



GENDER JUSTICE THROUGH COLLECTIVE COMMUNITY ACTION MAHILA PANCHAYATS: A CASE STUDY

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ABSTRACT

Women empowerment is an issue that has been, of late, much talked about, debated and discussed. But being a multi-tiered, multidimensional phenomena, there is an inherent problem of definition, especially in the context of a male dominant ethos currently prevalent in our country. We first need to define what empowerment is, as definitions vary according to the cultural milieu in which they are defined as well as geographical and demographic divides (empowerment in a village context is different from that in an urban one) and only then can we set indicators for empowerment and ascertain whether a programme, campaign or strategy has succeeded in achieving a semblance of empowerment.

A popular view of many feminists and scholars in the field of gender studies is that the concept of empowerment can be explored through three closely interrelated dimensions: Agency, Resources, and Achievements. Agency represents the processes by which choices are made and put into effect. It is hence central to the concept of empowerment. Resources are the medium through which agency is exercised; and Achievements refer to the outcomes of agency. While a common consensus is not easily reached, many authors feel that for a woman to be empowered (both in an urban as well as in a rural context), it is quintessential that she (a) possess, if not full, at least a partial measure of financial independence (b) have an active voice in the decision making process, both at home and in a corporate body (c) be educated at least up to high school level, and last, but most importantly, she should be capable of making strategic life choices.

Empowerment in an urban setting is more visible and exists to a greater degree than in rural India. In the rural commune, voices of dissent are rarely heard and those of rebellion, disregarded or squashed. The plaint of the 'Lone wolf' is a non-entity as women are more likely to be heeded as a collective than as a single entity. This imperative, for voices to be heard and an expression of felt needs to be met, led to the establishment of Mahila Panchayats, an initiative taken up by the Delhi Commission of Women to provide abused and underprivileged women a united forum for grievance redress, akin to settlement in a court of law. Mahila Panchayats in association with NGO staff, create change by confronting husbands who perpetrate violence against their wives. In doing so, they model skills necessary to stand up to family members and police while also instilling consciousness related to gender equity.

In this paper we examine how Mahila Panchayats, a self help group (SHG), work towards gender equity amongst disadvantaged and marginalized women.

Indicators of empowerment would be:

(a) increased participation in the community as a result of capacity building through intervention of NGOs.

(b) increased awareness of legal procedures as a defense mechanism against possible verbal and/or physical abuse from the spouse.

(c) increase in self employment and life skills vocations, even amongst those with minimal literacy.

Sustainability and impact would be assessed through case studies of Mahila Panchayats operating in a sub urban commune. Narrative story telling as well as focus group discussions, at both grassroot and stakeholder level, would substantiate research findings, as well as negate myths and skepticism that often surround, and dilute, the effectiveness of such a grievance redress mechanism.

Keywords: mahila panchayat, grievance, law and order, domestic violence, rape, legal, gender equity, empowerment

INTRODUCTION

It is a generally perceived fact that women enjoy a lower social status than men. According to a UNDP gender related development index, in 1998, the gender inequity was very high in India and ranked a poor 108 out of 143 countries for which the index was available

¹. Although workload, be it manual or intellectual, tends to be evenly distributed between the two sexes, gender equity is not. According to Pam Rajput, chairperson of the high-level committee on status of women, only 30.3% of women are in the workforce in India as per the World Bank WDI report among the eight South East Asian countries, and rank 134th in the world when it comes to economic participation of women. Nepal has the highest with 83.1% women formally employed².

The employment levels and therefore economic status of women is very low. Being dependent on her spouse for her own living as well as for her children, places her in a very vulnerable position. And subject to violence, especially domestic violence.

Domestic violence is “any act of verbal or physical force, coercion, or life threatening deprivation directed at an individual woman or girl that causes physical or psychological harm, humiliation, or arbitrary violation of liberty, and that perpetuates female subordination” (INCLLEN 1999). A survey conducted by two Non-governmental organisations (NGOs) in 2000, reported that out of the 208 cases examined, 94% reported physical violence, 75% reported mental and psychological violence, 24% reported acts of cruelty and torture 12% reported abuse of loved ones, and 5% reported in-laws abuse.

Apart from verbal and/or physical abuse, sexual assault is a constant threat faced not just by poor and illiterate women, but by educated and financially stable women as well.

