

INSTITUTE FOR
DEVELOPMENT AND COMMUNICATION

**Gender Sensitisation:
Issues for Saanjh
Kendras**

GENDER SENSITISATION: ISSUES FOR SAANJH KENDRAS

RAINUKA DAGAR

INSTITUTE FOR DEVELOPMENT AND COMMUNICATION, CHANDIGARH

© Institute for Development and Communication, 2013

Published by
Institute for Development and Communication, 2013
Sector 38A, Chandigarh - 160 014, India

Tel : 0172-2625941
Fax : 0172-2625942
E-mail : idcindia@idcindia.org

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior permission in writing of Institute for Development and Communication.

Violence against women is a pervasive violation of human rights. It occurs in different forms, all across the world. It is the obligation of each state to protect women from violence, hold the guilty accountable and provide justice to the victims. The UN Declaration on Elimination of Violence Against Women in 1993 makes an abuse-free life a fundamental right of women. The police in their role to uphold the law and protect and secure the safety of citizens are an important component in checking violence against women. Police organisations around the world are in a process of reforms to better respond to and protect the citizens they serve. A central focus of police reforms is to provide security needs of the vulnerable populations and to incorporate rights-based systems to respond to their needs. Building police capacity to gender-specific needs is a challenge since much of the violence against women is cultural, built-into the relations and the roles performed by men and women. There is a social acceptance of many of the forms of gender violence. In order for the police to protect the human rights of women and contain gender-based violence, the police need to understand how gender affects crimes against men and women.

To effectively provide protection to individuals and communities, it is essential to understand that men and women face different security threats based on their socio-cultural placement and history. Both men and women can be victims of gender-based violence. While women are largely the victims of domestic violence, sexual harassment and abuse, men also suffer because of their gender roles. Caste-based violence targets males from lower caste groups in the context of inter-caste relations. On the contrary, for the upper caste or dominant Jat peasantry, sexual liaison and exploitation of the lower caste women is considered part of a social privilege. Men who are unable to protect their women from sexual abuse, such as in times of violent conflict, are labelled unmanly and are treated in a derogatory manner.

WHAT IS GENDER?

“Refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes. They are context/ time-specific and are changeable. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies,

there are differences and inequalities between women and men in the responsibilities assigned, activities undertaken, access to and control over resources, as well as the decision-making opportunities. Gender is a part of the broader socio-cultural context. Other important criteria for socio-cultural analysis include class, race, poverty level, ethnic group and age”.¹

IDENTIFYING CONSTRUCTS OF GENDER VIOLENCE

The existence of gender system creates conditions of unequal access to the resources between men and women and manifests into violence through the practice of differentiation. Norms such as male pre-eminence, female seclusion, value of male child, honour, chastity, practice of dowry, restricted mobility, female circumcision and acts of direct violence (rape, wife-beating, dowry death etc.) act out the gender conflicts.

- **Male-female differentiation**

The practice of differentiation whereby one set of rules is applied to the males and another to the females is what forms the core of a gender-based system. Biological sex differences which are real are extended to make ‘natural’ other differences between men and women. For example, females are biologically child-bearers

¹ OSAGI, 2001, ‘Gender Mainstreaming: Strategy for Promoting Gender Equality Document’.

but, because of this biological role, they are expected to look after the children and then be caretakers not only of the children but also of the old and sick in the family and the community. Thus, all household work is perceived to be the natural work of women.

- **Separate and different roles for men and women**

No doubt, in any organisation or society, roles have to be undertaken for the performance of specific functions. In most social set-ups, roles are provided not only according to biological functions (i.e. procreation) but also misappropriated to promote as natural other social values prescribed to males and females. Thus, all dominating and controlling functions are generally prescribed for the males whereas supportive functions are the purview of the females. In this manner, by birth itself, the males are the inheritors of resources, skills, and status and they perform the functions of earners and, by birth, the females are family caretakers performing the functions of childcare and the tasks associated with running the household.

