

SWABHIMAAN

# MUHAFIZ



*JUST A CALL AWAY?*



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# COMMENTARY

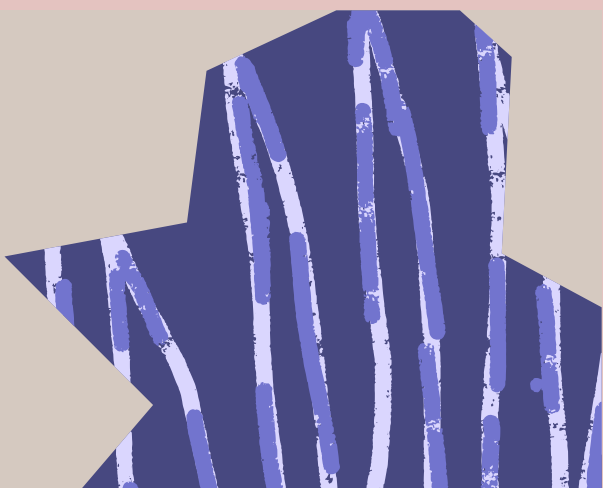
“Violence against women in India is systematic and occurs in the public and private spheres. It is underpinned by the persistence of patriarchal social norms and inter- and intra-gender hierarchies. Women are discriminated against and subordinated not only on the basis of sex but on other grounds, such as caste, class, ability, sexual orientation, tradition and other realities. That exposes many to a continuum of violence throughout the life cycle, commonly referred to as existing “from the womb to the tomb”. The manifestations of violence against women are a reflection of the structural and institutional inequality that is a reality for most women in India.”

Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo

On 27th July 2021, the National Commission for Women launched a helpline for providing 24/7 support to women affected by violence through referral by linking them with appropriate authorities such as police, hospitals, District Legal Service Authority, psychological services, and more. Mainly facilitative and supportive in nature, according to the Ministry of Home Affairs there are 52 official operational helplines in India and their usage has been at the forefront of discussion even more so after the COVID-19 pandemic that imposed a restriction on the mobility of women and gendered minorities. The number does not account for the non-governmental helplines that are operated by the social sector and other forms of direct community interventions. Yet, despite the number of helplines, the violence still persists.

While one may not be able to make a direct correlation between the operation of helplines and the statistics on violence, there is a need to understand the functionality and operability of the helplines to gauge their effectiveness and to examine what exactly their role is.

On a systematic level, there is a huge digital divide between the citizens of this country that stems from low literacy and income levels, geographical restrictions, and even a lack of physical access to technology. Though India is moving towards a realm of digitization and technological innovations, structural inequalities take root in every sphere, helplines being no exception. Moreover, there is data that suggests that no more than thirty-eight percent of women in India own a mobile phone. A lot of the women may use phones but are in actuality phone-borrowers which deeply impacts their independence. This situation becomes exceptionally tough in the context of helplines for to lodge a complaint, women are required to borrow the phone from their husbands or other male relatives while they are the very same people they wish to lodge a complaint against. Moreover, a lack of awareness and digital illiteracy does not allow them to avail helplines or register complaints.



During the COVID-19 lockdown, there was a reported rise in the cases of domestic violence and the people were stuck in the confined space of their house with their abusers. They were unable to access support networks or physically go and register complaints. Those fortunate enough merely had helplines. Even then, a lot of women are hesitant to report because they are economically dependent on their partners and have a fear of reporting. Helplines are facilitative and they connect people with the required facilities and organizations but they must make sure that they can try and guarantee the mental and physical safety of the person seeking assistance.