An ICRW report on violence on women³ states that between 10 percent and 69 percent of women report having been assaulted by an intimate male partner at some time in their lives, according to surveys conducted in various countries (Heise, et. al., 1999). Marital rape, considered a cognizable and a serious offence in western countries is trivialized in our society. Sexual violence perpetrated by strangers is high. At least one in five women world wide, suffer rape or attempted rape (WHO, 1997). In South Africa, a woman is raped once every 1.5 minutes (Coomaraswamy, 1994). A common myth prevalent in India, is that rape cannot happen within marriage. The law does not treat marital rape as a crime. Even if it does, the issue of penalty remains lost in a nebulous cloud of legal uncertainty⁴.

Rape is only one of the several crimes against women, although undeniably, the most heinous and universally condemned one. Srivastava (2010) explains that traditional culture, conservative attitudes, rape myths, male dominance, and loopholes in the legal system are some of the factors likely to contribute to India’s neglect of marital violence⁵.

Although rape is an extreme example, Violence against Women (VAW) is a global phenomena. In a 1986 study, nearly 30 percent of couples in the United States reported

experiencing at least one violent episode in their marriages (Strauss and Gelles 1986). In a 1990 family planning survey in Kenya, 42 percent of women said their husbands had beaten them. In China, Xu (1997) found conclusive evidence of wife beating; about 57 percent of the wives in his sample reported being abused by their husbands at some time during the course of their marriages⁶.

The greatest tragedy perhaps is that because of frequency of occurrence, women have become so inured to this form of violence, that they have even come to accept it.

In a survey conducted by National Family Health Survey II, India in 1998-99, 54 percent of women in India believed that it is acceptable for husbands to beat their wives in at least one of the six domains posed in the questionnaire. Interestingly, it is found that even in Western and Southern part where the autonomy is high as compared to rest of the country, most of the women (55 percent and 66 percent) support the justification of wife beating by their husbands.

In the face of increasing violence against women, both on the domestic front and in society at large, it is evident that empowerment is the need of the hour.

“Gender equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance”.

(Kofi Annan).

Although, the need for empowerment is universally recognised it is hard to define its indicators. Most equate empowerment with education. Many with literacy.

Investment in women's education results in an improved status through improved economic prospects, greater decision-making autonomy, control over resources, exposure to the modern world, husband wife communication, self-reliance in old age, and reduced restrictions on physical mobility (Moser, 1998). Others, including the government itself, consider equal opportunities for employment as the most pertinent index. One of the main objectives of India's Ninth Five Year Plan was to provide employment opportunities for women. Only one fourth of the country's women (25.6%) were involved in officially recognized economic activities. Among these working women, only 35.7% were literate. The majority of working women lived in rural areas (87.3%) and were involved in cultivation and agriculture activities (71.8%) (Govt. of India, 2001b)⁷.

Some authors believe that empowerment has four components:

(i) It begins with and is supported by economic independence, which implies access to and control over production resources; (ii) knowledge and awareness; (iii) self-image; and (iv) autonomy⁸.

Extensive searching for definitions of empowerment revealed that, in broad terms, the concept of empowerment can be explored through three closely interrelated dimensions:

Agency, Resources, and Achievements. *Agency* represents the processes by which choices are made and put into effect. It is hence central to the concept of empowerment. *Resources* are the medium through which agency is exercised; and *Achievements* refer to the outcomes of agency.

Introduction to Mahila Panchayats

These Self Help Groups or SHGs were set up by Delhi Commission for Women (DCW) with these operational requirements:

- (i) They should comprise of a minimum of 15-20 members.
- (ii) The area should be an urban village, resettlement colony, unauthorized slums or such other human settlements with sizeable population. The identified area should have population of at least about 5000 for it to be considered appropriate for the programme.

The people of the area can be generally excluded from high income group population, as they are mostly engaged in unskilled, semi-skilled or skilled but not so remunerative professions like rag-picking, rickshaw pulling, driving, small shop owners, daily wage labour etc.

The objectives (as defined by DCW) of setting these up were :

- To stop violence against women through awareness and action by changing values and attitudes in our society.
- To build the capacity of grassroots women to become legally aware, gender sensitive and nonjudgmental
- To provide a forum for conflict resolution to resolve family disputes.
- Also, to prepare women for legal action and seek legal aid when necessary.

In this study we examine to what extent and magnitude these indicators of empowerment are manifested in the functioning of Mahila Panchayats, an initiative taken by the Delhi Commission for Women in 2001.

The objectives of the undertaken study are to evaluate the contribution of Mahila Panchayats as a mechanism for conflict resolution through

- (i) building the capacity of their members through repeated counseling sessions

- (ii) monitoring the social mobility and community participation of beneficiaries and seeing whether there was an increase in these activities as a result of this initiative
- (iii) examining any changes in behaviour and/or communication in all the three parties involved.

