

# **Violence Against Women in India**

## **A Literature Review**

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## 1. INTRODUCTION

Violence against women is partly a result of gender relations that assumes men to be superior to women. Given the subordinate status of women, much of gender violence is considered normal and enjoys social sanction. Manifestations of violence include physical aggression, such as blows of varying intensity, burns, attempted hanging, sexual abuse and rape, psychological violence through insults, humiliation, coercion, blackmail, economic or emotional threats, and control over speech and actions. In extreme, but not unknown cases, death is the result. (Adriana, 1996) These expressions of violence take place in a man-woman relationship within the family, state and society. Usually, domestic aggression towards women and girls, due to various reasons remain hidden.

Cultural and social factors are interlinked with the development and propagation of violent behaviour. With different processes of socialisation that men and women undergo, men take up stereotyped gender roles of domination and control, whereas women take up that of submission, dependence and respect for authority. A female child grows up with a constant sense of being weak and in need of protection, whether physical social or economic. This helplessness has led to her exploitation at almost every stage of life.

The family socialises its members to accept hierarchical relations expressed in unequal division of labour between the sexes and power over the allocation of resources. The family and its operational unit is where the child is exposed to gender differences since birth, and in recent times even before birth, in the form of sex-determination tests leading to foeticide and female infanticide. The home, which is supposed to be the most secure place, is where women are most exposed to violence.

Violence against women has been clearly defined as a form of discrimination in numerous documents. The World Human Rights Conference in Vienna, first recognised gender-based violence as a human rights violation in 1993. In the same year, *United Nations* declaration, 1993, defined *violence against women* as “any act of gender-based

violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to a woman, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life”. (Cited by Gomez, 1996)

Radhika Coomaraswamy identifies different kinds of violence against women, in the United Nation’s special report, 1995, on *Violence Against Women*;

a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non spousal violence and violence related to exploitation.

b) Physical sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.

c) Physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs.

This definition added ‘violence perpetrated or condoned by the State’, to the definition by United Nations in 1993.

Coomaraswamy (1992) points out that women are vulnerable to various forms of violent treatment for several reasons, all based on gender.

1) Because of being female, a woman is subject to rape, female circumcision/genital mutilation, female infanticide and sex related crimes. This reason relates to society’s construction of female sexuality and its role in social hierarchy.

2) Because of her relationship to a man, a woman is vulnerable to domestic violence, dowry murder, *sati*. This reason relates to society’s concept of a woman as a property and dependent of the male protector, father, husband, son, etc.

3) Because of the social group to which she belongs, in times of war, riots. Or ethnic, caste, or class violence, a woman may be raped and brutalised as a means of humiliating the community to which she belongs. This also relates to male perception of female sexuality and women as the property of men.

Combining these types of abuse with the concept of hierarchical gender relations, a useful way to view gender violence is by identifying where the violence towards women occurs. Essentially, violence happens in three contexts - the family, the community and the state and at each point key social institutions fulfil critical and interactive functions in defining legitimating and maintaining the violence.

- 1) The family socialises its members to accept hierarchical relations expressed in unequal division of labour between the sexes and power over the allocation of resources.
- 2) The community (i.e., social , economic, religious, and cultural institutions) provides the mechanisms for perpetuating male control over women's sexuality, mobility and labour.
- 3) The state legitimises the proprietary rights of men over women, providing a legal basis to the family and the community to perpetuate these relations. The state does this through the enactment of discriminatory application of the law.

Margaret Schuler has divided gender violence into four major categories;

- 1) Overt physical abuse (battering sexual assault, at home and in the work place)
- 2) Psychological abuse (confinement, forced marriage)
- 3) Deprivation of resources for physical and psychological well being (health/nutrition, education, means of livelihood)
- 4) Commodification of women (trafficking, prostitution)

Adriana Gomez has also talked about two basic forms of violence, that is; structural and direct. Structural violence arises from the dominant political, economic and social systems, in so far as they block access to the means of survival for large number of people; for example, economic models based on the super-exploitation of thousands for the benefit of a few, extreme poverty in opposition to ostentatious wealth, and repression and discrimination against those who diverge from given norms.

Structural violence according to her is the basis of direct violence, because it influences the socialisation which causes individuals to accept or inflict suffering, according to the

social function they fulfil. Open or direct violence is exercised through aggression, arms or physical force. (Larrain and Rodrigue, 1993)

The Fourth Conference of Women, 1995 has defined violence against women as a physical act of aggression of one individual or group against another or others. *Violence against women* is any act of gender-based violence which result in, physical, sexual or arbitrary deprivation of liberty in public or private life and violation of human rights of women in violation of human rights of women in situations of armed conflicts. (Conference on Women, Beijing, 1995 Country Report).

*Violence* is an act carried out with the intention or perceived intention of physically hurting another person (Gelles and Straus, 1979). *Gender Violence* is defined as “any act involving use of force or coercion with an intent of perpetuating promoting hierarchical gender relations”. (APWLD, 1990, Schuler, 1992)

Adding gender dimension to that definition amplifies it to include violent acts perpetrated on women because they are women. With this addition, the definition is no longer simple or obvious. Understanding the phenomenon of gender violence requires an analysis of the patterns of violence directed towards women and the underlying mechanisms that permit the emergence and perpetuation of these patterns.

Liz Kelly (1998), *Surviving Sexual Polity* has defined violence as “any physical, visual, verbal or sexual act that is experienced by the woman or girl at the time or later as a threat, invasion or assault, that has the effect of hurting her or degrading her and/or takes away her ability to contest an intimate contact”.

Dr Joanne Liddle modified this definition as “any physical, visual, verbal or sexual act that is experienced by the person at the time or later as a threat, invasion or assault, that has the effect of hurting or disregarding or removing the ability to control one’s own

behaviour or an interaction, whether this be within the workplace, the home, on the streets or in any other area of the community”.

## 2. CHILD

### 2.a. Female Foeticide and Infanticide

Technologies like amniocentesis and ultrasound used in most parts of the world, largely for detecting foetal abnormalities, has been used in large parts of the Indian subcontinent for determining the sex of the foetus so that it can be aborted, if it happens to be a female. The information of the sex of the unborn was being extensively misused.

To prevent female foeticide and to restrict this misuse, the Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act was passed on 20th September 1994. The Act forbids the communication of the sex of the foetus, but the enforcement of this act is not easy (Negi, 1997:26).

Medical Termination of Pregnancy Act (MTPA) 1971 allows abortion if the doctor is of the opinion that the continuance of the pregnancy would endanger the life of the pregnant woman or involve grave injury to her physical or mental health; or there is substantial risk that the child would suffer from disabling physical or mental abnormalities. The anguish caused by pregnancy as a result of rape, or as a result of failure of any device or method used by a married couple for the purpose of limiting the number of children, may be presumed to constitute a grave injury to the woman's mental health. If the pregnancy is twelve weeks old, the opinion of one registered medical practitioner is sufficient; for pregnancy of between twelve and twenty four weeks, the opinion of two registered medical practitioner is required. The matter is thus purely between her and the medical practitioner and even the husbands' consent becomes unnecessary. In reality, however, a woman's' right to abortion is very restricted and mostly it turns out to be a family decision. Various court judgements have held that aborting a foetus without the husbands' consent would amount to cruelty under the Hindu Marriage Act and hence a ground for divorce. (Ramaseshan, 1998: 46). The procedure gets rampantly misused with the collaboration of the medical fraternity, as an alternative in the case of couples who do

not opt to practise family planning methods and who want to do away with the unwanted child (Negi, 1997:26).

The earliest known legislation against female infanticide was enacted by the British Government in 1870. Prior to this, there were regional regulations established by the British, such as the Bengal Regulation of XXI 1795 and Regulation III of 1807, that declared that infanticide amounted to murder. The Infanticide Regulation Act of 1870 was passed nearly a hundred years after the British discovered it officially. This Act acquired the compulsory registration of births and deaths to enable verification of female children a few years after birth (Negi, 1997:24).

Since Independence, the Constitution of India contains certain provisions that guarantee the welfare and development of children. The Indian Penal Code also has defined infanticide as murder. While the deliberate act of causing a miscarriage or injury to the new born child, exposure of the infant and concealment of births are covered under Sections 312 to 318 of the I.P.C, the intention of preventing a child being born and causing bodily harm to the infant are covered under I.P.C Section 315. Section 317 makes the concealment of the birth and secret disposal of the dead body an offence (Negi, 1997: 24).

Miller categorises infanticide as a fatal form of child abuse. There are more passive forms of infanticide like neglect, sustained nutritional deprivation, delayed health care for female infants or, in other words, an unequal allocation of household resources detrimental to the health of the girl child. In fact, the passive forms of infanticide remain unrecorded as infanticide by health workers and sociologists. (Negi, 1997: 3)

Female infanticide and foeticide has occurred not only in several cultures across history, but is known to occur in contemporary societies as well. Several scholars have documented female infanticide for the period of British Colonial rule. In the period since independence, the practice has been reported as occurring in many parts of the country including Tamil Nadu where the practice was not known to exist before independence

(Chunkath et al, 1997). The first recorded instance in India, dates to 1789 when Jonathan Duncan, a British Resident at Benares, Uttar Pradesh State, North India, detected the practice among a Rajput clan. The British passed the Infanticide Regulation Act in 1870 and subsequently, a special Census was taken in 1881 in the Western Provinces and Oudh to detect female infanticide. (Negi, 1997: 4)

Evidence from the British records and other historical sources shows that the practice was confined to Northern and Western regions of the country including present day Rajasthan, Punjab, Uttar Pradesh and Bihar. By contrast, female infanticide in Tamil Nadu is essentially a post independence phenomenon (Chunkath et al, 1999: 4).

In South India, the practise of female infanticide existed among the *Toda* tribe of Tamil Nadu. The only factual evidence to prove that it still exists among them, is the sex ratio data in the Nilgiri District of Tamil Nadu. The data that Chunkath and others analysed confirmed that, the practise of female infanticide is widespread in Dharmapuri, Salem and Madurai Districts. They arrived at this conclusion after preparing a table on, distribution of Blocks by number of female infanticide deaths, as per PHC records. They observed that there is a contiguous cluster of blocks where female infanticide occurs and what should be a cause for particular concern is that the phenomenon is spreading from the core area to a much wider neighbouring periphery area and beyond (Chunkath, et al, 1997: WS25).

In 1986, when the practice of female infanticide in Madurai District of Tamil Nadu first received major media attention, the focus was on the caste group known as '*Piramalai Kallars*' and it was held that the practice was confined to this caste. Over the past two decades, the region has attracted wide attention due to the prevalence of the practice of female infanticide in Usilampatti taluka. This region has a predominant large population of *Kallars*. (Negi, 1997: 4)

In 1992, when female infanticide was found to be widespread in Salem District and the *Gounder* community was considered to be the one practising it. In a survey done by

Chunkath and Athreya<sup>i</sup>, it was found that this practice has spread to many castes. The data they collected from one district alone - Dindugal (now Mannar Tirumalai), Tamil Nadu, show occurrence of female infanticide in 35 (self ascribed) caste groups. They conclude that while the *Piramalai Kallars* and *Gounders* in their respective areas of numerical and social dominance may have initiated the practice of female infanticide, it now appears to cut across all castes. They say that, probably the practice of female infanticide by the dominant peasant/ landlord caste of the local community served to legitimate and provide social sanction to the practice and contribute substantially to its spread among all castes. The value system and norms of ritual expenditure pattern of the dominant peasant/landlord caste of the region raise the perceived cost of bringing up female infants, for poorer members of the dominant caste in particular, and for all castes in general. (Chunkath et al, 1997: WS27) Although this may be true in some areas, it cannot be generalised. Chunkath & Athreya in their study, also found that the practice is widespread among the scheduled castes and tribes.

According to the study done by George and others<sup>ii</sup> in 1992, out of the 18 cases of female infanticide (of married mothers) that they came across, 17 were among the *Gounders*. The remaining one case occurred among the *Arunthatis* (cobblers) a scheduled caste (George et al, 1992:1155). In Bihar, according to a study done by Adithi, a local NGO in Katihar District, of 35 *Dais*, this practise originally began among *Rajputs* but spread to many castes including the *Bumihars*, *Brahmins*, *Kayasthas*, *Yadavas* and some scheduled castes. This, they say, is similar to the case in Tamil Nadu, where it originally began with *Gounder* caste and has now spread to almost all castes (Times of India, 22nd April). What makes the practice important in the contemporary society is that there are indications of its increase in occurrence.

It is difficult to obtain carefully confirmed first hand data on infanticide cases and social variables related to infanticide. There is also a problem of gathering data on direct or indirect infanticide through any brief field work (George et al, 1992:1153) It makes it even more difficult to obtain data when people remain tight lipped about the situation. Now that the practice has been recognised as a crime by law and the increase in

awareness among the people, they have become cautious about revealing facts to investigators.

There are few clear indicators to identify the extent of female infanticide. However it is known that in any genetic group, the proportion of males to females is fairly equal. Studies based on hospital birth records show that boys outnumber girls at birth under natural circumstances. Initially the mortality rate among boys is higher than among girls, so the ratio balances out in the long run. Hence an adverse sex ratio (number of females per thousand males) especially in the first few years of life, and gender differences in Infant Mortality Rate (IMR) are significant pointers towards the possibility of female infanticide. (Negi, 1997: 5)

Agnihotri (1995), has worked out a statistical formula for disaggregating the 'missing females' in the overall population of the country and has computed the missing females in a demographic analysis based on sex ratio. He has used the census data for this purpose. Sex ratio data would undoubtedly include those who are victims of malnutrition, delayed health care and other forms of childhood abuse, including infanticide, and in recent years foeticide. His estimation is based on the total number of females required to be added on to reach the level of the male population over a period of years. This disaggregation can be done for the whole country, for any caste, class, age, or regional sub group to show which section is contributing largely to the 'missing females' in the population.

Chunkath and others in their report say that PHC provide information on pregnancies, deliveries, births, still births, early neo natal (0-6 days) deaths, other neo natal deaths (7-27 days), and post natal (28-364 days) deaths gender-wise (Chunkath et al, 1997: WS23).

The field staff of the public health network also obtains information on causes of infant deaths and one of the cause is 'death due to social causes'. This category refers to male/female infanticide (Chunkath et al, 1997: WS23) The most significant indicator

would be the neo natal mortality rate (0-7 days) and it is here that the gender differences assume significance especially if the analysis is based on PHC records. What also needs to be found is the accuracy of this data. It may be possible that the registering of a neo natal death is done in the post natal period, in which case the data will be distorted.

Tamil Nadu, in 1996, had decided to conduct the survey of 24 revenue districts (RDs) divided into 41 health unit districts (HUDs)<sup>iii</sup>. The data that is easily accessible and available in Tamil Nadu, may not be in some other states.

The National Family Health Survey (1995) found that the post neonatal mortality is 13% higher for females than males, and child mortality is 43% higher for female than for males. But these are all India figures, which do not convey the regional differences (Negi, 1997: 8). What is required is data on gender - neo natal, post natal and infant mortality rates for all India, State and District level.

The experience of Chunkath and others in their survey has been that, reliable data on vital rates is available through Sample Registration Survey (SRS), but only for the State as a whole. (Chunkath et al, 1997: WS22)

Hospital records are a major source by which, one can speculate that female infanticide has occurred. Negi states, in a number of cases, especially in hospitalised delivery, the female infants are sent home in good health. Subsequently, within a few hours after reaching home, the family claims that the child has died due to various causes. This leads to speculate that, a case of infanticide has occurred. Even the ritual, that is normally observed on death in the family is never followed in cases of female infanticide (Negi 1997: 19). There are also survey findings to prove that the babies and mothers vanish from hospitals on knowing that a girl child has been born. George and others in their study recorded nearly 600 girls born into the *Kallar* caste in the Usilampatti government hospital every year. Out of these an estimated 570 babies vanish from the hospital, with their mothers. Hospital sources estimate that nearly 80 per cent of these vanishing babies

(more than 450) become victims of infanticide. (George et al, 1992: 1154) The Registrar General of India, Mr Vijay Unnikrishnan says that each year there are 25 million births and 9 million deaths in the country, but only 40% of these events are registered (Hindu, 9th July 1998). These non-registered births and deaths are untraceable by any secondary data.