*“Despite how common the occurrence is, a 2017 study by the National Human Rights Commission (NHRC) found that transgender people do not get justice from police stations. Further harassment by police and demands for bribes discourage transgender people from approaching police authorities, the study said. Some reported trying to be presented as male in order to avoid rape, the study found.”*

**-Raped, Mocked by Police for seeking justice: India's rape laws don't cover transwomen by Jigyasa Mishra**

This is especially in the case of the disadvantaged queer community that has been restricted from basic necessities like mobile phones, internet access, or even money in severe cases. The policies and the judgment it has resulted from has a high degree of division in itself that often goes unrecognized. Although there have been attempts to modify the stain on transgender persons, the legislature has done very little to bring forth the needed advancements in the system. The image of victims and survivors is constantly defined in the courtrooms to outcast particular sections of society. It is significant to understand the role of the judiciary and legislature in inculcating the change we hope for

In the course of this edition, one can analyze how helplines can range from pan-wide helplines like that of the National Commission for Women to personal mobile phone numbers given during community-level interventions. The common factor that must connect them all is accessibility and sensitivity. The purpose of helplines would be defeated without the awareness among the population it aims to facilitate. However we shall also not disregard the fact that awareness does not always equate to accessibility, it is important for the initiatives launched to understand the socio-economic circumstance of the community. .



# NAZARIYA

## INTERVIEW WITH PARIVARTHAN

Parivarthan is a counselling, training and a research centre. The trust over the years has been dedicated to raising mental health awareness among the general public and empowering individuals. One of the objectives has been to aid women encountering domestic abuse and sexual harassment. The efforts demonstrate a commitment to creating safe and inclusive environments for vulnerable population. Parivarthan's helpline was introduced in 2010 and ever since the service provided by them has increased the number of people who seek support. Through the interview we understand the role of helplines that contribute to aid mental health of the individuals.

(The interview has been conducted with Malini Sridhar, The Executive Director of Parivarthan and Vivek Varma)

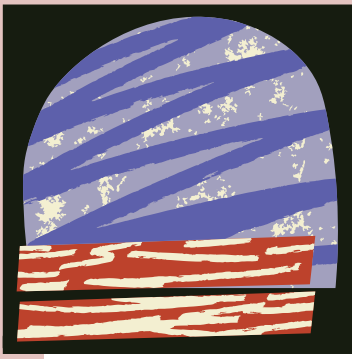






While discussing the role of helplines, we come to understand that although it operates as a primary step in rising against violence from the victim's perspective, it does not contribute to aiding the person in the long term. Several issues require not merely a piece of advice but vast legal, medical, and psychological support. This is where the role of the government becomes crucial. Non-governmental organizations like Parivarthan, although determined to support an individual in various uncertain situations, finds it difficult to reach the system. Malini Sridharan noted that – “Our first thing is to get them out of the situation, so we ask them to look for their support systems. With somebody, they can be physically safe. Secondly, on how to take it forward. So then we will say there are organisations like Vimochana, Sthri Shakthi and refer to them because they are mostly on the proactive side. They will accompany the woman if she wants to take the issue to the police station and take it from there. Our role stops with directing them to which is the best place.”





Through the interview, Parivarthan highlighted the need for A regulatory body for counselling. Without a system to guide Non-Governmental Organizations, the functioning gets scattered and unrecognized. Observing the issue through their experience in the field of mental health, they said, “The government doesn’t look at counselling as an essential service. So, in the recent mental health act of 2019, there is no space for us in it as they have failed to define a counsellor. The act fails to see the reality. Therefore, there is no connection between people’s wants and the law.” Various organizations, due to the lack of direction on the qualifications of a counsellor, are pushed to perplexity causing trouble in their daily interaction with the clients. However, beyond just theory, Parivathan noted the need for their staff to be well-experienced in the field that they wish to engage with. “So, in Parivathan, we look at life experiences, and what adds to the value to you being a counsellor. It is not about theoretical knowledge alone; it is about how we put it into practice regularly and that starts with self-awareness. So, the goal is to see how much the person is willing to put the goal in on themselves”, they said.

Malini Sridhar recalled the time helplines were recently introduced, such an expressive reach that requires attention is essential to understand different perspectives. Articles being one such approach, as quoted by Team Parivarthan “is a co-supportive space that radiates the sense of learning and empathy among the general public”. While articles and research play a significant role in understanding activism, correlating it with the resolution of such a social predicament can be disproportionate. Articles in itself, do not serve as an initial step to the approach.