Research Design & Methods

To meet the objectives outlined in the undertaken study, explanatory Case Study approach using causal design was adopted. Tools for the study included participant observation and physical artifacts. At a later stage, observations were followed up by personal interviews and group discussions. To substantiate research findings, the researchers took the help of Archival Records and other supporting documents. Two NGOs were selected as Case Studies. The NGOs were SShrishti and CEQUIN. Both the NGOs were running *Mahila Panchayats* and in both cases, they were handling cases of domestic violence, but reasons for the violence were different. In one case, it was because of excessive consumption of liquor by the perpetrator, and subsequent verbal and physical abuse of the victim, and in the second case study, the conflict arose because of an extra marital affair by the husband of the aggrieved party.

Working of Mahila Panchayats

Mahila Panchayats is primarily a Delhi initiative and aimed at the sub urban communities, slum and resettlement colonies in and around Delhi NCR. At present there are 58 Non governmental organisations (NGOs) that are running these *Panchayats*⁹.

Most of these NGOs have limited field staff who interact with the injured parties which are usually located in a slum or resettlement colony, either in the city or around the city borders. The field staff who may be full time employees, or could also be voluntary workers, are usually small in number (numbering two to three at most), and meet with the *Panchayat* usually on a fortnightly basis, although some NGOs schedule the meeting only once a month. Apart from these meetings, there are sometimes emergency calls also to be made (as for example when a husband with a track record of abusive behaviour, starts getting violent with his wife) to the victims house or work place.

Procedure of solving a case

The remarkable features of Mahila Panchayat are its informal ways of functioning and the

*ease at which an aggrieved woman can approach it. The threat of bringing the violators to book under the existing laws, in case counseling fails, brings moral pressure on the aggressors to accept the verdict of **Mahila Panchayat**. Unity, leadership and motivation are the hallmarks of it. After all, the backing of DCW has made it a credible institution"*
(Durang Basu Mullick, Programme Secretary of YWCA).

For the first one or two preliminary meetings, counsel and advice is given to one or both parties, in the case of very minor issues. However, when the issues being considered are serious and the state of domestic conflict has been existing for some time, both parties have to sign on a form and a formal case is registered with the concerned NGO. The womenfolk (counselors and aggrieved parties) meet usually twice in a month in a small common room, which usually remains the same for the duration of conflict, unless they are asked to relocate. The *Panchayat* comprising solely of women members sit around the accused in a circle and begin proceedings by asking questions and probing him about the case, beginning with a historical narrative of how the whole situation originated and developed. Usually, the accused is allowed to narrate his version of the story starting with the history of the atrocities commenced, uninterrupted. The *Panchayat* offer advice, solicitations on how the conflict needs to be resolved or the change in attitude which needs to be reinforced, barring which, more stringent punitive measures would be enforced. The meeting usually ends with warnings and an agenda being set as to what behaviour changes will need to be implemented on the part of the accused and assurance to the victim that the spouse's behaviour will be continuously monitored and also cautioning her to report any recurrence of past behaviour, if the recommendations of the committee are being disregarded. Meetings may end on a conciliatory and positive note depending upon the attitude of the perpetrator of the crime and how he reacts to being confronted by a somewhat hostile group of members of the opposite sex. Two of the counselors who initiate these proceedings from two different NGOs have both stated that in a majority of cases, the spouse although initially antagonistic towards the *Panachayat*, later begins to accept their decisions and recommendations and although he may not look forward to the meeting itself, definitely looks to the escalating tension with his wife being reduced, or removed altogether.

Impact of Mahila Panchayats

All the *Mahila Panchayats* in and around Delhi NCR, do not enjoy a legal or quasi legal status. Most of the parties, since they belong to the marginalized sections of society, many of

them living below subsistence level, simply cannot afford the expenses of engaging with a legal system (court and lawyers fees, transport costs etc) and seek to obtain justice through collective community action such as these SHGs offer. Most of the field staff and counselors though have some knowledge of legal procedures and are familiar with the working of the law and order machinery as they interact quite frequently with the local police. Raw recruits (counselors) are given suitable training by the NGOs which monitor these proceedings. Capacity building of the injured/aggrieved parties is achieved by making them aware of legal and police procedures and the rights which they can lawfully claim.