The hospital records can only report the births that take place in hospitals. It is a common practice in rural India that the delivery is done by the midwives and at home. It is also known through various surveys that midwives are pressurised to kill the children. Women may migrate to their paternal home for delivery. All these factors make it difficult to record the death of female babies.

The people who actually kill the child are the *dais*, fathers, mothers or elder female members of the family (Negi, 1997:23). Adithi, a local NGO in Katihar District, Bihar conducted a survey in four districts in Bihar. According to their findings, Katihar District alone accounts for over 1000 infanticides cases per year. The survey, based on interviews with the 35 midwives in the district reveals that each of them kill at least three to four babies every month. A similar situation was found in Sitamarhi, Gumla and Purnia districts. In Bihar, the new born girls are killed primarily by the *dais*, at the behest of the parents. They receive an amount of Rs 25 to 30/- for the deed. (Times of India, 22nd April 1995)

The child is normally killed within the first three days or the first week of its birth, after which the chances of its survival increases. It is only in rare instances that the child is killed after the first week (Negi, 1997:23). 17 of the 19 female infanticides occurred within seven days of birth, one on the ninth day after birth, and the remaining one on the 16th day. In the entire study population, there were a total of 18 female infant deaths during the first seven days after birth (George et al, 1992:1155).

One of the key points that emerged from the findings of Chunkath and others, is that, there is hardly any gender differential in post-natal infant death rates in most of the

districts surveyed in Tamil Nadu. On the other hand, mortality rates are considerably higher for female as against male infants in the entire neo-natal phase (Chunkath et al, 1997: WS25)

This means that the babies are killed at a neo natal stage, which makes it more important to find out when the reporting of death is done in the PHCs.

Modernisation has been cited by Negi as a reason for female infanticide, as there was a shift from growing traditional crops to cash crops. Madurai District was rainfed zone and both women and men used to be jointly involved in the process of cultivation. Women had the knowledge of how to cultivate seeds in the traditional way, when to start collecting them, when to sow them and how to store them. They also had the knowledge of, what kinds of fertilisers are necessary and should be used and so on. With the construction of Vaigai dam in 1950, Madurai District came to be irrigated and with it came the introduction of cash crops. The local traditional pattern vanished and the knowledge of women were no more needed or required. The skills and resources were external. The seeds, pesticides, loans, electricity and skills of management came from outside. The men started going out to government offices to get loans, to bring seed and pesticides, to sell the crops and overlook the irrigation and started making decisions. Over the period of time the land lost its fertility, the ground water has gone down. Women became mere liabilities with her knowledge having become redundant and men aspired to marry only those women whose family can afford to offer more dowry (Asia Pacific Hearing, 1997: 38). Sergent et al, 1996 has mentioned that, in the landless classes, the presence of sons ensures a higher labour participation and correspondingly a high financial support to the family, as a consequence, the family is likely to favour a male child, increasing the probability of female infanticide. (Negi 1997: 12) Modernisation has brought about changes in the traditional systems and thereby lowering the status of women in the society. Table 1 shows that the sharp decline in Juvenile sex ratios is relatively a recent phenomenon. (Chunkath et al, 1997: WS22)

Dowry, given at the time of the daughter's marriage, has influenced the status of women. The daughter is considered to be a liability as her contribution to the family is temporary upto the time she is married and sent to another family. Dowry is not the only transaction as far as the daughter's marriage is concerned. Krishnaswamy, 1988 has mentioned about a series of ceremonies in South India, Tamil Nadu, associated with the girls in the family. Gifts in cash and kind to the husband's family during ceremonies connected with pregnancy, childbirth and ceremonies for piercing the ear of the girl child and so on. (Negi 1997: 15) It is the inability to meet the dowry-related demands from the in-law's family, that is a major cause for female infanticide. (Negi, 1997: 16)

The fear of sexual abuse of the girl child is also a cause for female infanticide. The husbands' inability to do anything against the practice of sexual abuse of his wife by his father is due to the fear that he would lose his share of the property from his father. The father-in-law due to his own child marriage loses interest in his wife and finds it more convenient to find a bride for his son and to have his "sexual fulfilment" through her. Mothers, sometimes, kill their babies as an act of 'mercy' that they may be saved from future excesses by husbands in the form of domestic violence (Sherwani, 1998). They feel justified in killing their girl child so that she is saved from all the suffering she may have to undergo all her life (Negi 1997:19).

Harris-White (1997) has cited poverty as one of the reasons for female infanticide (Negi 1997: 12). According to the survey done by Chunkath and others, the occurrence of female infanticide is widespread among the poorer and socially disadvantaged community including the *thevars*, *vaniyars* and scheduled castes (Chunkath et al, 1997: WS27). In contrast, Adithi & Community Services Guild (1992) has mentioned several communities, including the wealthy *Gounder* community, the landed caste in Salem District, Tamil Nadu, also practice female infanticide (Negi 1997: 12). George and others (1992:1155) in their study point out although the *Gounders*, live in remote villages, they own a significant proportion of land and are in the upper social stratum of their villages, in the North and South Arcot Districts in Tamil Nadu. It has been proved through various studies that the practise cuts across all classes and caste.

Negi in her report has mentioned, the society and families having used coercive tactics to ensure that female infanticide continues, limiting the scope for outside influences in arresting the problem. (Negi 1997: 18) Experiences of Negi, 1997 and others who have researched on this issue, is that, there is a social sanction to the deed. The familial and social situations seem to outweigh personal reactions and therefore women opt to kill their new born girl children. Indian Council for Child Welfare (ICCW), Tamil Nadu has mentioned that the feeling of guilt and trauma is almost absent in the community that perpetrates the practise, although there is grief among the mothers. (Negi 1997: 19) Social pressures play a vital role in bringing about changes in society for the better or worse situations.

George and others have also observed maternal motivation in their study as a factor affecting infanticide. They also came across one case of male infanticide just before the beginning of their study period (Feb. 1997) where the mother lost her husband and killed the male child soon after birth, after which the mother remarried. In case of the unwed mother, she tried to abort the pregnancy, which was unsuccessful and committed infanticide when it was born. Maternal motivations for infanticide may be said, therefore, to vary on the basis of marital status (George et al, 1992:1155). According to one of the *dai* interviewed, in the survey conducted by Adithi, Bihar, “mothers are never willing, it is the men who force them”(Times of India, 22nd April 1995). The same study holds that the male mainly take the decision to carry out the killing of the newborn babies with females being reluctant participants (The Pioneer, 13th Nov. 1995).

One mother justifies her action by saying that they have hardly any access to medical care. All deliveries take place at home and often the mother is left to bleed after a particularly difficult child birth. They categorically state that they do not wish to expose their girls to such harsh conditions (Arunachalam, 1994).

A question that arises with regard to female infanticide is whether birth order influences the chance of survival of the female infant. According to the study by Chunkath and Athreya in Tamil Nadu, the first female infant is, in a majority of cases, not a victim of

female infanticide even in the high female infanticide Health Unit Districts (HUDs), although there are instances when it is. The second female infant has a much greater chance of escaping infanticide in Madurai HUD than she does in Periyakulam and Dharmapuri HUDs. While the third female is at much greater risk than the first in all three HUDs, both the second and third seem to be equally at risk in Periyakulam. (Chankath et al, 1997: WS28) The survey finding by George and others mentions 19 female infanticides and 18 of the victims had birth orders greater than one and one involved a first born daughter. Each of these families had at least one surviving female child at the time and usually they had two. In their study they also found that no twin died as a result of direct infanticide, however, they also say that they are subject to more neglect than a male twin and a female infant born after a set of twins is very likely to be killed (George et al, 1992:1155). The above given studies prove that birth order does influence the chances of child's survival.

Negi after conducting interviews and discussions with people and NGOs closely working in Madurai District point out to the prevalence of a superstition that, killing a new born girl child increases the probability of a male child being born in the family (Negi 1997:19).

Some of the other findings in the survey conducted by George and others in 1989 is that, the villages in which female infanticide occurs tend to be even more remote and have less educated people than the villages with no cases of infanticide (George et al, 1992:1155). Lack of scanning centres has also been cited as reason for infanticide. As people do not have this facility, they kill the child after it is born. According to Soma Wadhwa, every year 50,000 female foetuses are aborted in India. These people are not very different from those who kill the baby after she is born. The latter, she says, simply do not have enough money or facility to kill her in the womb (Times of India, 29 Dec., 1995) Observation made by Kumarbabu, 1996, is that even in the so-called remote, less-developed areas, "scanning centres exist. (Negi, 1997: 23) Although it may be true in some cases, one cannot generalise whether remoteness of the village, education of the people, or lack of

scanning centres have any correlation with the occurrence of female infanticide. Psychopathologists have also tried to analyse why people kill new born girl children<sup>iv</sup>.

Sabu George, Rajaratnam Abel and B.D.Meller have carried out research in 12 villages of K.V.Kuppam block, North Arcot Ambedkar District in Tamil Nadu State for four years beginning in April 1987 to September 1989. After creating a good rapport with the people, the father or other family members would tell the village worker that if the current pregnancy resulted in the birth of a female, it would be killed. They found that each village had an assigned village level worker whose primary function was to provide education about child care to village mothers. The worker in all cases was a local resident of the village. (George et al 1992: 1154)

The main findings of the survey conducted by George and others, was that in the study population of 13,000 there were a total of 773 birth outcomes recorded, involving 759 live births of which 378 were male and 381 were female. Among the cohort of live births, 56 died in the period of two and a half years (from April 1, 1987 to September 30, 1989), and of these 23 were males and 33 females. Thus the female male ratio was about 3:4. Of the 23 male deaths, there was no infanticide. Among the 33 female deaths, there were 19 infanticides. Thus more than half the female deaths in the 12 study villages were due to direct or indirect infanticide. In the six villages in which all infanticides occurred, infanticide constitute 72 per cent of female deaths (excluding the only case of the female infanticide to the unwed mother) In the 12 village study population, the overall sex ratio (female per males) at the time of the study was 977.5. In the village where female infanticide was practised, the sex ratio was 939.8, while in the other villages, it was 1018.6. (George et al, 1992: 1155).

## **2.b. Child marriage**

A girl child is twice vulnerable for being a child and a girl. Discrimination against them begins even before their birth and continues as they grow. Their psychological, physical

and economic dependence on the family makes them vulnerable to violence and child abuse within or outside the family.

Since 1872, the following efforts have been made to legalise the minimum age of marriage. The Civil Marriage Act of 1872 was passed as a result of the efforts made by Raja Ram Mohan Roy, before which, a provision of the Indian Penal Code rendered the consummation of marriage before the girl attained the age of 10, punishable with life imprisonment. Social reformers of 19<sup>th</sup> and 20<sup>th</sup> century tried to counteract child marriage as they felt it was marring child's educational, physical and economic progress. Noted social reformer Har Bilas Sarada, from Ajmer District, Rajasthan authored and piloted a Bill in British Legislature to stop child marriage, which, in course of time became law. The Child Marriage Restrain Act of 1929 (popularly known as Sarada Act) which fixed the minimum age for boys at 18 and girls at 15, extended only to British India (Rajan, 1997: 31). The Act did not prohibit marriages nor did it declare these marriages invalid or illegal (Saxena, 1999). With the codification of the Hindu Law, the Hindu Marriage Act passed in 1955 made the minimum age of marriage for girls at 15. In 1978, a further revision was made in the minimum legal age. With this last amendment, the law was finally brought nearer in line with the accumulated scientific medical evidence showing that the adolescent girl is at grave risk of her health, as also that of her children, until she has reached the age of 18 at least. Alongside, the minimum age of marriage for boys also underwent an upward revision to 21 years (Chhabra et al, 1986: 2).

However, it did not empower the police to prevent the marriage by arresting a person without warrant or magisterial order. Under the amended provision of this Act the jurisdiction was given to metropolitan magistrates or to judicial magistrates. They have been empowered to try any case related to child marriage. Anybody including social organisations, the police or the any person can make a complaint to the police or to the magistrate directly. Acting on a complaint, any court can itself make inquiries. However in practice this whole process is so complicated and so time consuming that by the time these authorities are in a position to take preventive action the marriage is already over

and all proof of such a ceremony obliterated. Further, Section 12 of the amended Child Marriage Restraint Act empower the magistrate to issue injunctions prohibiting marriages in contravention of this Act, but before issuing injunction the affected parties have to be given a notice to enable them to present defence. An injunction issued without this notice is not valid. This procedure is so time-consuming that marriages in contravention of this Act are completed before the court can pass an order preventing them. The court cannot even issue a general direction that marriage of a child shall not be solemnised within some particular time limit, say eight months or two years. The punishment under the amended Child Marriage Restraint Act remains mild, i.e. only simple imprisonment extended to three months and a fine of Rs 1000. According to the provisions of Section 5 of the Act whoever performs, conduct or direct child marriages shall be punishable (Saxena, 1999).

Ancient Hindu religious manuals like the Manu Smriti and Grihayastra set the age of life partners at 13 for girls and 16 for boys. In the Vedic period early marriage of girls began to gain approval and it became obligatory to have a girl married before she attained puberty. The age was lowered still further in the Brahminical period, resulting in the abuse of children (The Statesman, 1998).

In India, 37.48 per cent of the total districts have a mean age of marriage below the legal age of 18.

**Table 1: Female Mean Age of Marriage in Districts of India**

<b>Age groups</b>	<b>Number of Districts</b>	<b>% to Total Districts</b>
15 to 16	8	1.66
16 to 17	50	10.35
17 to 18	123	25.47
18 to 19	136	28.16
19 to 20	90	18.63
20 to 21	58	12.01
Data Not Available	18	3.73

Source: Census of India, 1991.

The phenomenon of child marriage prevails all over the country. According to Chattopadhyay, 1986, the phenomenon of marrying off minors persists in almost every caste and community of Rajasthan. This practice prevails in *Gaduliya Lohars* of Central, Western and South Eastern Rajasthan. It also exists among the Muslim converts and among higher castes of *Pushkaran Brahmins*.

According to Saxena, 1999, during the *Akha Teej* or *Akshaya Trithiya*, the most auspicious day for marriages, practically everywhere in Western Rajasthan - Bikaner, Tonk, Jhalwar, Jodhpur and Jaisalmer, marriages are performed *en masse*. Every street, house, tractor and even buses seem to reverberate with music and marriage guests. But in all marriages the bride and the groom are children, some just two or three years old and some babies barely able to walk. These brides and grooms are carried by their parents or are perched on a *thali*<sup>v</sup> and taken around the holy fire for performing the most important ceremony of their life (Saxena, 1999).

In communities like *Dakot, Dhobi, Jatava, Kasai*, girls are married between the age group of 11 to 13, and in case of boys it ranges from 14 to 16 years of age. The number of minor children married in a mass marriage, in Rajasthan was reported to be 25000 in 1984 and 30,000 in 1983, 40,000 in 1985 and unofficial sources confirmed no decline in 1986 (Chattopadhyay, 1986). On 29th April, 1998 the day of *Akshay Trithiya*, National Human Rights Commission (NHRC) deputed a senior officer to Bikaner and Jodhpur to report on the actual state of affairs. According to a Senior Superintendent of Police (SSP) from the Commissioner's Investigation Division, who was witness to the event, says several marriages were solemnised with great celebration and gaiety and without any obstruction from the authorities or members of the public. (Hindu, 19th Aug. 1998). Nair sites an example of Dumma Village in Deogarh District, Uttar Pradesh where almost all girls become brides before attaining the age of 10. There is not a single girl unmarried above 12 years of age in the village (Nair, 1995).

The child-brides or grooms do not understand the solemnity of these ceremonies, but for elders it is the safest and most tested way of keeping property and money within the

family and innocent children become pawns in family business (Saxena, 1999). According to Nair (1995), the phenomenon of child marriage is linked to poverty, illiteracy, dowry, landlessness and other such social evils.

There are several social factors that have contributed to the prevalence of child marriage. The girl is considered to be a burden of the household and thereby she is married in an early age. Marriages between cousins is common in South India. Sometimes marriages are settled even before the birth of the child. In Rajasthan communities like *Balai*, *Bhangi*, *Bolal*, *Chamar*, *Dholi*, *Gujars*, *Malis* and *Meenas* believe, that marriage can be performed in childhood days irrespective of their age and maturity. Sometimes betrothal takes place before the pair is born, commonly known as '*kotha tharpana*' (Chattopadhyay, 1986). This custom ensures that the girl is secure as she has been married within the clan.