Confidentiality being one of the key factors in the functioning of the organization, it is important to provide seekers with the safe space that they require. However, when there is a minor involved, the issue is complicated. The clients (minors) seeking out help in many cases may not agree to disclose the various issues with their parents or guardians. Especially the prevailing concerns surrounding gender dysphoria in the queer community that can lead to hostility. They noted – “First, we assess to see who needs it. Does the child need counselling or the parent needs counselling? So initially starting at the age of the child, the counselling process starts with the parents first to understand what brings them into the space because most of the time the child has to do with the system that they are part of. What is discussed with the parents and how much is discussed with the parents is something that the counsellor will discuss with the child and there is full transparency there.”

The majority of cases concerning crime against women under IPC were registered under ‘Cruelty by Husband or His Relatives’ (30.0%) followed by ‘Assault on Women with Intent to Outrage her Modesty’ (23.0%), ‘Kidnapping & Abduction of Women’ (16.8%) and ‘Rape’ (7.5%). The crime rate registered per lakh women population is 56.5 in 2020 in comparison with 62.3 in 2019 as stated by the National Crimes Records Bureau. Although the safety of women and gender minorities has been an area of concern for decades, due to the lack of infrastructure like shelter homes, research in the field of women’s safety, implementation, and government support for independent organisations, the situation has turned unresponsive. Ignorance of the political, social, and economic influence has caused the misinterpretation of the issue, further leading to inefficient social measures. Regardless of the laws in force, the situation has escalated.

# NAZARIYA

## INTERVIEW WITH SAKHI -ONE STOP CENTRE (TMK Branch)



Sakhi is an initiative by the ministry of women and child development with the aim of helping woman overcome social violations that goes unreported everyday. The facilities provided through the initiative include medical services, counselling services, legal aid, police assistance and shelter facility. Along the interview, we have discussed the functioning of the helpline and its benefits.

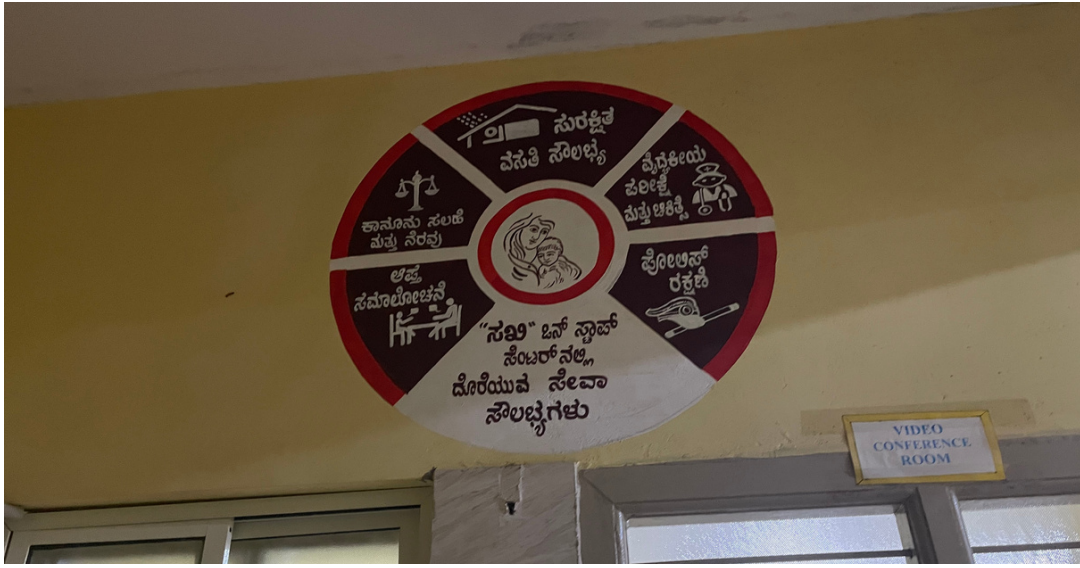
(The interview has been conducted with Thejaswini J, Advocate at Sakhi One-Stop Centre Tumkur)

Anvitha: What is the procedure that a commoner follows at Sakhi?