- **Gender-based hierarchy**

The different roles determined by birth, gender values and the separate norms that govern male and female behaviour tend to promote the male-female superior/inferior hierarchy. In fact, in certain communities, the female status is so much lower than

that of the males that wife-beating is considered necessary to tame an errant wife. In other societies, a woman may not be considered good enough for top jobs. In other words, a superior and subordinate hierarchy is established on the basis of sex differences whereby the males have access to inheritance, land holdings, skills, productive employment and the associated high status. Women, on the other hand, may even be denied life in certain communities (female infanticide/foeticide), receive poor nutrition and medical care, inferior education, suffer atrocities such as sexual harassment, wife-beating etc.

GENDER ISSUES IN POLICING

In Punjab, the perspectives on policing have responded to the growing global ascendancy of the rights approach, irrespective of gender, and have attempted to shift from an overarching repressive state machinery to a more service-oriented functional organisation. While the task of maintaining order and providing security continues to guide the principles of policing, the police is now expected to implement citizens' rights and discharge its responsibilities with the collaboration of the community. All stakeholders to public safety and security are expected to contribute to the democratic norms and strengthen local ownership to promote the delivery of justice. Population-specific security

needs have to be built into the processes to respond to diverse groups.

A gender-sensitive approach is integral to the rights perspective to promote safety and security of women. However, mainstreaming gender issues within the police system throws up a number of challenges. The traditional enforcement perspective operates to safeguard the law by punishing criminals. Customarily, women remain invisible within the police system unless they are the culprits since domestic affairs within which most of the crime occurs are perceived to be outside the jurisdiction of public crime and protection of citizens, and, as such, women-related crimes are viewed outside the role of the police. Police in Punjab is also faced with peculiar gender concerns. Historically, women status has been unfavourable with Punjab having the most masculinised sex ratio. The poor status of women provides normative acceptance to crime against women. Also, the construction of masculinity within the Punjab's cultural landscape has promoted violence as a conflict resolution mechanism.

Policing in the context of gender has been further compounded by the periods of violent conflicts that the State has witnessed. The most recent is the period of terrorism in the mid '80s-'90s. Violent caste assertions are the other emerging issues that would put

pressure on law enforcement in the State. Since these are identity-based assertions, gender-body politics becomes integral to these movements and, the police as an enforcement agency is expected to prevent such crime.

WHY IS THE GENDER IMPORTANT IN POLICING?

The Punjab Police Act 2007 was a response to the police reforms initiatives in the country. There is a recognition that the police service-delivery needs to be brought into public domain to capture citizen trust, to institutionalise international human rights standards within policing and to check crime and maintain law and order. The mainstreaming of the gender issues into policing services reflects police commitment to the vulnerable sections and equips police personnel for effective service-delivery to the population on the margins of society.

The Protection of Women

It is the police which is responsible for the protection of citizens, maintenance of law and public order. In order to protect women, the police needs to recognize that women face different forms of violence and need different strategies and domain for their protection. For example, crimes against men are largely in the domain of public sphere, whereas crimes against women, to a large extent, occur within the domestic context or in the sexual domain

both of which are private spaces that the state institutions consider outside their realm of protection. It is the duty of the police to prevent, protect and reduce the violence against women. In the context of Punjab, it is particularly difficult to protect women from violence given the socio-cultural context of gender (refer to Box 1). The police capacities need to be built for a gender-responsive service-delivery. Punjab Police commitment to protecting women includes provisions for checking domestic violence, gender-sensitive response and increasing women staff. Some of the relevant commitment of the Punjab Police Act and Strategic Plan are as follows:

Curtailling Domestic Violence: The Punjab Police Act No. 10 of 2008

The Senior Superintendent of Police of a district, shall get registered and established Community Police Resource Centre in the district, which may include among other things, streamlining police service delivery mechanism and initiatives aimed at dissemination of information, redressal of public grievances, checking domestic violence, assistance to elders, traffic education and management, child protection, victim relief and checking drug menace.

Relevant goals of Punjab Police Strategic Plan

Goal 3 – To implement special programmes to tackle crimes against vulnerable and under privileged sections of society with special reference to women, children and weaker sections.