Parents believe that, it is easy for the child-bride to adapt to a new environment as well as it is easy for others to mould the child to suit their family environment and practices. Child marriage is also done to maintain pre-marriage chastity among the girls (Rajyalakshmi, 1990: 39).

Sex within or outside families, as a result of a chance encounter - willing or otherwise - happens oftener than one can predict. After having spoken to a number of parents of such girls, Kaul is convinced that this apprehension of their unmarried daughters getting pregnant is the single largest cause of parents being so eager to marry off their girls at a young age - 'lest they bring shame and scandal to the family' (Kaul, 1996).

According to Ahuja's (1998: 42) findings<sup>vi</sup>, among the 94 rape victims he studied, unmarried girls constituted 63 percent, married girls 33 percent and widows 4 percent.

Some parents believe that, it is easier to impose their will on their children while they are still infants. They believe that, once married, boys do not flirt around with village girls and the girls learn to take responsibilities. There is also a conviction that it is easier for

the couple to adapt themselves to each other as the children stay with each other since childhood. Despite growing up together, the boys are not completely connected or committed to their wives and some even seek relationships outside marriage (Saxena, 1999).

The girl is considered to be an additional labour as she is involved in unpaid jobs within or outside the house in the rural as well as urban scenario. This is another reason why the parents are worried about the girl's chastity before marriage (Rajyalakshmi, 1990: 42).

There are various economic factors that lead to the prevalence of child marriage. In some parts of rural India, mass marriages are conducted and the marriage celebrations become less expensive if the girls are married on this occasion. Elders are convinced that child marriages, since they are solemnised in groups are cheaper and easier to perform (Saxena, 1999)

In the month of April, Rajasthan celebrates the Akha Teej festival, the day of *Akshay Trithiya*, by solemnising thousands of child marriages (Nair, 1995). The prevalent ritual of the childhood ceremony in Rajasthan, according to Kabra, is based on social financial considerations. Firstly, there is no system of dowry in this agreement. Secondly, since the marriages are conducted for a number of children in the family simultaneously, it works out as group marriage, thereby cutting down the expenditure drastically. Finally, its seasonal, one time community occurrence operates as very convenient social logistics for the rural folk (Kabra, 1997). The main arguments of the parents are that if a girl is married off early they will have to pay only Rs 500 or less as dowry. After girls attain puberty, the cost of marriage could go upto Rs 15,000 (Chattopadhyay: 1986). However, a large amount is paid when the girl is sent to the groom's house. According to Nair (1995), elders hold their poverty responsible for the prevalence of this phenomenon.

In case of those who have landed property, irrespective of any caste, the preference to marry the son/daughter to the brother's/sister's children or maternal uncle was largely based on the economic principle that, the landed property would remain undivided and

would not go out of the clan (Rajyalakshmi, 1990: 42). To save the cost incurred, marriages are conducted at times when there is finance available with the people. It is also conducted jointly with other events which require feast to be given to all relatives. On the eldest daughter reaching puberty, all the daughters are married at a time, regardless of their age. In the event of a death in the family, marriage of the girl, regardless of her age, is performed, so that the feast to be given during the marriage can be jointly given. Marriages are also conducted immediately after the harvesting since the finances would be available with the farmer. In case of the joint families, the parents would want to perform the marriage of their daughter before the division of the property among the sons. Marriages within the clan is also arranged as the monetary adjustments are easier within the clan than an outside alliance where else, the socio, psychological and economic security is unpredictable.

The impact of child marriage over the young bride's future is enforced widowhood, inadequate socialisation, education deprivation, lack of independence to select the life partner, lack of economic independence, psychological as well as marital adjustment, low health/Nutritional status as a result of early/frequent pregnancies in an unprepared psychological state of the young bride (Rajyalakshmi, 1990: 38). Thousands of adolescent girls are at risk from child marriage and the implications are not only on their health but also on the right to fulfil their human potential unhampered by the premature assumption of adult roles and responsibilities (Joseph, 1996).

Boys suffer less in this male dominated society. Most grooms, once educated and grown up, migrate to urban areas and get better jobs. Many abandon their village brides for city women. Some continue to keep two wives. In some cases the grown up boys, don't even bother to acknowledge their child marriage and the brides are forced to go back to their parent's house (Saxena, 1999). The argument that it is easier for the couple to adapt themselves to each other may not always be true in reality.

In case the husband dies before even the consummation of the marriage, these child brides are treated like widows and cannot remarry. The deserted and widows are

invariably given in *nata* to some widower in the family. *Nata* is an obnoxious custom. Officially, the child is the wife of some widower but in fact she becomes the common property of all the male members of the family (Saxena, 1999).

Roopa Shaha, who has stopped several child marriages says that child marriages are the root cause for many personality disorders and sexual problems later in life. Girls get a mental shock when their husbands force them to have sex and they develop a feeling of hatred because they cannot emotionally understand the changes in their body and feelings during pregnancy (Kapoor, 1996).

There have been arguments that child marriage does not lead to early pregnancies and child abuse. It has been argued that, the girl does not go to the in law's house immediately after marriage and she is sent only after she attains puberty. On the other hand there have been arguments that the norms and customs are highly flexible.

According to Singh, since women work outside the home, the girl is an economic asset, and therefore her parental family tries to keep her with them for as long as possible (1994: 1378). According to Kabra, the ceremony practised in the rural areas of India is only for social authentication of an agreement between two families to marry their wards at an opportune age much later. He adds that, child marriages do not result in early pregnancies or more children as child bride never goes to the husband's house after the marriage. The real age at which the marriage is consummated is 17 to 19 years (Kabra,, 1997). While there is a widespread recognition that girls should begin regular cohabitation only after they attained puberty, the custom was customarily violated. Once the marriage had been performed, a lot of domestic, especially feminine pressures pull the wife into the husbands family much earlier than puberty (Sarkar, 1993: 1875).

In many cases, *gauna*<sup>vii</sup> is also done before the permitted age. The girl becomes a mother early. Herself a child, she is unable to look after another child. She is pressurised with multiple responsibilities of being a wife, mother and daughter-in-law (Saxena, 1999)

After marriage, in case of there being no daughter in the in-laws house, she is taken there to work, or to facilitate the work during the harvest season. (Rajyalakshmi, 1990: 42)

Early child bearing that is, under the age of 20 years has serious consequences on the health of both mothers and children. Age differentials of risk are further sharpened in a society with poor health, low income, inadequate medical care and nutrition (Chhabra, 1986: 8). Ravindran, 1995 says child marriage is one of the indirect causes of infant and maternal mortality. An adolescent conceiving and giving birth to a child when her body is not fully developed and that too without adequate prenatal care, puts the lives of her child and herself in jeopardy. A study conducted by Family Planning Foundation, 1991, reported that mortality rates were higher among babies born to women under 18 and the rate two to three times higher among women suffering from malnutrition. The study covered 800 villages of 33 districts in Uttar Pradesh, Madhya Pradesh, Orissa, Karnataka and Maharashtra. According to the study, nearly 29 to 58 percent girls from poorer sections married under age and also became mothers.

There are other socio-economic factors that determine absolute levels of risk at any age, but it is the biological processes that determine the age pattern of risks. Medical research from all over the world shows that maternal age has an independent influence on relative risks and that childbirth is much more hazardous for mothers under 20 years than for those in their twenties. (Chhabra.et.al, 1986) In addition to those who die, many women suffer from serious illnesses related to pregnancy, abortion or childbirth. Maternal age also influences infant mortality.

Almost everyone is equally guilty, whether it is local MLA or the school teacher. They have either themselves married their children very young or have enthusiastically participated in such marriages. Besides administrative laxity, it is the rigidity and callousness of the local people, which has led to widespread and open practise of child marriages. Despite the administration being fully aware of the custom, and sometimes even having advance knowledge about it, the crime against innocent children continues. As the administration has turned a blind eye to the problem, local people have no fear for

law. Caste affinity and social pressure is so great that no one reports such cases or comes forward to give evidence. Past experiences have taught a lesson to many, that authorities don't respond in time of such crisis. Bhanwari Devi, a *Saathin* of the Women's Development Programme in rural Rajasthan, was gang raped as a punishment for her efforts to prevent child marriages in her village in 1992. Joseph writes, "all she got for trying to implement the existing laws was harassment, humiliation and violation, not only from hostile sections of the local community but also, subsequently, from members of the official law enforcing agencies, including the police and the judiciary" (Joseph, 1996). A few years ago a cop who tried to stop a child marriage in Bharatpur, Rajasthan, was murdered and his body tossed into a nearby well (The Statesman, 1998)

Of course, every year routine appeals for not performing child marriages are issued by the government and non-government organisations. *Sathins*, *anganwadi* workers, social organisations and the police are alerted and asked to take preventive measures. Yet the *baraat*<sup>viii</sup> with the baby groom arrives for the toddler bride. Festivities take place in the open. The tractor trolleys with the festive people even drive past the local police station but no action is taken by anyone. How can any person of the community or authority raise the issue, when everyone is guilty? (Saxena, 1999).

### **2.c. Child Sexual Abuse**

*Sexual abuse* is defined as "all sexually oriented conduct, commentary or gestures, intentional and repeated, not desired or accepted freely by their object, for whom it is an imposition, a humiliation or attack on their dignity". (Diaz, 1996) (Adriana Gomez, 1996)

The term *abuse* includes physical as well as non-physical acts. There is enough evidence to suggest that it often receives wider familial sanction. It is institutionalised in various forms, ranging from long hours of labour, often within and outside the home, denial of food, neglect of ailments and verbal abuse to physical violence by the husband and sometimes other family members. Far more difficult to acknowledge are problems caused by the narrow definition of sexuality as a means of perpetuating control over their minds

and bodies in a conjugal relationship. (Fourth World Conference on Women, Beijing, 1995)

Legally child sexual abuse is interpreted as ‘rape’ of a child who is below 16 years of age and rape as defined in Indian Penal Code is penetration without her consent. However, in Indian law has interpreted and defined rape as penile-vaginal penetration. This definition is inadequate as in most of the child sexual abuse cases, Sakshi has worked with, there has been no sexual penetration (Sakshi is an NGO working in Delhi). Child sexual abuse is the physical or mental violation of a child with sexual intent. Thus Narang, 1998 defines child sexual abuse as follows:

- An adult exposing his/her genitals to a child or persuading the child to do the same.
- Adult touching a child’s genitals or making the child touch the adult’s genitalia
- An adult involving a child in pornography which includes exposing a child to pornographic material.
- An adult having oral, vaginal or anal intercourse with a child
- Any verbal or other sexual suggestion made to a child by an adult
- An adult persuading children to engage in sexual activity (Narang, 1998: 20)

According to Kemps sexual abuse is defined as “the involvement of dependent, developmentally immature children and adolescents in sexual activities they do not really comprehend, to which they are unable to give informed consent, or that violate the social taboos of family roles (Narang, 1998: 20)

According to Schmit (1980), Sexual abuse is defined as any sexual misuse of the child by a care-taking adult. Sexual abuse includes incest, oral-genital contact; sodomy, molestation, digital manipulation and so on.

RAHI (an NGO based in Delhi) includes exploitative sexual activity, whether or not they involve physical contact, between a child and another person, who by virtue of his power over the child due to age, strength, position, or relationship uses the child to meet his or

her own sexual and emotional needs to the definition of child sexual abuse. The act though sexual in nature is also about the abuse of power and the betrayal of trust. A child's dependency needs for nurturance, touch, caring, caressing, and the like are not the same as adult sexual desires. The adult or older person completely disregards the child's own developmental immaturity and inability to understand sexual behaviours. The act, therefore, is not only a gross violation of the child's body but also of the trust implicit in a care giving relationship. Child sexual abuse, according to the report is any sexual contact between a child and an adult. The contact covers a wide range of behaviours. It may or may not involve physical contact, force or violence, but always involves coercion. It can also include fondling of the breast or genitals, rape, oral sex, and/or sodomy. It can also include an adult demanding that a child touch his/her genitals either directly or through clothing. Non-physical sexual contact also includes exhibitionism, obscene talk or pornography (RAHI, 1998: 6).

Child sexual abuse takes place in all cultures, races and in every strata of the society. Both males and females are sexually abused. Girls however, are abused more frequently and over a longer period of time. Findings based on research done at Sakshi as well as international statistics on child sexual abuse indicate that at least 2 out of 4 girls and 1 out of 6 boys are victims of sexual abuse. A study carried out by a Bangalore based NGO, Samvada, in 1994 of 348 girls from Karnataka, revealed that 83% of the respondents had experienced some form of child sexual abuse. The preliminary report of an ongoing survey of Sakshi with about 650 girl students (as of December, 1997) indicates that about 60% of the girls had experienced some form of abuse till the age of 15 years. Out of these 60%, about 20% had suffered abuse by close relatives. DCP (Northeast Delhi) S.B.K.Singh reported in a daily newspaper, 'The Pioneer', that 85% of the rape cases registered in the District during 1997, involved persons known to the victims. According to the World Health Organisation, one in every ten child is sexually abused (Narang, 1998:21).

**Table 2 : Number of Children Raped 1993 to 1997**

Crime Head	Years					Percentage variation	
	1993	1994	1995	1996	1997	1997 over 1993	1997 over 1996
Child rape (up to 16 years)	3393	3986	4067	4083	4414	30.0	8.1

Source: Crime in India

**Table 3 : Victims of Child Rape (1993 - 1997)**

Sl. No.	Year	Age Group		% share of child rape victims to total rape victims
		Below 10 years	10 - 16 years	
1.	1993	634	2759	27.8
2.	1994	727	3559	30.2
3.	1995	747	3320	29.5
4.	1996	608	3475	27.5
5.	1997	770	3644	28.8
6.	% change in 1997 over 1996	26.6	4.9	
7.	% change in 1997 over 1993	21.4	32.1	

Source: Crime in India

**Table 4: Rape Cases of Children in Delhi (In 1997)**

Age Group	No. of Cases reported
Under 12	100
12-16 Years	157
16-18 Years	75

Source: JWP News, April 1998, pg 7.

**Table 5: Rape Cases of Children in India (In 1997)**

Maharashtra	120
Madhya Pradesh	107
West Bengal	78
Andhra Pradesh	77
Uttar Pradesh	76
Delhi	71

Note: 71% of the cases are in 5 States, UTs

Source: JWP News, April 1998, pg 7.

In a 1980 study of 1000 victims of child abuse, A.B.Dave, et al found that 81 per cent could be classified as victims of physical abuse, 7 per cent of what the authors call neglect, 9.3 per cent of sexual abuse and 2.7 per cent of emotional abuse (Karlekar, 1999: 11). None of these categories can be treated as exclusive and it is important to note that studies of this kind are extremely difficult to undertake (Karlekar, 1999: 11). This particularly so in the area of sexual relations where the overall attitude of secrecy and suppression which governs any discussion or reference to sex making it difficult to come to any definite conclusion on the extent of sexual abuse of children. Yet of available figures, of almost 10,000 reported rapes in 1990, an alarming 25 per cent are of girl children below the age of 16 and about a fifth are those under ten. A recent analysis done by the Crimes Against Women Cell, Delhi Police, points out that of the 143 rape cases registered between January and June 1992, 107 or almost 75 per cent were in the age range 7 - 18 years. Forty of the rapists were immediate neighbours and seven were relatives. Conversations with those in charge of the cell indicate that such cases are on the increase (Karlekar, 1999:11).

According to a survey done by Sakshi, sixty per cent of 650 school girls questioned in a survey said they had suffered abuse, close relatives having abused twenty per cent of them (Reporter, The Asian Age 1998).

The word perpetrator is used in relation to the person or people who are directly abusing a child or children. Although this can be applied to the person responsible for any other form of mistreatment, it tends to relate to those committing child sexual abuse. It is not

used to refer to other adults who may have played a role but were not directly involved, such as a non-abusing parent who might have been aware of the abuse but unable to intervene (RAHI, 1998: 7).