Mrs. Tejaswini: We talk to the woman that has come to us. The degree of harm involved in each case differs immensely, but we first talk to the woman as to whether she is willing to file a complaint or whether she needs the case to be solved through counselling. It is not necessary for us to call the husband in for counselling or investigation, we can choose to do our jobs without their involvement. However, for us to understand the situation we call the husband. We call the husband within one or two days from the date the complaint, at the centre, has been lodged. But before that, we speak to the woman that is in distress and have knowledge of what and how she is facing the issue. Sometimes it is important to understand the story from both angles in order to act upon it further.

After we have talked to the husband, we allot a date to talk to both the woman and her husband together. Several cases end with them agreeing to live back together. We can only help the woman of her choice and even if the husband wants to get back and the woman is unwilling, we do not have the autonomy to force her into the marriage. It is only upon her decision we file the complaint in the police station because there have been cases where we are aware of the violence, but when we try to bring in the police she refuses and doesn't want to take the matters to the police. Our hands are often tied during those times. We usually file the complaint at the women's police station and nowhere else. Even if they try to push the woman into counselling and dissolve the matter, however, if the woman strongly wants the case to go further with the procedure, the police are bound to do the same.

If the woman requires any sort of legal support, she is referred to the District Legal Services (District Legal Services) which is conducted for free. We usually mention the requirement of the woman in the letter that we give to the DLS as to whether the woman requires maintenance or divorce etc. We keep following the case however, we do not interfere with the attorney's work.

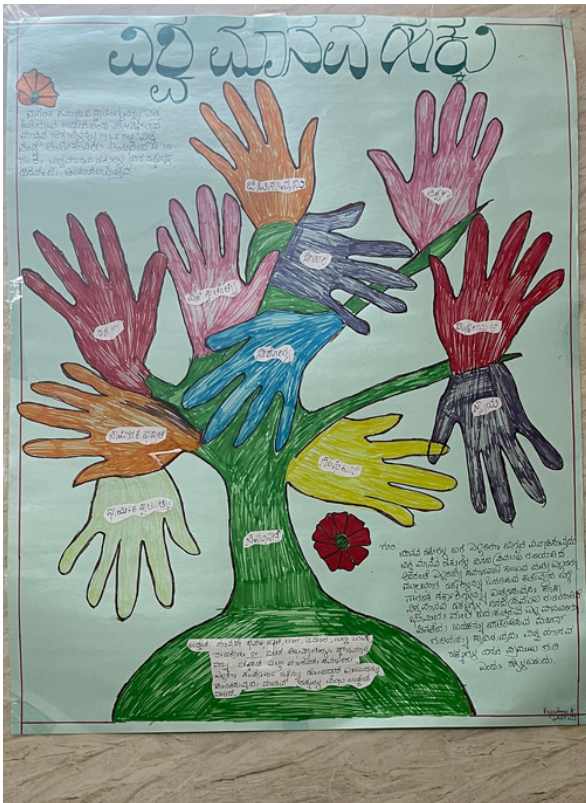


The other remedy is the shelter facility. It comes into play when the woman is not willing to go back to her husband's house or parent's house. At Ambika Swadhara Kendra, the woman can reside up to six months which is run by the government. It is like an NGO where the expenses are reimbursed by the government upon announcement of the budget. If the woman chooses to work, she can work and return to the shelter house. There are times when the cases filed through the DLS take a year or two, in cases like that, if the woman desires, she can reside there up to 2 years. Food facility is provided for free. If she is causing trouble to the people in the shelter house, she will be sent to the shelter house in Bangalore. They don't have to come to us before being admitted to the shelter house. They can directly contact the person in charge of the residence.