Goal 5 – To inculcate discipline, pro-people orientation and up-gradation of the skills of police personnel to optimize efficiency and effectiveness in service delivery.

Goal 6 – To respond with sensitivity and in a just manner to the ethnic, religious, gender and class diversities.

Goal 7 – To ensure representation of diversity in the police force with special reference to caste and gender as per the existing guidelines of the various Commissions.

Goal 8 – To enhance community participation and co-operation in the delivery of police services and strengthen the ongoing initiatives in community policing.

Goal 9 – To make police systems more accessible to the people through introduction of transparent and accountable police performance.

Goal 15 – Effective grievance redressal system through responsive and transparent policing.

Traditionally, the police has been inaccessible to women and protecting women's rights is challenging in the context of enforcement-oriented mechanisms and practices. A brief mapping of gender challenges for the police in Punjab is provided.

GENDER CHALLENGES FOR POLICE IN PUNJAB

□ Increasingly unsafe conditions for women

The extent of violence that women face and the increasing incidence of violence against women point to the urgency of protecting women from abuse.

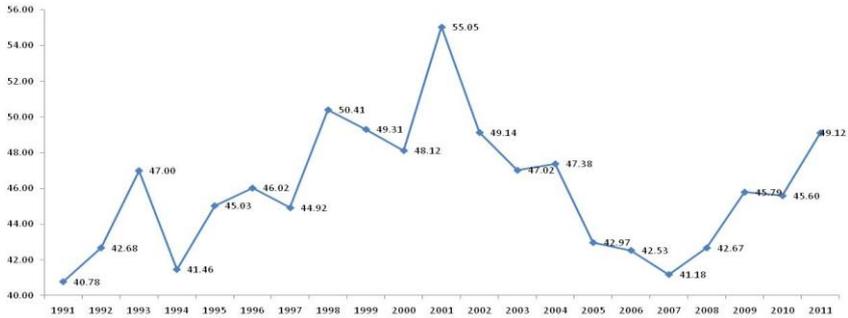
A look at the reported data on crime against women reveals that everyday more than seven women fall victim to the violent crimes such as dowry harassment, dowry death, rape, molestation and sexual harassment. In the past two decades, the rate of increase in the crime against women has been a phenomenal 1068 per cent.

For specific forms such as rape and dowry deaths, the increase has been as much as 919 per cent and 104 per cent times respectively, while dowry harassment has recorded an alarming increase of 1703 per cent from 1987 to 2011.

	Rape	Molestation	Sexual Harrassment	Dowry Death	Cruelty by Husband or Relatives	Total
1991	0.3	0.1	0.01	0.5	0.1	1.6
1992	0.3	0.1	0	0.5	0.2	1.5
1993	0.4	0.1	0	0.7	0.2	1.9
1994	0.5	0.3	0	0.5	0.4	2.4
1995	0.4	0.3	0	0.6	0.6	2.8
1996	0.8	0.6	0	0.8	1	4.2
1997	0.8	0.7	0	0.8	1	4.2
1998	0.9	0.6	0	0.9	1.7	5.4
1999	1.2	0.8	0	0.8	2.4	6.6
2000	1.4	1.4	0.2	0.8	3.9	9.1
2001	1.2	1.5	0.2	0.7	4.6	9.7
2002	1.2	1.4	0.6	0.7	3.8	9.3
2003	1.5	1.4	0.8	0.4	3.9	9.5
2004	1.5	1	0.1	0.4	3.1	7.7
2005	1.5	1.2	0.2	0.4	2.8	7.6
2006	1.7	1.2	0.2	0.5	3.1	8.6
2007	2	1.6	0.2	0.5	3.7	10.2
2008	1.9	1.5	0.2	0.5	3.7	9.8
2009	1.9	1.2	0.1	0.5	3.9	9.75
2010	2	1.3	0.1	0.4	4.3	10.5
2011	1.7	1	0.1	0.5	4.1	9.5
Source: National Crime Records Bureau						

Dowry-related abuse has been consistently increasing. In 1991, it accounted for 41.7 per cent, while in 2011, it rose to 49.1 per cent of the total crime against women(see graph - 1).