In most cases, the abuser is known to the child family friend, sibling, relative, servant, teacher and so on. There have also been cases where the abusers have been very close relatives - father, grandfather, brother and uncle (Narang, 1998: 21).

The abuser is usually an older person who is in some position of trust and/or power vis-a-vis the child. Even though both men and women can sexually abuse a child, most abusers are male. The abuser violates a relationship of trust with the child. They may use tricks or threats to persuade the child to take part in a sexual activity. The abuse generally takes place in the child's home or the abuser's home. Given that the abuser is often known to the child and usually has both access to as well as authority over the child, the abuse does not commonly involve physical violence and generally continues over a long period of time. The abuser uses threats or blackmail to warn the child against telling any one about the abuse. This may be the primary cause for the child's silence (Narang, 1998: 21).

Child sexual abuse is on the increase because of the responses to it and towards the victims. One of the response being denial of its existence and disbelief: Many people with whom Sakshi has interacted, deny any existence of child sexual abuse especially within a family. The concept of Indian families is perhaps the most sensitive and revered. Therefore, it is difficult to believe that sexual abuse in the families really happens. For them, if at all the concept of child sexual abuse exists, it is limited to a particular class. The popular belief is that it is very rare and happens only in low class families (slums). Even if some people believe that child sexual abuse exists, there is denial publicly as it is difficult for them to deal with the fact that it is prevalent in our traditional Indian families.

Due to ignorance, denial of its existence, and inability of adults to deal with the subject, the child is met with disbelief when he/she finally summons up the courage to confide in

someone about the experience and trauma of being sexually abused. Thus the child is forced to suffer in silence giving the abuser greater power over the child.

Sexual abuse is shrouded in shame and secrecy. Sexual organs or any reference to sex is considered to be shameful. Children are not given proper answers when they ask questions about sexual organs. They get the messages that certain body parts are dirty and they should never be talked about. So, when a child is abused, there is total silence. The child knows that there is something wrong going on, yet the child does not have the language or the words to express it. There is loneliness because the child cannot talk about it to anybody and does not know whom to approach. This hampers disclosure and thus the abuse continues.

In families where parents/relatives accept and realise that a child has suffered sexual abuse, the child is forced into silence given the culture of privacy, family prestige and family unity. The child generally does not receive much support from the family as they do not want the matter to be disclosed and the family name exposed. Thus the abuser is not confronted and the child is encouraged to 'forget' the traumatic experience. The child and her future are sacrificed for the image of the family.

A healthy environment is a family situation where family communication is clear, direct and specific and rules are flexible. Children can freely approach elders or adults with questions or concerns about sexual experiences in the full knowledge that the adults concerned will address these issues with the child's welfare in mind. In this situation no trusted older individual violates the child's person and the child feels the freedom to say no to potential abusers and report the incident with full confidence that he or she will be protected. Families in which incest occurs often appear to be like any other family. However, they are riddled with secrets and psychological stress. Incestuous families tend to be closed, inward families lacking in any real emotional connection to people outside the family. These families often have a history of problems for several generations, which increase the potential for incest. Frequently the mothers of abused children were themselves molested as children. Many victims assume that being dominated and treated

poorly by the offender is just a fact of life and not something to be challenged. However it is vital to note that, while family influences may contribute to incest, the dysfunction itself cannot cause an individual to become sexually abusive. However, the situation makes it easier for the symptoms to play themselves out. The offender is the sole person responsible for the abuse (RAHI, 1998: 6).

In some cases, the mothers do not want to take action against the abuser as they are constrained by the status of the abuser within the family, for example; a father. Economic dependence, low self esteem, lack of power within the family, incapacity to accept the responsibility of single parent and moral shame of the act keep the mother quite

Members of voluntary organisations says that a mother would often suppress and wish away the event, not only because of a sense of shame and outrage, but also out of fear of reprisals from her husband, son, or other relatives. According to Wadhwa 1993, in 1992 - 93, there were eight cases of rape and molestation reported by mothers to Crime Against Women Cell in Delhi. Officials at the cell pointed out that this was a significant development as hardly any such instances were reported earlier. At the same time, wives expected the police to merely caution their husbands; filing a case against them would be unheard of (Karlekar, 1999: 11).

Society constantly judges women including young girls and children. They are made to feel responsible, guilty or persecuted. Girls are very scared of this judgement, and of being exposed, which forces them into silence. Abusers are aware of this societal attitude towards women and this becomes their power. Society's attitude enables them to go scott-free.

Child sexual abuse is usually dismissed because in most cases it is not 'rape' as defined by law. It is met with disbelief and girls are accused of being destructive when the complaint is against a family member. In cases where there is no penile penetration or when rape cannot be proved due to inadequate evidence, the accused is charged for 'outraging the modesty of a woman' where they may be sentenced only for a period of

six months of two years. In most cases, the accused are acquitted in absence of adequate laws on child sexual abuse and inadequate interpretation of existing laws. The court room environment is hostile and girls are humiliated over and over again. This poses to be a major obstacle for girls who want to file a complaint against their abuser.

The effects of child abuse are long lasting and are carried into adulthood leaving deep scars on the personality of the abused. Healing is an important process and must begin as early as possible (Narang, 1998: 21).

Singh (1997) has pointed out that child sexual abuse triggers a host of complexities in the child's psyche. Periodic bouts of low self esteem, sexual dysfunctioning, guilt are some of the problems that arise out of child sexual abuse and which continue to haunt the individual well into adulthood (Singh Dhiraj, 1997).

Sexual abuse is not the only childhood experience that causes difficulty for people as they mature. Long term effects are often identical to those of other early developmental setbacks. The difference however is that most of them can be talked about freely and without involving embarrassment. The person who is sexually abused in childhood is faced with the taboo of talking about it. Most former victims keep their experiences a secret for many years. Consequently their emotions are likely to run very deep and when they eventually surface the effects can be devastating. The abuser conveys the message that the abuser's needs come first and so it destroys the basis for child-adult trust. Victims of sexual abuse grow up without a sense of protection and security, something that is essential for them to build inner strength and venture into new experiences. As a result, they also have difficulty in trusting others and forming relationships. Survivor's sexual activity as children were dominated by perpetrators emotional needs and selfish orientation towards sexuality. Tension, fear, betrayal, pain and mistrust coloured the victim's sexual awakening. Consequently, as adults, the sexual behaviour of survivors is severely impacted. They face issues such as sexual maladjustment, abstaining from sex or compulsively seeking it out. Adult women victimised as children are also more likely to manifest depression, self destructive behaviour, anxiety, feelings of isolation, low self

esteem, a tendency towards substance abuse, over-eating and various other addictions (RAHI, 1998:8).

The most disturbing effect of child sexual abuse is that the worst scars are on the emotional and mental health, which may show up as unidentifiable symptoms. Children are prone to a variety of psychological and behavioural disturbances caused by the trauma of abuse. These include bed wetting, nightmares, sleep disorders, depression, anxiety, running away from home, multiple personality disorders, low self esteem caused by guilt and shame. Many children also develop a negative attitude towards their body as they blame themselves for the abuse. Renu, victim of sexual abuse began hating herself and her body. She started eating constantly, as she wanted to look ugly and so that she would not fall prey to abuse again. Thus it can lead to disturbing the child's relationship with her sexual identity/sexuality and she can fall anywhere in the spectrum, which extends from promiscuity to frigid. It effects her self worth and the future interactions that she will have, especially with men.

Shobha Srinath NIMHANS, points out to a fact that a young child below ten may not always be aware that her sexual violation is in fact qualitatively different from thrashing and abuse; it is only with the onset of puberty that she becomes aware of her sexuality. In fact in an environment where physical contact, both affectionate and abusive, by relatives of both sexes is not uncommon, child rape needs to be viewed a little differently from the rape of a post-pubertal girl. Not unexpectedly, the families rarely talk about the rape of their young daughter: when the rapist is a father or brother, the chances of reporting is even lower.

According to Prasad (1998), a victim of incest may attempt suicide, may have bouts of panic attack and depression. The child may not even confide in the parents. He adds that, the wide prevalence of the crime can be gauged by the fact that according to a study, 16 per cent of the patients being treated for genito-urinary symptoms in the dermatology and sexually transmitted diseases department of a public hospital in New Delhi, were below 14 years of age. The child feels three Ds according to him - dirty, damaged and different.

There is a lot of anger, shame and guilt involved. There are suicidal tendencies, drug addiction and alcoholism. They also exhibit self-mutilating behaviour and have panic attacks and depression. According to Dr. Khetrupal, at times the impact plays itself out in certain compulsive behaviour like over-eating, bulimia, anorexia nervosa (repulsion to food) generally seen in abused girls. According to Ms Seema Prakash a counsellor at RAHI, there would be a slump in academic performance, increased temper tantrums, “different” conduct with some members (offenders), exhibition of sexual awareness in crude manner which are indicators of abuse (Prasad, 1998).

According to Singh Dhiraj, most often children do not have the language to describe sexual activity. It is difficult for a child to articulate his or her experience. Moreover, they are extremely traumatised as they try to make sense of what has happened to them. Hurt and fear of disclosure or punishment are the initial responses that prevent a child from speaking out. Hence it is very important to cultivate openness within the immediate family where the children can confide in their parents without the fear of ridicule or reproach.

Parents can look for certain telltale signs and reactions to find out how safe their children are, says Singh,

- The child tries to stay away from friends and people he was close to earlier. This could be due to guilt that has flooded his little conscience.
- He or she may seem depressed. Depression itself may not be easy to gauge in children but it is translated into more expressible emotions such as being irritable, withdrawn and listless
- The child may resume bed-wetting if he or she has stopped it. Sometimes he or she can get incontinent while awake.
- He or she may avoid a particular individual and show fear when forcibly made to come face to face with this person. This person could be abuser or someone who looks like him.
- Difficulty in concentrating or failing tests at school

- Sudden use of sexual language and swear words.
- Sexual exploitation or exploration of other children.
- Irritation in throat and bladder infections.
- Sexually transmitted infections.

#### **2.d. Child Prostitution and Trafficking**

The UN Special Rapporteur on the sale of Children, Child Prostitution and Child Pornography defines Child Prostitution as the sexual exploitation of a child for remuneration in cash or in kind, usually but not always organised by an intermediary (parent, family member, procurer, teacher, etc.) (Bruce, 1996: 9).

Thus the violence against the girl child acquires a new dimension in the sale of young girls below the age of 18 for prostitution and trafficking. To curb this, the Suppression of Immoral Trafficking Act, later modified to the Prevention of Immoral Trafficking Act has been passed.

Prostitution in India is a Rs 40,000 crore annual business. It has been estimated that 30% of the sex workers are children, who earn Rs.11,000 crore. This has been reported by a study by the Centre of Concern for Child Labour (CCL). ( The Times of India, 10 Nov 1998). At present the number of child prostitutes in India is between 270,000 and 400,000, with the number of children in “commercial prostitution” increasing at the rate of 8-10% per annum.

The practice of child prostitution is in blatant contravention of the UN Declaration on the Rights of the Child, endorsed by the “National Policy for Children” of the Ministry of Social Welfare, Government of India.

Principle 9 of the Declaration states: The child shall be protected against all forms of neglect, cruelty and exploitation. These shall not be the subject of traffic in any form.”(Rozario, 1988:57).

Poverty and deprivation, coupled with a low status in society for girls is a primary factor for child prostitution. It is well known that prostitution exists in the Third World because of poverty (Grant,1996). According to a UNICEF Report, children are often required to work to supplement their meagre incomes. (Hindustan Times, 28 Oct 1996). Thus in a country like India, child prostitution in most cases stems from child labour. Prostitution is often viewed as an avenue providing easy money, which seems attractive for families steeped in poverty.

Dr. K.K.Mukhopadhyay from Delhi School of Social Work, University of Delhi, in his presentation based on surveys he conducted for the Government of India, said that young girls in India were taken away from their parents in poor backward and drought affected districts of the country for purposes of trafficking. These were also states with gender inequality and low literacy rates. The trafficking network was well organised in these areas. He found in his survey that about eighty per cent of the girls who were in this profession entered it as children and due to difficult circumstances, such as poverty, illiteracy, ignorance, and deception. The increasingly consumerist society only further complicated the situation. Children are often hired out or sold by their families to agents who may or may not reveal the true nature of the work offered. The agent may promise a job as a domestic servant or factory worker at a wage many times higher than is customary in rural areas. A sum which is large in the eyes of the family, may be handed over to them, and the child is obligated to work to pay off the debt. Some young girls are deceived by young urban boys who go to villages. The boys conduct fake marriages with these girls, bring them to the cities and sell them to the brothels (Mukhopadhyay, 1995:7).

On the economic front, it must be noted that development policies and patterns of development promoting tourism, industrialisation, rural to urban migration particularly of males generate a demand for commercial sex. In such a situation, the developing countries bear the brunt of the problem. Economic disparities within countries, and between countries and regions fuels the demand for trafficking from low income to high income areas. In addition, population mobility has been facilitated by globalization and

liberalization as they have opened borders and relaxed controls. (Trade in Human Misery, 1998) Such a scenario gives a spurt to tourism which leads to 'sex tourists' from the West journeying East with the purpose of exploiting children. Goa has become one such haven for paedophiles and people indulging in child prostitution. According to unofficial estimates, there are at least 400 minors in the locality involved in the trade. Further, there is no respite in the situation as the existence of minors is often hidden on receiving a tip off about the raids. There are also instances of the arrest of 25 odd girls and their being summarily released subsequently, once their ages have been found to be above 18 (Menon, 1997.) The exploitation is shown in the fact that a girl below the age of 16 is available for Rs 300- Rs 500, justifying for Goa the name of 'India's Bangkok' (Rai, 1997).

Men who travel to the Third World for 'sex with children', argue that there is nothing new in going abroad to escape the moral strictures at home (Grant, 1996). This phenomenon is further enhanced by the growing demand for very young girls with a premium on virgins. According to Ms. Prasanna, a research scholar with the Department of Criminology at Madras University, the fear of AIDS often makes the Western 'sex tourist' to seek virgins. Such a demand is catered to by large markets in Bombay and Hyderabad also (The Hindustan Times, 5 Oct 1994).

Child prostitution in India is further aggravated by the presence of social conventions and myths prevailing in society. It is popularly believed that sex with a virgin is a cure for venereal and other diseases. Moreover, a reason for the rise in child trafficking can be attributed to the myth that having sexual intercourse with a child would protect the client from AIDS. This was stated at a workshop organised by UNICEF on "The Rights of the Child" (The Hindustan Times, 28 Aug 1997). With the low levels of education and literacy, such myths are only perpetuated. It is well known that the female sex is further disadvantaged due to the inadequate educational and employment opportunities, gender disparities in access to opportunities and the lack of social safety nets (Trade in Human Misery, 1998).

Social conventions play an important role in the continuance of the phenomenon of child prostitution. These include child marriages, polygamy, dowry and social stigma against single, unwed, divorced women and girls who have been sexually abused (Trade in Human Misery, 1998). Children, especially young girls, in these circumstances are especially vulnerable to the prostitution racket. There have been instances of girls being driven into the sex trade following traumatic sexual experiences during childhood, including rape. If, in the case of Shahida of Kozhikode, it was the violence inflicted by her father's younger brother followed by molestation by her cousin and then rape (The Hindustan Times, 2 Oct 1998), Lakshmi's tale of woe began when she was raped by her step father at age 8 and her further sexual exploitation for food when she left home (Uniyal, 1998). Prostitution thus becomes a viable option for children who have been abandoned, for those from disrupted families and for those who are financially supporting their families.

The prevalence of traditional and religious practices in some communities that consist of dedicating girls to gods and goddesses serve to encourage child prostitution (Trade in Human Misery, 1998). The evolution of the *Devadasi* cult can be traced to a period earlier than the entry of *Aryans* in India. The cult appears to be a relic of the *Dravidian* matriarchal society. It exists today in India with many regional variations (Shankar, 1990:54). This social convention condemns nearly 5 to 10 thousand girls every year to a life of sexual servitude (concubinage) and subsequently into prostitution. The *devadasi* girls form 15% of the total women in prostitution in India. In the border districts of Maharashtra and Karnataka states, their percentage in prostitution is nearly 80%. The striking fact is that all of them have entered prostitution in an extremely organised manner. This process involves first making the girl a *devadasi* and then legitimising her entry into prostitution with the help of 'religion' (Gilada, 1990: 66). The practice receives sanction from mythology and was once supported by feudal land owning systems. Social backwardness is the most closely linked factors to both *devadasis* and prostitutes (Gilada, 1990 :67). It is known that ethnic minority, "scheduled castes" and "other backward classes", indigenous people, hill tribes, refugees and illegal immigrants are particularly susceptible to the racket (Trade in Human Misery, 1998). Interestingly, the "signs" used

to identify the chosen child (who is then dedicated to the goddess *Yellamma*) are those of ill health - white patches of eczema, leprosy and even mental retardation. Researchers now speculate whether prostitution was one lucrative way of making use of such otherwise “worthless children” (Aiyar, 1997).