The people in charge will bring the woman in case we require their presence or for the purposes of counselling. Sakhi is a central Government Scheme. First, we had something called Mahila Gataka, they modified it to Gelathi which was a state scheme. In case of Gelathi, the availability of the legal services was on-call basis. There are 8 people working in this office namely, Administrator, counsellor, 2 advocates, 2 social workers and 2 guards. It is available 24/7. Guard and the social worker work all night. Advocates will usually not stay all night; however, we must attend in case of emergency.

We also deal with POCSO cases. We provide the child with medical and legal facilities. The medical professional will be available 24/7. We also look into cases that have been already reported at the police station in situations where there has been no response. We either go to the police station ourselves or we write them a letter. So, at the end of the day everything depends on the woman.





Anvitha: What if the woman is being coerced into not filing a complaint against the abusers?

Adv. Tejaswini: We usually follow the cases that have been filed here even after the woman and the husband have agreed to continue living. We ask them to visit us in a week or 15 days usually until the woman feels safe and insist that it is not necessary for such timely visits. If it comes to our notice that the facility is being misused, we talk to the woman and the husband and send them back.

Anvitha: Is this facility available for transwomen as well?

Adv Thejaswini: We haven't dealt with such cases yet. I am unsure of whether this is possible. However, I am sure that this facility is for females.

Anvitha: What is the qualification for recruitment here?

Adv Thejaswini: The social worker and the counsellor should have done the master's in social work. The advocates should have completed their law degree and the administrators are usually recruited over LLM or MSW. The administrator instructs us on what to work on. The social worker assists in directing them to medical treatment and reporting to the administrator. Advocates accompany them to the police stations or the DLS. In cases that require Taluk vice legal support, we refer cases to TLS (Taluk Legal Services).

In POCSO cases, a guard is a must. Even if we are present the police (woman) will be there to escort them through the procedure. We have a five-bedroom, a kitchen with all the utensils, a medical room and a counselling room in this building. If the child refuses to stay here or under unforeseen circumstances, we send them to Bala Mandir, and they can come the next to continue with the procedure. In this building in cases of emergency or otherwise, a woman can stay up to five days.





Anvitha: What initiatives have you taken to spread awareness?

Adv Thejaswini: We have had regular meetings and visits to Anganwadi, schools and colleges. During every monthly meeting (usually at the end of the month) we call the supervisors or the administrators of different colleges and appoint our meeting regarding awareness. This is done by the social worker. We are supposed to record every awareness program in a journal and report it to the higher authorities. We maintain 14 registers. We display the numbers of medical professionals on the wall in case of an emergency. The list is provided by the district hospital with information about who is allotted on such a particular day. We need to conduct awareness programs in all 10 Taluks. It is important to spread awareness as the people in rural areas don't bother to file complaints although they are dealing with domestic violence. Some of them are not even aware of what constitutes domestic violence. A lot of people think domestic violence is only when it involves grievous hurt. Monthly we usually conduct 3 to 4 awareness programs, and the work is divided equally among the advocates and the social workers.



Anvitha: What do you think can be improved?

Adv Thejaswini: One thing that I find necessary for people to understand is that consent is the keyword in any act. In cases of POCSO girls are dragged to our offices to lodge complaints and when we enquire, they come clean as to have been consented. This usually happens with girls in high school who are engaged sexually with children of their age. So, in these types of cases, sex education plays an important role. People would rather say that their child has been sexually abused rather than accept that she has consented to sexual activities. The girl will be forced to accept that she has not consented to the act. Although we are aware of all of these, we need to watch the arrests happen. The medical examination will only be conducted if the girl says that she has gone out with a boy. If she lies, the medical examination will not be held. Girls take abortion tablets without consulting doctors which happens at the age of 16-18.





He also talks about the importance of sensitization and the need to engage with the perpetrators, who majorly consist of men to sensitize, educate and make them gender inclusive and conscious. Helplines are important for giving confidence to people, for them to just know help is just a call away.

**CHECK OUT THE FULL INTERVIEW HERE:**



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