Success of the *Mahila Panchayats* is hard to quantify, but certain variables can be declared as indices of empowerment, similar to the parameters set by the self help groups in Gujarat, Uttaranchal and Maharashtra. These are:

- Increased awareness of legal procedures
- Increase in self confidence (pre and post intervention)
- Increased mobility in the community
- Willingness to be part of other self help groups (after obtaining relief in her situation)
- Less timid about moving out late at night or on her own, without a friend
- Boldness to enter a police station and interact with local police
- Change in attitude towards spouse
- Less guilt about her own attitude and feelings

The impact of *Mahila Panchayats* is primarily at a local level, but the positive steps taken towards betterment of the plight of women, have far reaching consequences; affecting all the three parties involved viz., the perpetrator of the crime, the aggrieved party and the counselor/field worker who interacts with both the parties on a regular, ongoing basis. Below we look the impact of *Mahila Panchayats* at three levels:

(a) Impact of Mahila Panchayats on the perpetrator of crime

Discussions with two of the accused revealed that their reaction was on the whole, positive. Although initially, they felt a very natural reluctance to be present at the meeting or even share their thoughts with strangers, many of them were genuinely in search of solutions and resolution of long drawn conflicts and estrangement. They also did not want their case to reach that stage of embitterment where a legal action was the last recourse left. Both the spouses with whom we engaged with did however confess that at first, the thought of being

alone in a room with strange women who were not likely to look favorably upon them, did make them hesitant and withdrawn. Many of them at first actively resisted the summons to be at the meeting, and usually only after extensive persuasion and sometimes threats, did they agree to be present. After a few meetings however, when they realized that the *Panchayat* was genuinely interested in their welfare, rather than just penalize them for their past behaviour, and were genuinely seeking solutions, they began to actively participate. As Ashok, one of the accused stated –

*"I was at first very scared and even angry at the thought of going before the **Panchayat**. Why should I share my private personal problems with a group of women who are obviously being women, going to support my wife. But after four or five meetings when I realized that they were not there to mock or punish me, then I began to speak more freely and even started to look forward to the meetings".*

The last statement of Ashok is clear evidence of the success of *Mahila Panchayats* as a now established forum for grievance airing and redressal. Although there are some stray cases of men who refuse to appear before the courts, in which case the only avenue for justice is the legal one, but these are more of an exception than the rule.

(b) Impact of Mahila Panchayats on the aggrieved party

In two of the *Mahila Panchayats* that were visited, 4 of the 8 respondents interviewed, stated that, post interaction with the *Mahila Panchayats*, they now had greater confidence in themselves, were more confident about facing their husbands, could walk into a police station with boldness and speak to the local police there with much less fear, and were no longer apprehensive of moving out on their own, during the day or after dark .

Most of the women surveyed and interacted with at the *Mahila Panchayats* were from lower middle class to economically backward communities. As such there were really no forums of justice available for them. Established law courts, professional lawyers etc. could not be availed of for economic reasons and police were usually not contacted because of the stigma attached to them and fear of possible manhandling or some kind of abuse at a police station. The *Panchayats* by frequently escorting these women to the stations and by interceding with the police on their behalf, removed many of the fears and inhibitions experienced by these women. Another area of timidity was moving out of the confines of the house, on their own

(without the support of a female friend) or after sunset. Many of the women in Bhatti mines, the target group selected by an NGO, were forced to serve liquor, either by their spouses or by their friends, and many hesitated to venture out lest they be accosted by these male members and then they would have no option but to comply. However, after attendance at these meetings by both parties, there was a marked decline in this peculiar form of aggression and the women could move out of the house more freely. We also found that women who had attended several meetings and had experienced a marked reduction in domestic tension and abuse, both verbal and physical, wanted to pass on their own healing to other injured parties. A third of the women who had benefited from *Mahila Panchayats* wanted to now become members themselves, and counsel many others who were going through some sort of trauma, similar to what they themselves had experienced. It was found that many of the women had similar apprehensions as the men, about being part and centre stage at the Panchayat, though to a lesser extent. Some of them reported that they were willing to share their problems with the counselors, but were quite unwilling to be surrounded by a circle of unknown persons before whom they had to share many personal anecdotes, some bordering on the intimate. But the greater majority reported that as time progressed, the unfamiliar circle became familiar and as both wife and husband opened up in front of the *Panchayat*, reaching a consensus or achieving at least a partial, if not full resolution of the conflict situation, become a distinct possibility.