Among those involved in child prostitution, it is the street children who are most vulnerable to it. According to Dr. A.B. Bose, advisor in the Planning Commission, the problem of street children is primarily the outcome of four circumstances - poverty, non-existence of a supportive social and economic structure, rapid urbanisation leading to chronic housing shortage and the growth of slums and an oppressive home environment (Kanth, 1994).

The prevailing situation is aggravated by the lack of awareness of legal rights, the exploited situation of the victims and the absence of a channel for seeking redress. In the presence of the growth of trans-national crime and expansion of drug trafficking networks, weak law enforcement mechanisms, exploitation by corrupt law enforcers and officials are the order of the day (Trade in Human Misery, 1998). On paper, prostitution per se is not illegal and hence there are loopholes in the law that ensure a person goes scot-free even if he sells a minor girl to a brothel, provided there is a stamped receipt (Nigam, 1993:23).

The erosion of traditional family systems and values and the pursuit of consumerism encourages sale of children (Trade in Human Misery, 1998). The National Commission for Women identifies sexual glorification by the electronic media as one of the prime reasons for minors in prostitution (Prabhudesai, 1997). In 1991, the Central Social Welfare Board conducted a study on Child Prostitution. Among the causes of entry to prostitution, economic distress accounted for 41%; desertion by spouse = 24.5 %; deception = 11.9%; social customs = 5.35%; family tradition = 5%; kidnapping and abduction = 2.25%. The study also indicates that many of the young girls join, emulating the example of girls who have joined the trade and as a consequence are living well (D’Cunha, 1995: 22).

It has also been shown that most prostitutes are forced to remain in their professions due to police highhandedness and the clout of local henchmen (Jha, 1998). This makes chances of rescue and rehabilitation very slight.

It has been found in 1994 that India has four lakh child prostitutes. According to Mr. K.T. Suresh of the Bangalore based NGO "Equations", about 20% of India's 2 million prostitutes are below the age of 15. Bombay city alone is believed to have 40,000 child prostitutes. The flesh trade in India is liberally replenished from Nepal, which is believed to contribute an estimated 20,000 young girls every year (The Hindustan Times, 5 Oct 1994). The survey conducted by the Central Social Welfare Board in 1991-92 in the cities of Bombay, Calcutta, Delhi, Madras, Hyderabad and Bangalore shows that 15% are below the age of 15 at the time of entry and 25% are minors in the age group of 16-18 years (Pioneer, 8 June 1994).

However, among the various studies conducted, there does appear to be some discrepancy in their findings. A study on prostitution in Delhi has challenged the findings of a report by the National Commission for Women on child prostitution. While the NCW says that children form 60% of the prostitutes in the Capital's main sex market at G.B. Road, the study by Jan Shakti Vahini figures it as low as 7% (Indian Express, 20 Dec 1998).

On a similar note, very few cases of child sex workers have been reported in the state of Kerala. However, according to the study conducted by Loyola College of Social Sciences on "Girl Children in Prostitution", this does not imply their total absence; it merely indicates that locating them is difficult (Chadha, 1998).

Violence against prostitutes is of two kinds, argued Mr Dasgupta, and relates to violence at the workplace. Girls are sold by their parents or procured by abductors. A good number, about 25% to 30% are known as *chukris* in Calcutta. These women who are sold by their parents or husbands are severely beaten and tortured into submission. As a rule they have to pass on all their earnings to the keepers and any deviation from this norm is also countered with violence. Lack of space accounts for the presence of keepers in a big way. However those with a place of their own face yet another problem: *Goondas*

(toughs) forcefully seek entry into the women's houses and assume the role of the pimps. They live off their earnings and, in case of resistance, get violent. Data revealed that clients were the least prone to use violence. Mr Dasgupta's study showed that 75% of women in the prostitution industry are from West Bengal, of whom a third are from Murshidabad, Birbhum and Burdwan or the Radh area. The Radh area has traditionally sent girls to Calcutta for prostitution. What is important here is the prevalence of child marriage and child widows. When they returned to their parent's home, as they were considered burdens, they were sent off to Calcutta to work as housemaids or prostitutes. Earlier, these women came from Kulin Brahmin and Kayastha families, nowadays they are from all castes (Dasgupta, 1995: 21).

Micro studies conducted by Prerana, Mumbai, conducted 10 focus group interviews of five children in each group reveals that the age of becoming a prostitute was under 18 for 90.3 per cent of the girls, the average age being 16 years (Prerana, 1995; 10).

When dealing with child prostitution, the best possible available indicator as to its prevalence is the incidence of AIDS and sexually transmitted diseases in the age group below 18. According to UNAID, one in every two women in Mumbai's brothels was infected by 1993 and one in every three attend STD clinics. Nationally, it estimates that the incidence of HIV was 25% among women in prostitution and 10% among clients (D'Monte, 1996). Sudden increases in the number of kidnappings and abduction of young girls and their subsequent adoptions could possibly be indicators of the practice of child prostitution. The National Crime Records Bureau reported a 100% increase in kidnappings in the last two years. Often, young girls are kidnapped from their homes. 60% of these children are forcibly "married", and then hidden by the brothel owner until they reach the "profitable" ages of 9-13 years (Aiyar, 1997).

## **2.e. Child Labour**

Patil .B.R has defined child labour in two dimensions. If the purpose is to prevent child labour and to provide compulsory education, child labour would mean and include, all

those who are below the age fourteen and who are neither in school nor in employment. If the concern is to withdraw children from all kinds of jobs and employment - whether hazardous or non-hazardous - and to bring them into main stream of the human society through education, training and rehabilitation we need to define child labour in a very different manner. One such definition is: the children, who have not completed the age of fourteen, employed for wages or no wages in occupations and employment, whether carried on by the employer or by the family or by self (including a bonded child labour), that interfere with their childhood and education and are injurious to their health and physical, intellectual, spiritual, moral and social development. Neera Burra has divided child labour into four categories - those who work in factories, workshops and mines, those who are bonded, street children and children who form part of the familial labour force areas (Karlekar, 1999: 11). Gupta has classified the child labour into five types, Child workers with their family; those working in home or cottage industry; those working in a factory or factory type production unit, commuting daily to the work site; Child workers not staying with their families; children sent by parents to work away from home (includes sold and bonded children); children who run away from home; destitute children, who have no home or parents. Children engaged in begging and prostitution are part of organised criminal exploitation of children (Gupta. M.C, 1996:26).

Although the following table gives an estimation of the recorded child labour by census of India 1991, this is only a tip of the ice-berg, as several micro studies have proved the figures to be much higher.

**Table 6: Child Labour as Main and Marginal Workers**

<b>Total</b>	<b>Main Workers</b>		<b>Marginal Workers</b>	
	<b>% of Male to total males</b>	<b>% of Females to total females</b>	<b>% of Male to total males</b>	<b>% of Females to total females</b>
Age Group				
5-14	5.18	3.40	0.42	1.60
Rural				
5-14	5.97	4.15	0.52	2.06
Urban				
5-14	2.68	1.04	0.10	0.17

Source: Census of India, 1991

Child abuse includes sexual aggression, beatings as well as extracting hours of labour from children who should be in school or at play. According to Laskar, 1999, child abuse can be economic, physical or psychosocial. The most vulnerable children in the society, according to him are the child labourers, street children, bonded children, child prostitutes, child refugees, child soldiers, jailed children, unaccompanied children, orphans or beggars. In the domestic scenario many children are exploited and this generally does not get focused. A large number of children are forced to work in hazardous workshops or factories and are exposed to multiple health hazards.

Since schooling is not compulsory for any age group in India, there are no restrictions on when children can enter the labour force. Traditional Hindu notions of social rank and hierarchy are subtly incorporated into the ways educated Indians distinguish between education for children of those who do manual work than those who are in services, that is, middle class employment. The National Human Rights Commission (NHRC) has itself felt revolted that officers consider it necessary to permit a 'small justice' in the form of child labour to promote the interests of earning foreign exchange in the export market. In fact the Government policy seems to promote the employment of children. Small scale industries are legally permitted to use child labour directly or to subcontract with the so called family owned workshops.

There is no statutory protection for children in factories which employ not more than 10 workers. The government's support to cottage industries and the small sector promotes the employment of children in unregulated hazardous work. And through its centres for training children as weavers in the carpet industry, the government competes with schools to attract children. Government officials are frank in saying child labour helps sustain the otherwise uneconomic small industries by keeping the cost down so that the carpet, gems and brass-ware industries can expand their exports (Kuldip Nayar, 20<sup>th</sup> Dec 1997, The Hindu).

The child labourers are exposed to several kinds of physical hazards and even sexual harassment.

**Table 7: Health Hazards for Working Children**

<b>Activities</b>	<b>Health Hazards</b>
Construction Work	Deformities in spinal column, pelvis, or thorax, flat feet
Factories	Hearing loss and injuries
Sweatshops	Gastrointestinal diseases
Mines	Silicosis, asbestosis
Cottage and Handicraft Industries	Bronchitis, anaemia, tuberculosis, asthma, and eye diseases
Beedi Industry	Tuberculosis, asthma, smooth and numb fingers, backaches, body aches, stomach-aches, gas trouble, piles, rheumatic complaint.
Match and Fireworks	Death due to explosives, charring and toxic chemical fumes
Hotels	Fever, typhoid, tuberculosis, jaundice, and injuries.
Glass Bangles	Lung diseases, burn marks on face, hands, and other part of body, loss of eyesight
Rag Picking	Worm infestations, lung infections, skin diseases, cuts, cough, watering eyes, sores, mumps, tuberculosis
Brass ware	Eye injuries, burns, respiratory problems, lung ailments
Power-loom	Byssinosis, bronchitis, tuberculosis
Tanning	Skin ailments and respiratory illness
Lock Manufacturing	Lung ailments, respiratory problems, skin ailments, cough, injuries, accidents
Zari making	Eye diseases
Gem Polishing	Loss of eyesight
Steel manufacturing	Hearing loss, burns, bronchitis
Carpet Weaving	Loss of eyesight, lung diseases, stiff and arthritic hand joints

Source: Laskar 1996, *Women's Link*, pg 29.

In the absence of any stricter laws or any provisions for compulsory primary school education, less than half of India's children in the age group of 6 to 14 do not attend school. Either they are found at home caring for the cattle, collecting firewood, working in fields or engaged in cottage industries, tea stalls, restaurants. Some even work in factories doing extremely hazardous jobs. Some find employment as household workers in middle class homes. Some even end up as prostitutes or bonded labourers. Unfortunately nothing worthwhile is being done to improve the conditions of these children (Sardar Nayeem, Pioneer, 29<sup>th</sup> November 1997).

The Centre for Concern for Child Labour (CCFCL), a Delhi Based NGO, in a study has divided the girl child in the domestic sector into two categories - one who did household tasks and the other who was engaged in outdoor economic work. The study revealed that middle or upper middle class families with small children preferred to employ young girls because, the help from them, in that case not only came 'cheap' but was also considered safe. The study observed that like all other women workers in the informal sector, the child domestic workers are subjected to sword of false allegations (The Hindu 24<sup>th</sup> Oct, 1997). Working in inhuman conditions, often for a pittance, children are abused at work and within homes where their earnings become the property of the parents. Not unexpectedly, child labour has become an emotive issue resulting in a sense of moral outrage in the international community and the boycott of products using any form of labour. However banning child labour is a simplistic response to a much deeper problem, which lies embedded in structures of power, availability of alternatives and schooling as well as the overall immiseration of at least a third of the population. For those children who do not work for wage but contribute to the family workforce, leisure, education and anything remotely regarded as the rights of the child need to be defined keeping in mind the cultural specifications of notions of childhood, play, learning and consequently exploitation and abuse (Karlekar, 1999: 11).

Dr Neera Burra argues that the general argument favouring child labour gets justified by poverty or that children are put to work at a young age to learn the required skill or the traditional craft. Further Dr Burra mentions that child labour gets justified in less

hazardous workplaces but the question is, what is the definition of hazardous? She quotes the example of a domestic servant in Hyderabad who was beaten up mercilessly by his employers. A child may be working in a non-hazardous environment, but might be subject to violence. The neighbour who saved him with the help of a women's organisation later got him enrolled in a school. Studies from *Bidi* industry show that children are mortgaged for money; the Supreme Court Commission of 1983-84 on children rescued from the carpet industry documented atrocities such as not allowing them to urinate and being hung upside down and beaten for making errors in weaving.

State Development Corporation had come up with a scheme for young women who would be taught weaving. However what has actually happened is that young girls instead of women were employed under this State-funded programme, and that too at the cost of having left school. These young girls are so young that they balance on their toes so as to reach the thread. They would be on their toes for hours together. Possibility of sexual abuse also could not be ruled out (Burra, 1995:16).

According to Choudhary, it is the poor life situations in families that bring children into labour force.

Studies show that child labour is on the increase, particularly for those who work as marginal workers. According to Choudhary, the increase of girls has been dramatic in both rural and urban areas (Karlekar, 1999: 11).

According to Maxim Gorky, traditional factors may be a cause for child labour. School-based education was meant for the privileged class. This tradition prevails even today among some segments of the have-nots. Many are not aware of the disadvantages of non-schooling. The children first join their parents to work and slowly get absorbed in the labour force.

Stronger than tradition, he says is the factor of chronic poverty which is responsible for the prevalence and perpetuation of child labour. When disease, other forms of disability

or unemployment upset the balance of the family budget, there may not be an alternative except to send the child to work. Poverty and child labour thus beget each other and tend to reinforce themselves in families and communities.

The most important cause, according to Chandra, is widespread of absolute poverty due to which they are forced by the parents to seek employment. Disease and other contingencies may need extra money and the employment of children is resorted to an easily accessible method to earn money.

The problem of child labour is inter-related to the problem of the inadequate wage of adult worker, which compels children to work, in return for compensation and the employer takes advantage of this weakness by providing work to them on low wages (Chandra, 1997:41).

Associated with poverty is the existence of large families. Large families with comparatively less income cannot give protected and encouraging childhood to their children. If a family is limited and well planned, there would be no scope for sending their children to the labour market and the children could be educated. Illiterate and innocent parents think just contrary to this. Thus, if parents have a small family size, they can provide all facilities to their children which are necessary for their mental, physical and social growth (Chandra, 1997:42).

According to Maxim Gorky, child labour and non-schooling has a significant linkage among the poorer sections of population. According to him a child is willingly sent to school in the age group 6 to 9 because at this stage he/she is more a nuisance at home than an asset, but as he/she crosses this age limit, the positions reverse. The child can now work at home or earn something outside. This is especially true of girls who have to assist the over-worked mother at home. In many far-flung areas of the countryside, schooling facilities are scarce and inaccessible and parents do not feel motivated to avail them for their children. Many children are forced to stay at home as their parents cannot

afford the prescribed minima of uniform, books and stationery. Schooling is perceived as something that would deprive them of the income. Against the backdrop of schooling, child labour thus has a double appeal; it saves the parents from spending on child's education, and is a reckonable source of income to the family. Educated unemployment highlights the futility of education.

Gupta (1997) has mentioned disintegration of family as a cause of child labour. This could occur due to separation, divorce or death. He also mentions the low status of women in the house as a key factor of child labour. This is because she does not get the job or income she deserves, she is under paid and badly exploited. A mother or elder sister will not like the child to work if she earns enough to support the family or to supplement the family income (Gupta; 1997: 29)

According to Raj, the most common explanation for child labour is that parents are very poor and cannot afford to send their child to school. In places where schooling is free, the explanation given is that the family is so poor that they need the money every family member, including the child, can earn. If child labour is stopped the family will become poorer. Many factory owners who employ children argue, "why blame us? We do not force the children to come. It is the parents who send their children willingly to work rather than to school since they need money".