Graph – 1
Share of Dowry related Crime in Punjab (1991-2011)



Source: National Crime Records Bureau

It is worth noting that the domestic domain that is expected to be a woman’s shelter is found to be increasingly unsafe. Dowry-related abuse has been progressively increasing. It is the domestic sphere where the jurisdiction of law is seen as an imposition and that makes it difficult for the intervention of police in the homes.

- **Police Not Approached For Redressal Of Crime**

BOX ISSUES THAT POLICING IN PUNJAB NEEDS TO CONFRONT TO PROTECT WOMEN FROM GENDER VIOLENCE
<input type="checkbox"/> Increasing unsafe conditions for women <input type="checkbox"/> Police intervention sought only for extreme brutality <ul style="list-style-type: none"> ▪ Stigma of being a victim ▪ Visibility to female abuse a dishonour to the family/kinship ▪ Lack of advocacy of gender rights <input type="checkbox"/> Police perceived to be gender-biased <ul style="list-style-type: none"> ▪ Need to strengthen gender-sensitive capacity ▪ Police as a tool to maintain subjugative gender norms. <input type="checkbox"/> Viability of enforcement challenging in exclusion to a gendered milieu <input type="checkbox"/> Police lacks a victimology perspective <ul style="list-style-type: none"> ▪ Revictimisation by the police <input type="checkbox"/> Masculinity, police and gender justice <ul style="list-style-type: none"> ▪ The police as a symbol of masculinity ▪ Legality versus cultural norms of manliness <input type="checkbox"/> Policing gender in a multicultural context

Reported crime, which has registered a phenomenal increase, does not capture the actual extent of gender violence against women. A large number of cases remain unreported. Certain forms of violence do not get reported at all. Wife-beating has been one such form though cases under Domestic Violence Act were first registered in 2006. Similarly, no cases of dowry demand are registered. The misuse of sex determination tests was declared a crime in Punjab in 1994 and in India in 1995, yet in 1996, only one case was reported. Social invisibility attached to the crimes against women and the fear of social stigma contribute to the non-registration of such crimes with the police.² While crimes like rape carry the fear of stigma, caste-rapes remain unperceived as violation in a caste hierarchical society. In a study of the atrocities against women in Punjab³, non-reporting was found high and it varied according to the nature of the crime and its acceptability in the society. For each reported case of rape, 68 went unreported. As many as 374 cases of molestation went unreported against one reported case. Eve-teasing is a relatively 'new crime', which was reported for the first time in 1992. The extent of unreported cases, however, reflects the widespread nature of the practice with 9177 unreported incidents against each reported case.

² Newman, Graeme, Gregory J. Howard. Op. cit. (1999), p.11

³ Pramod Kumar, Dagar, Rainuka (1995), Atrocities Against Women in Punjab, Chandigarh: Institute for Development and Communication.

Table 1		
Ratios of Reported to Unreported Atrocities in Punjab		
Reported		Unreported
1	Rape	68
1	Molestation	374
1	Eve-teasing	9177
1	Dowry Death	27
1	Dowry Harassment	299
Source: I.D.C. Survey, 1994		

Table – 2	
Nth Households That Acknowledged Forms of Violence	
Form of violence	Total
Dowry demand	4 th
Dowry harassment	28 th
Dowry death	100 th
Wife-beating	3 rd
Rape	66 th
Molestation	200 th
Eve-teasing	9 th
Sexual exploitation	50 th
Source: - IDC Survey, 2000	

A comparison between the unreported cases of dowry harassment and those that were reported reveals that for every reported case, an astonishing 299 go unreported. That a large number of dowry harassment cases remain unregistered is substantiated by a look at the cases that are brought to the women cells, NGOs and panchayats for compromise or reconciliation.