(c) Impact of Mahila Panchayats on the Counselors

It was found after extensive interviews at both the Bhatti Mines commune and the centre at Jamia Nagar (Batla House) that the process of *Mahila Panchayats* affected all three parties that were involved. The perpetrator of the crime, the aggrieved party and the counselors. A surprising revelation was that through the process of intervention through counseling, many of the counselors themselves went through a process of empowerment. In her own words, Nusrat, a field worker of the NGO, Sshrishti, says *"at first I was so nervous to meet both the husband as well as the spouse, but gradually this fear reduced. I also had to interact a lot with the police, a meeting which I dreaded, but now after many repeated interactions, I am not only not afraid of meeting with the police or other law enforcing authorities, but actually look forward to meeting them. Over the last few years, I have gained a confidence to deal both with individuals as well as crowds, which I never had in the past"*.

A majority of the counselors interviewed, had only basic education. While some were quite

educated (graduate or above) most of them possessed only a high school education degree. They compensated for their lack of qualifications by a fierce sense of dedication and an acute awareness and sensitivity to rights which should exist, but which are rarely found or exerted. A distinguishing feature of most of these workers was a high level of mobility amongst the community that was assigned to them by the NGOs that employed them. They had the confidence, and most important, the willingness to move out their comfort zones, to homes of the aggrieved parties, the Police Stations, other NGOs working towards the same cause, and even accompanied more senior members to governmental organisations like DCW, if required, or requested to do so. Almost all exhibited a high sense of confidence, awareness of basic human rights, and some even were knowledgeable about International bodies constituted for this purpose such as UNIFEM, YWCA etc.

Outcomes of Research

The most significant outcome of this research was a discovering of a new sense of confidence and identity amongst all three parties involved. The counselors, through frequent and continued interaction with the police, not only gained more awareness and knowledge about law and order processes, but also became more comfortable with the legal machinery. Another outcome was the reassuring realization, by spouses, that in majority of the cases, the women were not trying to seek revenge, because of the humility and pain that they had suffered but were genuinely trying to arrive at a solution, so that both parties could benefit from the conflict/dispute resolution and reach some sort of common platform for a new beginning. This was a positive approach towards conflict resolution, hastening the process of reconciliation, once it was clear privately and publicly, that both parties wished to end the stalemate and the aggravated situation that had existed prior to attending the Panachayat.

There was also both a greater extent as well as an increase of frequency of interaction with local police and with para legal workers, which was greatly amiss when initially the decision was taken by the aggrieved party to register a case.

It was found in most of the cases reviewed that after a few months of counseling and attending the Panchayat, that the attitude of women changed at home. They were much less tolerant now and were much more vocal in expressing displeasure at their own spouse's drinking habits. Timidity, had declined, and it appeared that women were finding in certain spaces, their voice once again.

Conclusions and Recommendations

The study revealed that in all the three Panchayats visited and examined, there was much greater mobility in the affected parties, a greater sense of self esteem after their cases were given the appropriate hearing and justice imparted and there was a marked improvement in the gender and balance of power in all these cases. Women reported feeling less aggrieved and hounded or feeling insulted. Surprisingly, the male members reacted positively to the intervention and in some cases even looked forward to the meetings and a speedy redressal of escalating domestic tension. Menfolk generally welcomed the Panchayat as a cost effective localised and prompt effort initiated to ease, and maybe even completely heal the situation rather than resort to established avenues of legal justice which were expensive and time consuming. Many of the counselors who were at first very raw untrained recruits received capacity building on-the-job training from their employer NGO and over the months, sometimes over a couple of years gained not only better communication and arbitration skills but also a renewed sense of confidence and self esteem which most of them had lacked at the time of joining the Panchayat. Hence we find there was a positive impact on all three involved parties as a result of this indigenous, self help system of conflict resolution which should serve as a model for other self help groups to follow. In fact, this form of community justice has also been followed in West Bengal where it has been given the name of "Shalishi" and has been extremely popular at the local level. In Uttar Pradesh, the "Nari Adalat" and "Sahara Sangh" although initially handling more routine and general interest areas such as water, health resources and hygiene, soon moved into women centered activities and rapidly gained support and recognition as a speedy form of grievance settlement. The "Mahila Panch" in Gujarat also enjoyed a similar success story and remains even today, as the most trusted form of dispute settlement in small pockets. Although the radius of the circle of influence is small when one takes into account the magnitude of these institutions (there are around 80 *Mahila Panchayats* in and around Delhi NCR), then the collective impact is quite high and visible.

It is our sincere hope and recommendation that social institutions of this nature will only diminish in the future as women become more and more aware of their rights and privileges and take definitive strides on the road to self fulfillment and self sufficiency.

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