Child labour exists primarily because there are people willing to use children for a profit. A child is paid much less than an adult worker and so is cheaper to the employer. Children are more likely to be obedient and less likely to organise themselves into labour unions and create trouble for the management. A child's' mind and body can be moulded for performing repetitive tasks.

According to Chandra, with the advent of industrialisation, the tendency among the employers to have quick and more profits at low costs has increased. Hence, in every country there is employment of children in large numbers in factories, who are paid very

low wages, are subjected to excessive hours to work, and are made to work in terrible conditions (Chandra, 1997, 42).

Some of the other reasons for child labour mentioned by Chandra is the absence of scheme for family allowance. He says there is conspicuous absence of schemes for family allowance, as can be given to family so that people may maintain an adequate standard and may not be forced to send their children to the labour market. This type of scheme comes under the social security measures which is in practice in many developed countries.

In addition to the above causes, Chandra (1997: 42) has also mentioned bleak employment opportunities, lack of physical and mental fitness (due to malnutrition), sheer encouragement to take up jobs instead of going to school, inadequate inspection mechanism to check child labour and slow process of protective legislation as reasons of child labour.

Lal (1997: 58) has also mentioned migration as a cause for child labour. In search of job poor rural parents migrate, which leave no scope for education of their children. In this process parents face various problems like unemployment, under employment, lack of shelter, and so on, which force the parents to send their children to work.

### 3. WOMEN

#### 3.a. Domestic Violence

Physical violence as well as explicit forms of aggression are used by the more powerful in the household as methods to ensure obedience of the less powerful and therefore related to power dynamics in a household. At every stage in the life cycle, the female body is both the objects of desire and of control (Thapan 1997).

Domestic violence includes not only inter-spousal violence, but also violence perpetrated by other family members. Generally, an important part of the power relationship between spouses and their families relates to dowry and its ramifications (Karlekar, 1995).

There is a wide societal tolerance for wife-abuse, which is very often even considered justifiable under certain circumstance: Disputes over dowries, a wife's sexual infidelities, her neglect of household duties, and her disobedience of her husband's dictates are all considered legitimate causes for wife-beating. It is only when the torture becomes unbearable or death appeared imminent that most women appeared willing to speak out (Karlekar, 1995).

Glass defines domestic violence as "anything that is experienced as fearful, controlling and threatening when used by those with power (invariably men) against those without power (mainly women and children)" (Ravindran, 1991).

Domestic violence includes, harassment, maltreatment, brutality or cruelty and even the threat of assault - intimidation. It includes physical injury, as well as "wilfully or knowingly placing or attempting to place a spouse in fear of injury and compelling the spouse by force or threat to engage in any conduct or act, sexual or otherwise, from which the spouse has a right to abstain". Confining or detaining the spouse against one's will or damaging property are also considered as acts of violence (Bedi K, 1999).

### 3.a.1. Domestic Violence in the Marital Relationship:

Ahuja (1998) and Visaria (1999) have recently conducted studies on 'domestic violence' within marital relationship. The findings of their study have been discussed below.

*Domestic violence* has been defined as “ all actions by the family against one of its members that threaten the life, body, psychological integrity or liberty of the member. (Anthony and Miller, cited in Adriana Gomez, 1996)

In identifying factors leading to wife beating, both Visaria and Ahuja, in their survey, have tested the co-relationship between wife beating and education. According to Visaria's (1999) survey in Gujarat, illiterate women face more violence than literate women. Relationship between abusive behaviour and level of education has been found to be statistically significant (Visaria 1999:12). Illiterate women and those with education up to primary level (class 4) tend to be more subjected to violence as compared to those who had received education beyond the primary level. However, one has to keep in mind that the percentage of literate women in Gujarat is overall only between 20% to 50%. In one district, Banas Kantha in Kutch, the total percentage of literate women is even lesser than 20%. In contrast a study by Ahuja (1998) shows that there is no significant relationship between beating and educational level of the couple. Educated women are beaten as much by their husbands as those who are illiterate or less educated. About one-fourth of the batterers (24%) in Ahuja's study were those who were moderately educated and about one-fourth (26%) were highly educated. However, he added that men whose educational attainment is low, are more likely to beat their wife than men who are better educated. Study findings of Ahuja shows that although women of all ages are victims of wife-battering, a larger number of victims (72%) are among those with an age difference of upto 10 years between spouses. According to the survey findings of Visaria (1999), women who experience domestic violence early in their marriage, continue to be subjected to it even with increase in age. His findings point out that family structure, the presence or absence of children, and the size of the family have little co-relation with wife battering (Ibid.:157). The study also points out that family

income, husband's occupation and employment of women are not co-related with wife-battering. According to survey findings of Visaria (1999) joint family tends to offer women some protection or acts as a deterrent to husbands using physical force to subdue them.

The forms of violence commonly found by Ahuja (1998) were slapping, kicking, tearing hair, pushing and pulling, hitting with an object, attempting to strangle and threatening. Forms of psychological abuse were also found to exist, for instance, verbal abuse, sarcastic remarks in the presence of outsiders, imposing severe restrictions on freedom of movement, totally ignoring the wife in decision-making processes, making frequent complaints against her to her parents, friends, neighbours, and kin much to the embarrassment of the wife. Some of the reasons given by the women were financial matters, behaviour with in-laws, back-biting, talking to any male without the liking of the husband, asking for money, preventing him from drinking and husbands personality traits.

Some of the worse forms of violence has been reported by Visaria in her study (1999), for instance, beating with sticks or iron rod, knives, utensils, blades and ladles, throwing women against objects or bashing their heads against the walls, burning of breasts and vagina. In addition, sexual assaults in the form of both hitting women in the vagina by kicking or forcing her into sexual intercourse were reported by nearly 10% of the women. Some of the women who had become victim of this form of violence indicated that injury in their private parts cannot be noticed by anyone and they would be too ashamed to talk about it to others. A couple of women also hinted that men know that their wives cannot report such punishment even to their own parents or seek medical treatment due to a sense of shame. Some of the reasons given by women, in the survey done by Visaria is, meals not served properly, economic constraints, financial matters, men wasting money at tea stalls, drinking of alcohol, men feeling that women are paying less attention to the children and vis-à-vis, men feel women have a lot of free time and so on.

One of the main cause why domestic violence prevails and continues is the lack of alternatives among the victims. Women and children may be economically dependent on abusers. Elderly people and children may feel too powerless to escape. Language or cultural barriers may isolate victims from seeking help.

Victims generally feel, it is better to suffer in silence than to be separated from loved ones. They keep hoping for improvement, but it is normally observed that, without help, violence gets worse.

Victims may also feel helpless, guilty or worthless. They may feel ashamed of the poor quality of the relationship. Abusers may fear the consequences of seeking help, unaware that continuing as before may be even more dangerous.

Family members may be unaware of the help that is available from the local agencies. They may also be unaware of their legal rights.

In India we have no provision for protection of a complainant, not even under the Prevention of Dowry Act. A woman who has complained of harassment goes back to the very people against whom she has complained. What security can she possibly feel in such a situation, and how can she continue to act on her complaint? She obviously continues to be victimised often paying the ultimate price (Bedi K, 1999).

Many complainants are faced with eviction from the family home, are cut off without maintenance, and are unable to follow the complaint precisely because they have no means to do so.

Frequent, unexplained injuries, reluctance to seek medical treatment for injuries or denial of their existence, fear in the presence of certain family member/s, social isolation, disorientation or grogginess, especially in elders indicating misuse of medication and decline in physical appearance and personal hygiene indicating increased isolation and a

lack of desire to continue living are some of the indicators of violence (Aravamudan G, 1995)

### 3.a.2. Dowry Harassment and Bride Burning

Dowry is a transfer of property from the bride's family to that of the bridegroom, at the time of marriage (Negi,1997: 14). According to the present practice, dowry usually subsumes material gifts and cash paid to the bridegroom and his kin. This practise continues even after marriage (Paul; 1993). The dowry given at the time of marriage is not the only transaction as far as the daughters marriage is concerned. There is a series of ceremonies associated with the girls in the family. The practice of giving gifts to the husband's family in cash and kind and rituals connected with pregnancy, childbirth and ceremonies for piercing the ear of the girl and so on (Negi; 1997: 15). The gifts are no longer a token of affection from parents to the daughter, but instead an elaborate demand from the marital family (Negi; 1997: 16).

The commonest elements of dowry in India include gifts for the bride such as clothes, jewels and other house-hold and luxury goods like a refrigerator and kitchen utensils and so on. These are ideally treated as the bride's *streedan* (wife's property) and form the nucleus of the conjugal estate. Dowry also includes gifts for the son-in-law and other luxury items like scooter, VCR, VCP, and such other gifts for the bridegrooms' parents and other relatives. Over and above, it includes hard cash paid as contribution towards the marriage expenses. In some cases, dowry is also paid as compensation for the expenditure incurred on the education and other training of the groom. The bridegroom's parents usually keep this money. Some state that this is kept by the parents as security against the bridegroom staying separately after marriage.

According to Chatterji, the practice was a means of giving gifts to the daughter during the marriage, so that the couple can start a life on their own and to compensate her share of the property, as she is otherwise excluded from inheriting parental property (Chatterji; 1992: 7).

The Dowry Prohibition Act 1961 was amended in 1984, 1985 and 1986. Dowry deaths constitute a special category of death that was for the first time defined in a section introduced into the Indian Penal Code (IPC) In 1986, Section 304(B) stipulates that death of a woman within seven years of her marriage by burns or bodily injury with evidence of cruelty or harassment by her husband or his relatives in connection with a demand for dowry is 'dowry death' and punishable with imprisonment for not less than seven years.

Three years prior to this, Section 498(A) was introduced in the IPC. This states that 'any form of cruelty, whether it is from a husband or the relative of a husband, to a woman is an offence that is punishable with imprisonment up to three years'. Cruelty, as defined in this section, includes 'any wilful conduct that could cause mental torture, physical injury, or drive the woman to commit suicide, whether in connection with any unlawful demand for property or not'.

The first part of Chapter XVI of the IPC (Sections 299 to 311, which are offences affecting life) can also be invoked in case of dowry death or suicide. Under sections 299, 300, 301 and 304(A), culpable homicide, murder and death by negligence are crimes. Section 302 lays down punishment for murder: death sentence or imprisonment for life. Sections 113(A) (presumption as to abetment of suicide of a married woman) and 113(B) (presumption as to dowry death) were added to the Indian Evidence Act and can be invoked in cases of dowry murder or suicide. The Code of Criminal Procedure (mainly sections 174 and 175) lays down the procedure and principles of investigation into a crime (Menon; 1999).

Despite a list of legislation protecting the rights of women, most importantly the prohibition of giving and taking of dowry under the Dowry Prohibition Act 1961, women in India are tortured physically and mentally and even killed or driven to suicide by their husbands and in-laws for not bringing sufficient dowry.

Dowry related violence against married women by the families they marry into is a phenomenon that is on the increase in the country. The following table gives an indication of the increase in dowry related violence against women. However this data is only a tip of the iceberg, as most of these cases do not get reported unless it reaches an extreme case of death.

**Table.8 Dowry Reporting Under Crime Heads**

Crime Head	Year			% Variation in 1997 over 1996
	1995	1996	1997	
Dowry Death	5092	5513	6006	8.9
Dowry Prohibition Act	2814	2647	2685	1.4

*Source: Crime in India 1997 Pg. 162*

In an investigation done by Vimochana, (a Bangalore based NGO), the category of dowry deaths in a technical sense only include those cases that had been booked by the police under the relevant sections of law. The accident cases that have been closed for want of evidence, however are largely due to stove-bursts or kitchen accidents (Menon; 1999: 66). There are rarely any eyewitnesses who are prepared to give evidence against the murderers as the crime is committed within the four walls of a home and those who are present inside are those who are committing the crime. According to Menon (1999), the large number of these deaths is an indication that the law is not a sufficient deterrent for those who commit these crimes. The following are some of the reasons why these gruesome murders are registered under accidents. There are pressures on the woman to conceal the truth about the reality even if they are on the verge of dying. Her husband's family often threatens to harm her natal family or her children if she does not declare that it was an accident. Relatives and family members of her natal family also sometimes remain silent, as they fear the husband's family. The victim's dying declaration, which is supposed to be taken in private by the policeman in the presence of a doctor, is invariably a public procedure. While on one hand the family does not want to get involved in the time-staking and laborious process of legal proceedings, on the other hand the police do not take interest to penetrate this community resistance to look for evidence of what really could have happened (Menon, 1999:69).

According to Damodaran, exposure to the media has resulted in an increasing trend towards consumerism. People cannot afford the luxuries that are thrust upon them through advertisements targeted at the urban population. They see dowry as an avenue to fulfil their otherwise impossible dreams (Negi; 1997: 15).

The interplay of pre-capitalist values and modern forces with the accentuation of the free market economy and the consumer culture in the era of unequal development have thus become a part of the complex and contradictory fabric of our present-day society. The traditional values of the necessity of marrying a girl for spiritual merit and the modern system of calculation and other considerations of the groom's family in a milieu of inequality and insecurity have brought to the surface a sense of competition and manipulation to the advantage of the bridegroom (Paul; 1993:37).

According to Paul the treatment of a daughter-in-law depends very much upon the quantum of dowry she brings along with her before, during and after the marriage ceremony (Paul; 1986: 26). However there have been cases when the status of the girl's parents has reduced after the marriage, or there is a loss in the business and the girl is ill-treated in the husband's house thereafter. The dowry normally continues for many years after the marriage. Often, the dowry brought by her is taken away after marriage. In times of financial problems in the husband's house, her jewellery and dowry items are normally the first to be sold.

For some people, paying dowry at their daughter's marriage is an investment for fetching high dowry through their son's marriage. Some others, including women discuss on 'marriage with high dowry', with pride. Generally, marriages with pomp and show is preferred. The girls too think it is their right to take dowry with them when they go to the husband's house. People believe that the effective way of equipping women is to resort to dowry in arranging a marital alliance. Another feeling among the mothers-in-law is that when she herself brought dowry from her house at the time of her marriage, why

shouldn't she take dowry for her son. According to Menon (1999), dowry related crime is motivated mainly by greed.

### **3.b. Sexual Harassment at Work**

According to Mac Kinnons (1979) sexual harassment of working women is primarily a problem faced by women, that men rarely face this problem and therefore it should be considered a form of sex discrimination (Sikri, 1999: 128).

Sexual harassment as defined by the court stipulates:

- “Such unwelcome sexually determined behaviour (whether directly or by implication) as physical contact and advances,
- A demand or request for sexual favours, sexually coloured remarks,
- Showing pornography and any other unwelcome physical, verbal or non verbal conduct of sexual nature”.

Burt (1980) says “unwanted sexual overtures”, has the virtue of parsimony but necessarily concerns intentions and motivation, not just overt behaviour. Defining sexual harassment as unwanted sexual overtures has the same problem inherent in defining rape as unwanted sexual relations. In practice the woman has to prove that the sexual relations or the sexual overtures were unwanted (Sikri, 1999: 128). The male colleague will go out of the way to prove that the woman is of loose character (Ibid. 40).

According to Quinn (1977) defining sexual harassment means setting boundaries on the term and differentiating sexual harassment from expressions of sexual interest. Not all expressions of sexuality in the workplace could possibly be called sexual harassment. Men and women do meet dating partners and future spouses at work. Some people may even enjoy sexual jokes and flirting that can be ego enhancing and enrich their fantasy life.

National Commission for Women has laid down the code of conduct at work place to prevent sexual harassment of women, which has been sent to all Government offices, Ministries, and Universities with the hope that employers would become more sensitive towards women. The guidelines highlight that it shall be the duty of the employer to prevent or deter the commission of any act of sexual harassment at workplace would include unwelcome sexually determined behaviour by any person either individually or in association with other persons such as eve teasing, unsavoury remarks, jokes causing embarrassment, innuendo and taunts, gender based insults or sexist remarks and unwelcome sexual overtones in any manner, touching or brushing against any part of the body, molestation or displaying pornographic or other derogatory pictures or sayings (Hindu, Sept 16, 1998).

