged under The Legal Services Act, 1987 for providing legal aid and assistance. Section 12 of this Act includes women as a category eligible for free legal aid in its list of eligible persons. It is observed that publicity of legal aid schemes and programmes to make people aware about legal aid policies are essential.

17 After the enactment of the Act, under Section 5, a statutory duty is imposed on the police officers, service providers and magistrates to inform the complainant of her right to free legal services under the Legal Services Authority Act, 1987.
Thus the institutions and other mechanisms are playing a vital role in minimizing domestic violence. The analysis also indicates the requirement of the institutional paradigm in reducing the domestic violence. The answers obtained from the target group of the research area is analyzed and recorded in the next chapter. There must be certain amount of budget allocation, exclusively for maintenance and expansion of the services of these institutions.

It is submitted that to create awareness and to render legal assistance in the grass root level, active involvement of NGO’s, help lines, local-self government are required. Education, greater awareness, public policy and the media can play a vital role in eradicating prejudices against women.

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219