A later study revealed that every fourth household in Punjab acknowledged having faced a dowry demand, while every 28th household mentioned having faced dowry harassment and every 3rd household accepted the occurrence of wife-beating⁴. The extent of violence against women is much larger than what is acknowledged by the states across the world.⁵

The problem, which the enforcement agencies face while dealing with atrocities against women, is that even when an atrocity is accepted as violence, it still may not be voiced. Perceived abuse against women may remain confined to the home or in the minds of the victims for fear of stigma, subjugative patriarchal structures, lack of legal literacy and even financial compulsions, which make it difficult for a woman to fight a legal battle. The Dowry Act and Domestic Violence Act, 2005 takes into consideration the social hesitation to approach police services directly in familial matters and provide for access through dowry prohibition and domestic violence protection officers. Free legal services, counselling and shelters are some of the supportive services that are being provided to assist the women caught in situations of violence.

⁴ Dagar, Rainuka (2001) *Combating Violence Against Women*, Chandigarh: Institute for Development and Communication

⁵ Heise, Lori L.; Pitanguy, J. and Germain, A. (1994) *Violence Against Women: The Hidden Health Burden*, World Bank Discussion Paper 255, Washington: World Bank.

❑ POLICE INTERVENTION SOUGHT ONLY AGAINST EXTREME BRUTALITY

The task of dispensing justice to women victims of violence is made difficult when cases are reported to the police only when the abuse has amplified to its extreme manifestations. It must be noted that a large number of violations against women occur as a process rather than an act of violence. For instance, the subordination of the female gender in dowry related abuse traverses from dowry demand to dowry harassment to dowry death, and sexual harassment could build from sexual innuendoes at the workplace to the physical act of molestation or rape. Since this is not a single act but a series of behaviour patterns discerning the line of acceptable social conduct to criminal violation, it becomes amorphous, especially when social structures specify a subjugative placement of women. So, dowry exchange is a tradition but dowry demand, harassment and death a crime. Moreover, family life and the institution of marriage are sacrosanct for women and disruption either through court proceedings or even by voicing the abuse by the family is a choice that not many women would make and may even accept it as a part of the family dynamics.

Moreover, the degree of visibility of gender crime is determined to a large extent by physical assault, social placement and the degree

of normative sanction to the gender differentiating system. Cultural sanction to wife-beating was reflected in the absence of a specific law dealing with and defining wife-beating until the passing of the Domestic Violence Act, 2005. In fact, in tune with the social tolerance to the practice of wife-beating, there were no reported cases until the awareness created following the passing of the Domestic Violence Act. However, according to a survey, every third home in Punjab is plagued with wife-beating.⁶

Wife-beating involving slight physical force, a slap or arm twisting, is perceived to be normal. In fact, physical assertion against the wife is considered in many sections to be a marital prerogative of the husband. The normative acceptance of wife-beating can be gauged from the victims' own sanction to the concept of wife-beating and the legitimacy accorded to it under certain circumstances such as suspected infidelity or insubordination to husband. Similarly, eve-teasing has low visibility as an abuse. This is mainly because it does not endanger female chastity and verbal innuendo is not an overtly violent sexual assault. In fact, in certain sections it is also perceived as normal behaviour. Thus, a large majority of casual eve-teasing cases remain unaccounted for, probably even invisible to the victim. In fact, a large number of unreported cases of eve-teasing

⁶ Dagar, Rainuka op.cit. (2001).

uncovered by the Report on Atrocities Against Women constitute cases that were brought to the notice of the panchayats in the rural areas and the municipal commissioner/NGOs in the urban areas.

Eve-teasing has been reported to be widespread yet it continues to function under the garb of acceptable social conduct. Eve-teasing as a recognised offence under the Indian law, reflects protection of the 'modesty of the female' and is, thus, more organic to the Indian cultural milieu that perceives female chastity as an honour⁷ to be protected.