Recommendations to the National Commission for Women based on the view that the definition of sexual harassment is deficient and that “sexual favours.....sought by homosexual or lesbian employers of the same sex” also be included (Hindu, April 26, 1998).

The Court places an obligation on employers in both the public and private sector to “take appropriate steps to prevent sexual harassment” and “provide appropriate penalties” against the offender. The criminal law should be resorted to where the behaviour amounts to a specific offence under the Indian Penal Code. The Court also recommends that a complaint made by the victim and that such a committee should be headed by a woman, and not less than half its members should be women (Hindu, April 26, 1998). However this guidelines does not specify any time limit for drafting the code.

The Court provides that the employer is responsible for drafting codes to prevent sexual harassment in the workplace. If the power to evolve these codes is to be in the hands of the employer, then given the conservative sexual climate in which we live, what is to prevent the employer from producing a code that encourages gender segregation in the workplace. The codes could be formulated so as to discourage gender interaction in the workplace, or encourage the establishment of same sex schools and universities instead

of co-educational institutions. Perhaps more specific guidelines are required which provide that such sex segregation is not an appropriate response for dealing with sexual harassment (Hindu, April 26, 1998).

In many cases, it has been found that the committees within the organisations were set up only when there were serious allegations of sexual harassment. Many working women point out that, even if there is an enquiry committee, does anyone really bother to find out what happens to the victim when the enquiry is going on? She is an object of curiosity, sympathy, disdainful glances or simply isolated by her colleagues. The situation at home is worse. Instead of sympathising with her plight or standing by her, the attitude is one of distrust and suspicion or often humiliation and shame (Sikri, 1999: 40). The work environment where sexual harassment occurs has hierarchy, norms, rules and constraints that profoundly affect the way people behave in that setting. In particular, the formal rules and informal norms of managers affect both the managers and their subordinates. The top management has the power to influence the employee's work habits, style of dress, recreational interests and social behaviour. When the top management tolerates or condones sexual harassment of employees, the standard reverberates throughout the organisation (Sikri, 1999: 129)

Certain individuals use their positions of relative power to engage in sexual interactions. This type of behaviour clearly constitutes sex discrimination (Hindu, April 26, 1998). Male ego problems, sexual perversion, sexual obsession, widow-hood, pornographic materials and media portrayal is said to be some of the reasons for their harassment.

Lawyers facing sexual harassment at work:

A survey conducted by Sakshi, a Delhi based NGO, in a few major cities reported that 65 per cent of women lawyers interviewed were always or often subjected to, or had observed, verbal or physical sexual harassment from other lawyers. The harassment would take various forms according to the survey. They include use of stereo-typed role characterisation, sexual innuendo, devaluation of women's work, use of obscene or vulgar language, and comments on appearances and character. The bar report narrates

two incidents. In one case, a woman lawyer was openly punched by a male colleague in the High Court premises for refusing to join him for a cup of coffee. When she tried to report the incident, a senior member of the bar dissuaded the police from registering it, on the ground that “it would tarnish the reputation of the Bar”. Forty-eight per cent of the women lawyers surveyed also stated that they had heard or experienced remarks or jokes that were demeaning to women (Rameshan G, Hindu, July 19, 1998).

In a survey done by National Commission for Women of 1200 women, nearly 50 per cent complained of gender discrimination and physical and mental harassment at work. While 40 per cent of the women said they “usually ignored” such provocation, 3.54 per cent said they reported these to their supervisors, 7.8 per cent to their colleagues and 1.24 per cent to the police. About 10 per cent said that they protested against such behaviour while 9 per cent said they warned the offenders. At least 20.17 per cent of the respondents said that no investigation was done on their complaints while 1.5 per cent said police harassed them again instead of making the enquiry.

A majority of the respondents 84.97 % were not aware of the supreme court judgement given in August 1997, for specific protection of women from sexual harassment at work (Bhatnagar.R., August 19, 1998)

### **3.c. Sale of Wife**

In traditional farming communities, women helped in farming and bridegrooms paid a bride price to her parents. In the past this used to be a token amount. If a widow or a married woman chose to enter into a live-in relationship with another man, the latter in turn paid the first husband the amount he had spent at the time of the marriage. This system has, in the last decade become completely distorted with women being sold and resold for astronomical sums and the panchayats and police turning a blind eye to these goings on. With the bride price sometimes running into a lakh or more, ‘*nata*’ brokers have mushroomed around Kotah, Bundi, Deoli, Ajmer and Tonk districts of Rajasthan,

whose only job is to keep an eye on prospective women and force them to enter into a *nata* because the local brokers earned a hefty commission out of this deal. The kind of money at stake can be gauged from the fact that one of the fathers admits to having spent Rs 62,000 in bringing her back.

Realising the selling and reselling of girls had reached rampant proportions, a Deoli based NGO, 'Women's Rights Committee Against Atrocity' conducted a survey in Sandla and Bhanvarthala villages in Tonk District of Rajasthan and came up with some disturbing conclusions. Of the 517 households surveyed, the survival rate of marriages in the backward classes during the last five years was less than 50 per cent and in some cases as high as 70 per cent (Rashme Sehgal, The Sunday Review, June 13<sup>th</sup> 1999, Pg 3).

*Nata* exits also in Rajgarh district of Madhya Pradesh. It is the practise of the sale of the women to men in return for a handsome price. The largest beneficiary is the father of the girl who uses her to gain a neat sum. Closely connected to the issue of sale and resale of women is the custom of child marriage. Unless a boy is committed to child marriage, he cannot indulge in *nata*. Men are prepared to pawn their goats, cows and buffaloes and in well-to-do households, even gold and silver to get a woman. In all these transactions the woman is never in the picture - she accepts the deal as part of her womanhood (Chandrasekhar, 1996).

Indira Pancholi, the Co-ordinator of the committee believes, "no household has remained unaffected, there is an unsuccessful marriage in every household here."

The Panchayats have turned a blind eye to this jostling around. They are accused more often than not, of siding with the husbands and are blamed for pushing up the *nata* rates. The *jhagda* money is decided upon in presence of the Panchayat with the amount being written on a document called *Kagli*. "Husbands are selling their wives to get more money and the Panchayats are doing nothing to protect these women", points out the Jaipur based women's rights activist, Kavita Srivastava. She cites an instance of Lalibai, an

anganwadi worker, who was harassed to enter into a *nata* after her husband's death. She refused and had to seek intervention of social activists to escape harassment.

According to a Jaipur based DIG (CID), Sudhir Pratap Singh “lack of education and total ignorance of inheritance rights amongst women are the reasons why this practice has continued.”

Indira Pancholi, the Co-ordinator of the committee believes, “the inability of a bride to return to her marital home would be a triggering factor, especially in cases of *atta satta* agreement where two families exchange children in marriage when they are quite young. After marriage, the boy's family reciprocate by not sending their son to bring the bride. Entire villages are at war with each other.” For instance, Simla Ram, from the village Nappa Ke Kheda of Rajasthan is facing rejection from her college going husband who does not want an illiterate wife. Village custom demands that the husband either comes down himself or sends someone to fetch her. Four years into the marriage, Simla is still waiting to be escorted to her husband's home. Simla is completely against *nata*. She says she would like to settle down only with her husband.

Marriages in villages have come under pressure for other reasons as well. Dowry and modern lifestyle demands, including incompatibility, are reasons cited for marital breakdowns and consequently the sale of women.

### **3.d. Eve Teasing**

Eve teasing is an act of terror that violates a woman's body, space and self-respect. It is one of the many ways through which a woman is systematically made to feel inferior, weak and afraid. Whether it is an obscene word whispered into a woman's ear; offensive remarks on her appearance; an intrusive way of touching any part of a woman's body; a gesture which is perceived and intended to be vulgar: all these acts represent a violation of a woman's person, her bodily integrity. Eve teasing denies a woman's fundamental

right to move freely and carry herself with dignity, solely on the basis of her sex (Hindu, August 2, 1998).

Some acts of eve-teasing mentioned by girl students interviewed are; indecent remarks, singing obscene songs, hitting, touching or pinching in crowded places, snatching dupatta and in some cases even forced kissing, mailing anonymous love letters and exhibiting male genital in front of women. (Ashraf, 1997 : 89).

Eve teasing by itself is not an offence under any law, but Sections 294 and 349 of the Indian Penal Code cover substance of eve teasing. Sections 294 punishes “whoever, to the annoyance of others (a) does any obscene act in any public place, or (b) sings, recites or utters any obscene song, ballads or words in or near any public place” is liable to be punished with imprisonment or with fine. The section is very wide in nature and a person can be hauled up even if the acts forming part of the substance of the offence are addressed to the public at large, provided this cause annoyance. Clearly a girl or a woman who feels annoyed by any obscene song or words can take recourse to the provision of the section and put up a complaint before a police station. The offence is cognisable, i.e. a police officer can arrest the offender without a warrant but it is bailable (Ashraf;1997)

A graver form of eve teasing is accompanied by the use of gesture indicating threat or use of force. ‘Criminal force’ has been defined under Section 349 of Indian Penal Code. According to this section ‘a person is said to use force to another if he causes motion, change or cessation of motion to that other person’. In such a case also, action can be taken against the person using it. The punishment in such cases are imprisonment for two years or fine or both. The offence is cognisable. Thus, simple eve teasing accompanied with gesture to use force are punishable under the existing provisions of the Indian Penal Code. (Ashraf; 1997: 89).

A graver form of eve teasing is accompanied by the use of gesture indicating threat or use of force. In such a case also, action can be taken against the person using it

Stereotypically, men are conceived of as natural prey to uncontrollable lust. Women therefore have to protect themselves at any costs. In an ironic twist of responsibility, women then bear the burden of guilt for an act of violence against themselves. This is the basis for the second typical response to a violation of women's bodily integrity: to exhort women to censor their movements and appearance.

Another misconception believes that men who abuse women are rowdy lower class elements. In fact, men who violate a woman's space and body do not belong to any particular social group or class. Eve teasers are there in the family, the neighbourhood, in one's classroom and place of work.

What is perceived as male lust in our culture represents a desperate and frantic inability to communicate with women. This inability often translates into acts that hurt and terrorise. Consider the fact that popular representations of romance, as in film, clearly link up eve teasing to love. This not only naturalises abuse as love, but also legitimises male power over women. In the larger cultural context the man - woman relationships is simply not open to free, unfettered discussions of romance and sexuality. In such a context, communication between the sexes necessarily suffers.

There is an influence of the cinema and cheap literature in which sex permeates. The current advertisements trying to promote sale of under garments, towels bed-sheets, etc. by indecently exposing the female anatomy also lead to degeneration of women as a commercial commodity in the mind of man.

There is a rush to the urban area in search of adventure and employment. Away from the restraining influence of the families, the youngsters look for excitement and thrills which they seem to get in acts of eve teasing. Infliction of pain on the eve acts as a stimulant to their sex desires (Hindu; 1998).

There is also a lack of fear of punishment or adverse publicity or social disgrace. The police with its insufficient strength and preoccupation with other problems of law and order and courts with their proverbial delays and intricate legal procedures fail to bring most of the perpetrators to book (Ashraf, 1997: 93).

There are no particular places where eve teasers congregate. In this sense, no place is really “safe” and inviolate for women. Roads, buses, train, cinema halls, parks, beaches, even a woman’s home and neighbourhood may be sites where her self-worth is abused. It does not matter if a woman is alone, with a friend, in a group, or sometimes even with another man. Segregating the spaces that men and women occupy only compounds, not solves the problem (Hindu; 1998).

#### **4. VIOLENCE AGAINST THE OLD**

Singh (1998) defines elder abuse as 'harm to an elder person caused by someone in a position of trust, who may have control over the victim. This includes material abuse such as financial exploitation, physical abuse, such as pushing, physical assault, psychological abuse, such as chronically threatening, swearing at or insulting the older person, and neglect or failing to provide necessary help such as meal preparation, housework or personal care.

In the past few years, the aged have frequently been the target of gang robberies or brutal killing by servants or outsiders (Mitu; 1998). Old are attacked frequently due to their inability to put up a fight. Elders normally have to face up to the facts that, their energy and authority is eroding. To add to their woe is the death of any one of the spouse.

Widows have to be dealt with specifically, as the death of a spouse for a woman in any age is a tragedy in itself, because of the norms and tradition and the manner in which she is treated after the death of her husband.

##### **4.a Violence against Widows**

Closely linked with Sati and harassment of widows, is the custom of child marriage producing number of child widows, but not child widowers. Widow remarriage is not common and not sanctioned by society, however men were allowed to remarry. Sati idealised as sitting on the funeral pyre of the deceased husband; and those widows who did not go through this had to make themselves physically unattractive and absent from public functions. Widows are called inauspicious and are avoided, whenever possible (Lopataz, 1987: 13). Sati according to Giri (1999), was recommended after 500 AD in the *dharmashastras* and spread across the country around 1000 AD.

There are three kinds of widows. One is a young girl with no children, a woman who becomes a widow after some years of marital span and has children. The third is case of a woman who is widow of 50 years and above of age (Ahuja, 1996: 84).

Giri (1999) mentions three options for a widow woman according to orthodox tradition; (i) sati, (ii) ascetic widowhood or, (iii) remarriage. Widows are expected to lead an ascetic life by the society with restrictive codes of dress, diet and demeanour and of social ostracism from the religious and social life of the community. She is expected to remain in perpetual mourning, and give up eating 'spicy food', in order to cool her sexual energy, and remain celibate, devout and loyal to her husband's memory (Giri; 1999).

According to Dreze J. (1995) the well being of widow is not just a question of economic security, but also one of dignity, self-respect and participation in society. Many widows in the Chen sample suffered from different forms of social isolation, psychological abuse or emotional distress. According to Dreze J. (1995), the social marginalised of widows was frequently found to take one or more of the following forms:

Rumours and accusations: Widows are often accused of being responsible for their husband's deaths, regarded as sexually threatening, and generally considered as inauspicious by the society (Dreze; 1995: 2443). Widows are also accused often of immoral realtions (Srivastava; 1999)

Enforced dress and behaviour codes : Many widows are under strong pressure to observe restriction in codes of dress, appearance and behaviour. Some of the traditional restrictions (eg, shaving of head) have become quite rare, even among the upper castes, but others (eg, not wearing '*bindi*' or *kumkum*) remain widespread.

Social ostracism: A widow is often excluded from the religious and social life of the community, due to her perceived in auspiciousness.

Physical violence: violence against widows primarily takes the form of sexual harassment (young widows being considered as sexually vulnerable and/or promiscuous) or property related violence (because widows are seen as unwanted claimants on ancestral, property). Emotional harassment: Sarcastic remarks in the presence of others, verbal abuse, beating and illtreatment of her children are some of the forms of emotional harassment. There have also been reports of houseowners sexually abusing widows who are living alone and cannot pay rent. (Basu; 1999)

Not all widows, according to Dreze J. (1995) face these type of mistreatment. Many older widows who live with their sons (and their families) enjoy their respect and love. Some older widows are happily integrated in their daughters households. If is young widows who are most vulnerable to mistreatment, unless they have the support of their parents or brother. (Dreze, et al, 1995: 2443).

**Table. Incidence of widowhood**  
(Percentage of Widows by Age group –1991)

Age group	Widowed M	Widowed F	M - F difference
All ages	1.94	6.50	4.56
0-9	0	0	0
10-14	0.04	0.06	0.02
15-19	0.07	0.18	0.11
20-24	0.31	0.59	0.28
25-29	0.61	1.15	0.54
30-34	1.01	2.32	1.31
35-39	1.32	3.94	2.62
40-44	2.32	7.71	5.39
45-49	3.17	11.16	7.99
50-54	5.58	21.93	16.35
55-59	6.85	23.76	16.91
60-64	11.16	45.24	34.08
65-69	13.39	48.10	34.71
70-74	18.70	66.51	47.81
75-79	22.13	65.06	42.93
80+	25.39	69.78	44.39

*Source: Census of India 1991*

Percentage of total widows to total female population is 6.5 for women and 1.94 for men. The percentage of women widows is much more than men from age group 40 onwards to 80+. The highest male female difference (47.81%) is in the age group 70 to 74, where the percentage of female widows is 66.51 and male widows is 18.70%.

Some of the essential factors that account for high levels of deprivation among Indian widows include limited freedom to remarry, insecure property rights, social restrictions, on living arrangements, restricted employment opportunities and lack of social support. (Chen & Dreze, 1995: 2438).

**Patrilocal Residence:** The system of patrilocal residence, which has the effect of isolating women, is a fundamental source of gender inequalities in many parts of rural India and also plays a crucial part in the deprivation of widows. Patrilocality in the narrow sense refers to the norm, prevalent in most Hindu communities of India, according to which a woman has to leave her parents home at the time of marriage to join her husband in his home. In a broader sense, especially in most Hindu communities of North India where marriage rules dictate marriage outside the clan and village. It could also result in drastic alienation from her parental family. (Chen, et al, 1995:2435).

In North India, widows are expected to remain in their husband's village, and most of them do so. At the same time they are unlikely to receive much support from their in-laws. On the contrary, the relationship between a widow and her in-laws is typically quite tense (property rights being one of the most common sources of tension). Widows are thus denied both the freedom to leave their husband's village, and the support they need to live there happily. (Dreze & Sen, 1996:174).

Limited freedom to remarry, in some communities, particularly in northwest India, ascriptive leviratic unions (e.g. between a widow and her brother-in-law) remain quite

common. Elsewhere, the standard pattern is that most childless widows remarry, but only a small proportion of widowed mothers does so (Dreze & Sen, 1996:174).

Out of 562 respondents in the Chen<sup>ix</sup> sample of widows. 510 women had lost their husbands and did not remarry; 35 women, who had lost their husbands, remarried and then became widowed again by losing their second husbands, and 17 women who had lost their husbands, remarried, and were still married at the time of the survey.

In the Chen sample of 562 ever-widowed women, 13% in North India had remarried compared with only 6% in South India. The lower probability of remarriage in South is due in part to the practice of levirate in the North. The issue of remarriage, according to Srivastava (1999), is linked to property issue. Widow remarriage is not allowed so that part of the property does not pass into another family's hands. Some section of the population encourage leviratic relationships (where the widow marries the brother of her deceased husband), to ensure that the property stays with the family. In cases where she gets into a '*nata*' (live-in relationship with another man), the relationship is formalised by the village community and she loses right to her first husband's property. She has a lower status in a '*nata*' than a remarriage.

**Employment restrictions:** Aside from these general restrictions, widows face specific difficulties in seeking gainful employment opportunities. These include: lack of access to indivisible productive assets owned by the deceased husband's family (e.g. wells, ploughs and bullocks): weak bargaining power vis-à-vis male partners in economic transactions, frequent absence of a literate member in the household: limited access to institutional credit, and, particularly in the case of widows with young children, the burden of domestic work (Chen and Dreze, 1995: 2442).

**Social restriction of living arrangements:** One of the clearest and most important findings of Chen's and other studies is the overwhelming dependence of widows on themselves and their own sons. The proportion of widows who live in households headed either themselves or by one of their sons are well over 85% in the Chen sample. The proportion

of widows who live in a household headed by a brother-in-law or parent-in-law is below 3% and the number of widows who live in a household headed by a brother of the father is also below 3% (Chen and Dreze, 1995: 2442).

**Legal inheritance rights:** Formally according to contemporary Indian law, a widow has an unequivocal right to a share of her husband's property, including his land. This is in addition to the legal rights she has irrespective of her marital status to a share of her parents' property. Field studies, however, indicate that these legal rights are comprehensively violated, and that a large majority of widows have very limited and insecure property rights. This deprivation of property rights not only represents the loss of a potential source of independent income, but also diminishes the bargaining power of a widow vis-à-vis her in-laws, sons and other potential supporters (Dreze & Sen, 1996:174).

**Modernisation:** Singh (1998) has mentioned urbanisation and modernisation and consequently the erosion of the traditional form of care of the elderly people, which was prevalent in India like joint family. There is an emotional estrangement between the young and the old in nuclear family.

**Lack of loyal servants:** Even if the old has money to fend for themselves, many are unable to do so due to the lack of loyal domestic servants (Singh 1998).

**Indicators:** Some of the other indicators of violence against the old and widow could be symptoms of withdrawal. Mental deterioration, cessation of activities, feeling of inferiority, inadequacy and frustration.

Old and widows are victimised by relatives, informal care providers, house-owners, friends or formal care-givers in institutional settings. They are abused almost by anybody who has power over them.

## **Case Study:**

### **I : The World of Working Children in Karnataka, By Kathyayini Chamaraj**

Humanscape, Vol IV, Issue X, Oct 1997, Pg. 8-12.

India is the world's second largest producer of silk, next only to China and Karnataka produces 90% of the country's silk. Approximately four lakh people in Karnataka are believed to be earning their living through sericulture, either from the cultivation of silkworms or the production of silk thread. One lakh of these workers are estimated to be children and each of them is believed to be bonded child labour. Pupae picking is an exclusive job done by children in Ramanagram.

#### Working Conditions:

In other areas, the children do the job. It is one of the dirtiest and unhealthiest of jobs involving picking of dead worms, standing in the dirty water and on slippery floors. The children are also confined throughout the day to a narrow space about 2 feet wide, between the wall and the machinery. The preference for children is hence justified on the ground that adults could not work in this narrow space and that anyone taller than the height of the bobbin i.e. three feet, could not do the job as they would not be able to see the work of the reelers since the bobbin would be in the way. Hence it is often found that the children doing this job are below nine years and sometimes even of the pre school age.

Madavi (9) has to stand continuously for 10-12 hours while at the job. She has to attend to the spindles, fit them with thread and correct deviations. Since the threads are very sharp, her hands have several deep cuts. Only the supervisors are adults. They move around holding sticks, scolding and tapping recalcitrant children on the head.

Facilities:

Most of the factories are dark and stuffy with windows barred and filled with the deafening racket of clacking machines. Above the sound of the machine is the blaring tape recorders spewing forth vulgar film songs to keep the children's attention glued to their task. Most owners lock the factory from outside once the children are in to prevent them from going during power cuts, the children are made to help in the owner's households though wages are not paid for the duration of the power cut. The atmosphere inside the room is stifling because the air stinks with the smell of silk being steamed openly in the room. The rooms are congested with machinery as they are not of prescribed dimensions.

Drinking water and toilets are not available in any of the units and the children are not allowed to use these facilities available at the owners' adjoining residence. Gowaramma and Lakshmi who live far away. Do not go home at all but cook their food in a corner of the factory hall, sleep there and bathe in front of the units. All children work for half a day even on Sundays.

Some of the children suffer from pain in the legs and back and also develop leg deformities from standing all day long. Saroja also reports that due to extreme hot and humid conditions inside the units, girls tend to have early puberty and irregular and painful periods. Since sexual abuse by employers is common, it is difficult for these girls to get married when the time comes because every one assumes that these girls have been 'touched'.

2□□ Carpet Weaving Thriving on Child Labour in Mirzapur

Times of India, Mumbai, 1<sup>st</sup> March 1998

A dirty lane, overflowing sewage ending in a shanty village room. The over-crammed room, apparently the workplace, has several tiny hands working at a frantic pace. For their age - they are between 6 to 11 - they look rather haggard. They are underfed and

underclothed. They work 12 to 14 hours a day and yet constantly fear whether they will be able to weave the target number of carpets or the owner will cane them. The manufacturer too, apparently under pressure. He has to meet his export commitments.

This sums up the scene of modern day slavery in the multi crore carpet industry concentrated in the districts of Mirzapur, Bhadoi and Jaunpur. There are as many as 1.5 lakh child workers held captive in shanty factories located in 2000 villages. About 90 per cent of the country's handwoven wool carpets are produced here. About 75% carpet makers in this region are children, according to a study.

3□□Carpet Industry in Kashmir, grows as Child Labour Suffers.

By Samt Kumar Sharma, The TOI Human Rights Cell, TOI 7<sup>th</sup> December 1998.

While the economy of Jammu and Kashmir has been hit hard during militancy, the State's carpet weaving industry actually grew during this period within both the production and profits going up. The reason being the exploitation of child labour. As men fell to bullets, their children had no choice but to fend for themselves and earn a livelihood.

Many of these destitute children thus found jobs in the carpet weaving industry. Since they did not have anyone to guard their rights, their employers exploited them to the hilt. Carpet traders prefer child labour saying women and children are better equipped (because of thinner fingers) to give the tiny knots needed in the carpet making.

4.The Bane of Child Labour, By Kuldip Nayar.

The Hindu 20<sup>th</sup> December 1997

A three year old assists her eight year old sister stack match boxes in a cottage industry workshop in the South Indian town of Sivakasi where an estimated 50,000 children, mostly girls, are employed. Young children work alongside their parents on tea plantations, picking the leaves to add to their mother's basket.

5□□The Child Domestic - A life of Mute Suffering -  
The Hindu 23<sup>rd</sup> October 1997

Fifteen years old Sunita was forcibly married off by her parents three years ago. Unable to adjust to an alien environment which included an abusive and insensitive husband, she returned to her parents' home four months later and dared to enroll herself at a local voluntary centre offering non-formal education and vocational training to young boys and girls of indifferent means. But Sunita's defiance of the social system that had reared her was brief.

Wrested abruptly from the school by an enraged father, the family had forced her to work in several households as domestic servant to pay for her upkeep at home. Sunita however manages to steal away to the school occasionally in the hope of training for something more worthwhile than washing dirty clothes and utensils. For Sunita and others like her residing in the Samta Dham slum, the centre run by the non governmental organisation 'Alamb' in Hastal Colony in Uttar Nagar West Delhi, offers a glimmer of hope. The slum houses about 2000 families, all migrants from Rajasthan, Uttar Pradesh, Bihar and Haryana. According to Mr Rustam Ali, in charge of 'Alamb', there are about 500 working children at the slum who work as rag-pickers, shoe-shiners, rickshaw pullers and domestics. Seventy five per cent of these children are rag pickers, of which 20 per cent are girls in the 12 to 17 age group (The Hindu, 23<sup>rd</sup> Oct 1997)

6□□The Servant Girl Trapped in Lifelong Domesticity

Times of India, Wednesday, April 22, 1988

Within months of coming to Bombay from her village in Ratnagiri district, Sarita Wagh landed in a public hospital. Bruised and battered, her face black and blue, her arms swollen, her hands branded, her back full of scabs and wounds.

Six months earlier, hoping to escape the poverty of her rural home, the 12 year old Sarita, had come to Mumbai to be a domestic worker for a couple, both bank employees. For Rs300/-, she worked full-time, washing, swabbing, sweeping, cooking and feeding the couple's two children.

Soon after, the violence started, the first time with a rolling pin. "Then the lady of the house started beating me everyday", recalls Sarita, "with a stick, with *chappals*, her hands. Her husband would fling shoes at me. If I cried out, she stuffed my mouth with a piece of cloth. If I asked for food, she singed my palm with a steaming spoon. She Wouldn't let me use the toilet or bathe".

Sarita could not write home. She was not allowed to step out of the flat in North Mumbai. Neighbours refused to intervene. One day in mid-1997, Sarita went on a rare visit to a shop. The shopkeeper saw Sarita's condition and called Childline, an emergency hotline for children in distress. Volunteers brought the girl to hospital.

Some would argue that Sarita's experience is exceptional, that all domestic workers are treated so brutally. But while Sarita was rescued, unnamed others like her are probably still caught in similar prisons of abuse.

It is true that not every girl domestic worker is treated so savagely. Saajida, also 12, works 9a.m. to 1p.m. washing and swabbing in three homes. Then she goes to school.

Back home in a slum in North Mumbai, she cooks, washes clothes and looks after three younger sisters, while her parents, both vendors, are away. "I have no problem at work", she says, "I also like school. I want to become a teacher".

Saajida's life, when compared to Sarita's may appear a better one - a life in which she can study and harbour some dreams. Both girls feature on the same scale of exploitative labour, one at an extreme end and the other less so. Sarita's exploitation is glaringly obvious but Saajida too is exploited, she is a child, she has worked since age nine, she has no time for play and she is poorly paid for hard work.

Girls are seen as "natural" domestic workers, "trained" for housework at home. Nobody knows how many girl domestic workers there are, part time or full time, in Mumbai.

The Bombay Houseworkers' solidarity (BHS) estimates there may be about 60,00,000 such workers in the city, 40 per cent of them girls under 15.

Many of the problems domestic workers face stem from social attitudes. "Domestic work is not seen as dignified", says Bharati Pflug of the BHS, "perhaps because it is related to the caste system. People feel domestic workers don't deserve respect or that they can be treated like human beings. "I've met workers who are made to sleep in toilets".

Employers often object to the work being done by the BHS, such as intervention in cases of abuse or networking for better wages. "Both employers and domestic workers themselves don't believe they are workers with legitimate rights", Pflug says. The attitude towards domestic workers is perhaps best illustrated, adds Khan, in the outrageous notice in the lifts of many residential buildings in Mumbai 'Servants and Dogs not Allowed'.

When the Doorstep school, a non formal education project in South Mumbai's Slums, tried to enrol girl domestic workers, the same attitude was evident. "Employers were hostile in the beginning", says Bina Lashkari, founder of the project. They would ask "why does a servant need to study?", or they would request us to train them in chores like ironing!

Domestic workers are often not fed properly. One 11 year old is given a cup of tea every morning with no sugar and her meals are meagre. Malnutrition, hard work, poor access to

medical facilities, result in several illnesses, anaemia, fever, skin infections, stomach cramps.

One of the greatest hazards for girl domestic workers, is, sexual abuse, either by the employers or the co-workers. Girl domestic workers are hesitant to talk about this. Some regard it as an occupational hazard that must be endured. Other believe in any protest might lead to doubts being cast on their character, plus the loss of their job.

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<sup>i</sup> Sheela Rani Chunkath and Venkatesh Athreya have reported on direct evidence from sample household surveys done by Directorate of Public Health, 1996 and PHC records and they also draw evidence on field level interviews and on responses to a questionnaire on female infanticide from nearly 3,000 respondents in 1994-95.

<sup>ii</sup> Sabu George, Rajaratnam Abel and B.D. Miller carried out their research in 12 villages of K.V. Kuppam block, North Arcot Ambedkar District, Tamil Nadu State, South India, for four years beginning in September 1986. All pregnancies in the 13,000 population during this period were followed. After about five months following the establishment of excellent rapport with the study families, the field team had knowledge of the intent of infanticide even before the birth occurred in many cases.

<sup>iii</sup> The sample consisted, for each revenue district, on an average, of 40 randomly chosen HSCs, involving a population of around two lakhs per district. In the state as a whole (with Chennai totally urban being excluded), a total of 960 HSCs were covered. Questionnaires seeking information on live births, still births and infant deaths in the households during the calendar year 1995 were canvassed with 1037,630 households. The total population covered was 44,97,086. The survey was carried out by functionaries of the department of public health who cross matched the demographic events netted by them in the field with the records of the village health nurses (VHNs), workers of the Integrated Child Development Services (ICDS), and village administrative officers (VAOs).

<sup>iv</sup> There are three theories to explain the psychopathology of female infanticide and to understand the motivation factor behind the act of female infanticide, 1) Frustration - Aggression hypothesis, 2) Learned Helplessness hypothesis, 3) Attribution theory. Community based epidemiological studies in the future, using standardised psycho-social evaluative scales are probably one answer to analyse this problem (Kotoor, 1990, cited in Negi, 1997: 20)

<sup>v</sup> *Thali* is a plate on which one serves and eats food.

<sup>vi</sup> His study covered of 56 cases from rescue homes and women's organisations in three cities of Jaipur, Ajmer and Kota, 21 from court and police records (but interviewed in their homes) and 17 from newspapers between 1995 and 1997.

<sup>vii</sup> *Gauna* is a period after marriage when the girl remains in the parental home until she is sent to the groom's house.

<sup>viii</sup> Baraat is procession that brings the groom's party to the marriage ceremony, usually with pomp and show.

<sup>ix</sup> Chen (1994), based on a 1991-92 survey of 562 ever-widowed women in 14 Indian villages (two each in West Bengal, Bihar, Uttar Pradesh, Rajasthan, Andhra Pradesh, Tamil Nadu and Kerala).