Socialisation of the norms and values of patriarchy provide for the acceptance of certain acts of injustice against women and, as such, are not perceived as gender abuse. Wife-beating is generally considered to be normal and is accepted as part of family life. While wife-beating per se is rampant in households, its visibility is largely restricted to 'incidents of wife-bashing or wife-battering'. Similarly, sex determination test may not be perceived as an abuse by certain individuals, yet to others it may constitute abuse of the female gender. Another aspect pertaining to the invisibility of gender-related abuse is that a certain behaviour may be perceived as an abuse in one context, yet in another, it may be viewed as normal. For instance, eve-teasing by college youth may be seen as an

⁷ Definition of eve-teasing and molestation under Sections 509 and 354 of I.P.C. respectively use the words 'intent to insult the modesty' / 'intent to outrage her modesty'.

interactive behaviour of the young. Yet, eve-teasing by persons from the lower strata may be perceived as an affront. When an abuse is not perceived to be an abuse, apparently it ceases to be a problem. Consequently, it becomes difficult for the police to prevent or protect women from such abuse, which is not perceived as such. Even when certain cases are brought to the notice of the police, there is hesitation to intervene in the issues that are perceived to be outside the domain of police and are considered to be involving a lesser degree of violence.

- **Stigma of Being a Victim**

Certain types of violence have a stigma attached to them. In the non-familial context, molestation and rape are such forms. If a female is sexually abused, she, including her family, may not even voice the injustice for the fear of the stigma attached to it. In fact, in such cases, the victim herself is treated like a criminal. The victim is perceived to have undermined the family honour by not upholding the esteemed value of chastity. Since female chastity is highly valued in a patriarchal society, any damage to this chastity results in social ostracism of the victim and invites social action, not against the occurrence of this crime but against the voicing of the crime.

Within the familial context, a female is socially ostracised if she voices family matters in public. The sanctity of the family is

expected to be maintained at any cost. Since wife-beating is considered normal, any wife raising her voice against this in public is seen as going against the norms and privacy of the family.

- **Visibility to Female Abuse a Dishonour to the Family/Kinship**

Violence against women occurs in every sphere of society. Certain kinds of violence occur within the home, while others are more prone to occur in the wider society. Reporting of the crime, however, may not be a matter only of visibility of the abuse, but also of the nature of the crime and its implications vis-à-vis gender positioning.

Family life is considered private and outside the realm of societal intervention. This demarcation between public and private life limits the scope of intervention and increases the invisibility of the abuse within the family.

Family matters are not shared with people outside the family. Moreover, the family has primacy over the individual. Thus, family honour is maintained even at the cost of individual inconvenience and, at times, individual abuse. Thus, when a woman is raped, the first concern is to conceal it from society. Maintaining the aura of female dignity and chastity takes precedence over medical treatment of the victim. In such a context, criminal proceedings may

not be seen as an option, rather police assistance may be sought to keep the case from being made public.

- **Lack of Advocacy on Gender Rights**

Another reason for not expressing the injustice is that people are not even aware that the state has made certain laws for redressing these forms of injustice. The pressures of family subjugation and social isolation are so strong that people are generally unable to conceive that they have the rights given by the state to deal with these acts of injustice.

Bigamy being a practiced option, especially in the rural areas of Punjab, may not be perceived to be unlawful. Prevention of illegal practices can be checked to an extent by spreading legal literacy and making citizens aware of their rights and the state resources to redress violence against women.

- **POLICE PERCEIVED TO BE GENDER-BIASED**

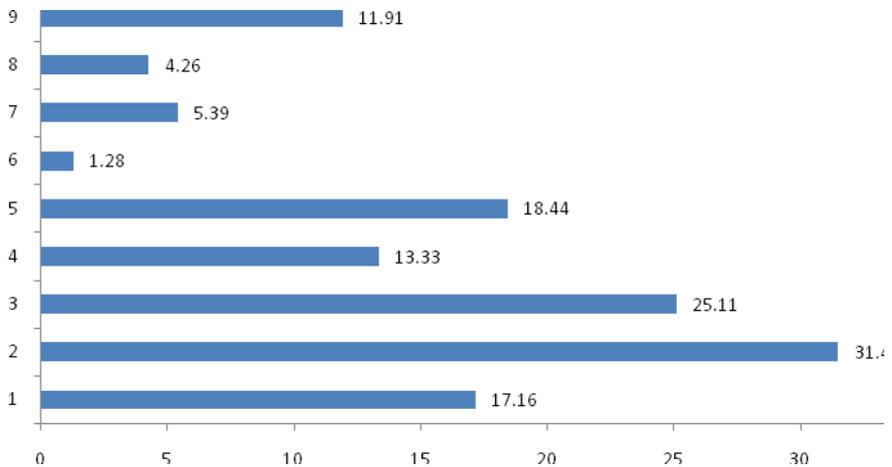
Subjugative and oppressive situations for women are normal in the Punjabi society and are accepted by all, even the women themselves. Thus, even if a woman reports an abuse to her friends, the community, the panchayat or the police, many a time, she herself is perceived to be the wrongdoer. In wife-beating or bashing incidents, it is common for the woman to be told even by the police that she must have provoked her husband and, therefore, she got what she deserved. Even in cases of rape or eve-teasing, the woman

is blamed for inviting the situation on her, either by dressing in a provocative manner or by moving alone in dark or lonely places.

Reporting of crime against women also suffers due to the popular perception regarding the insensitivity and gender bias of the police. In a survey of the community perception of the police response to the cases relating to women, the findings were not very complimentary to the police.

- There was dissatisfaction among the community with the police response to women since they found the police abusive and prejudiced.

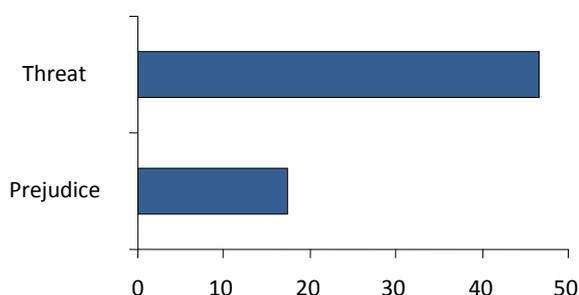
Graph - 3
Community Perception Regarding Dissatisfaction With Police Interaction With Women



Source : IDC Citizen Rights Survey, 2005

- The police distanced itself from cases related to marital and family disputes, not wanting to intervene in what was termed as a private affair.
- There was also a perception that the police sought sexual favours from women victims and, thus, women avoided reporting or seeking assistance from the police. Thus, 17.4 per cent of women perceived the police force to be prejudiced against them and also (46.5 per cent) a threat.

Graph - 4
Perception of Women Regarding Prejudice of Police Force and Threat to Them

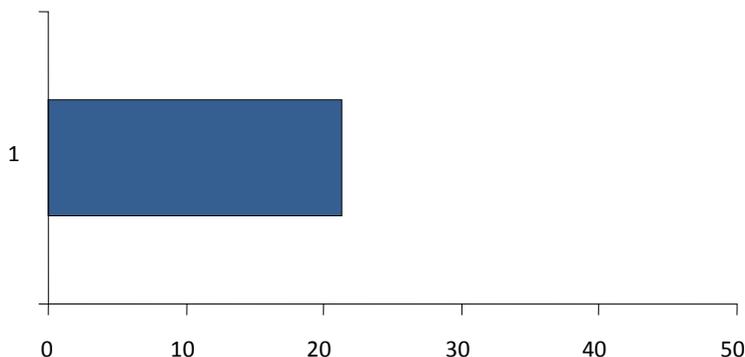


Source: IDC Rights Survey, 2000

The police, on the other hand, complained that women lodged fake cases and were unduly favoured by the law.

The extent of prejudice against women was significant. Lack of gender sensitisation was evidently very strong.

Graph - 5
Perception of Police Personnel Regarding Misuse of Law by Women



Source: IDC Rights Survey, 2000

There is no doubt that women face a range of violence and safety and security are a prerequisite for functioning democracy, for promoting the rule of law and safeguarding human rights. For women fighting gender-based violence becomes an additional prerequisite to secure citizenship entitlements. While state provisions for gender safety are being evolved there is need to streamline the procedures and protocols for making legal measures effective to protect, prevent and redress gender violence. How can the police as service-providers, address and prevent this gender-based violence? A Saanjh-specific strategy for building police capacities and plan of action to check violence against women has been explored in the materials “Strategies for Gender Sensitisation for Saanjh Kendras”.

