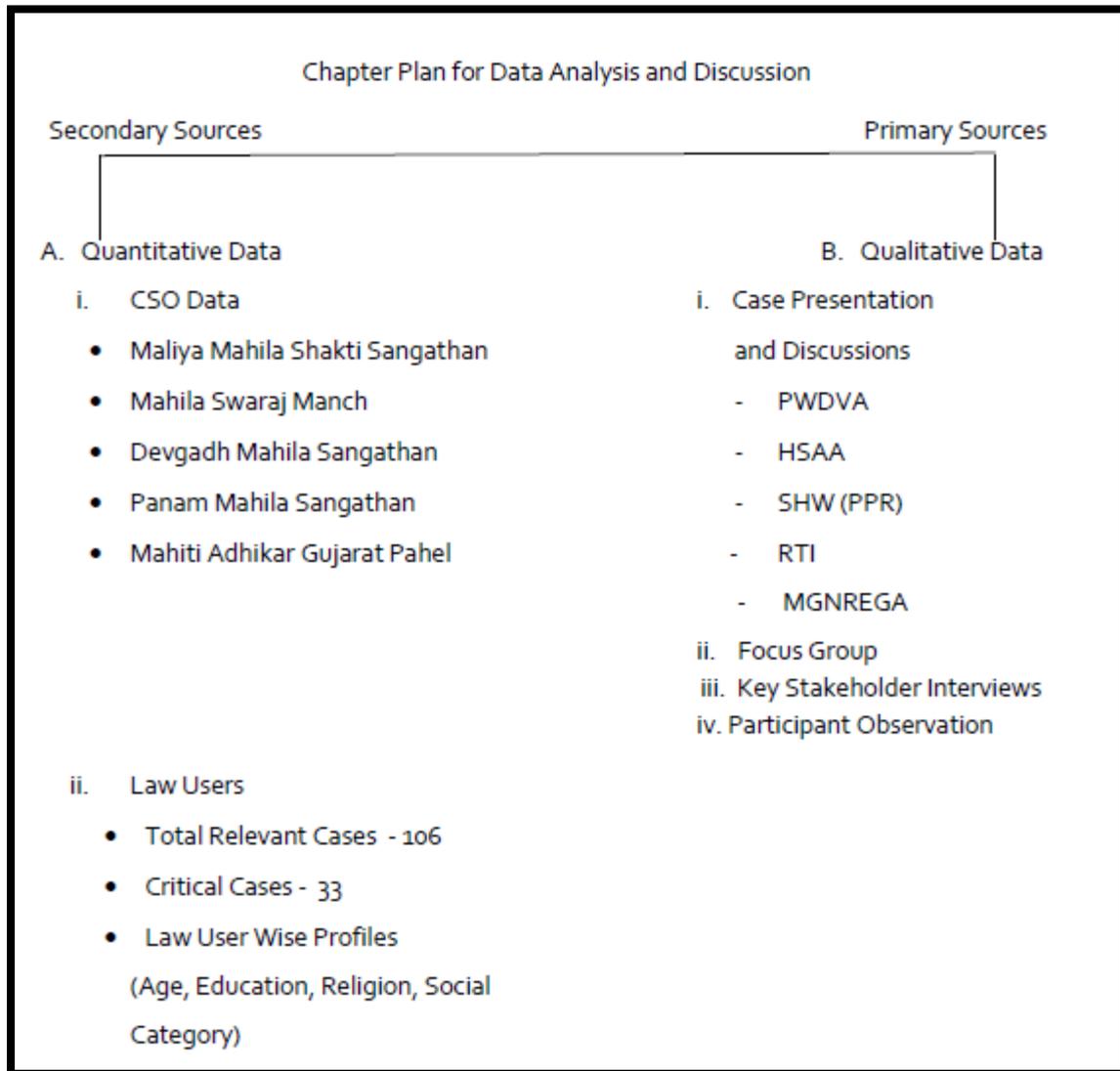


# CHAPTER 4.

## DATA ANALYSIS AND DISCUSSION

The study findings are organized chapter plan is presented below which shows the organization of quantitative and qualitative data.



### SECTION A

#### QUANTITATIVE DATA

In this section, first a profile of the cases will be presented to give an overview of their background. In all 33 cases were covered as part of this research study.

The selection of the cases followed the 'most likely case' approach to identify the critical cases as described in the section titled "selection of critical cases" in the methodology chapter.

## PROFILE OF THE CASES

Demographic characteristics of the law users have been presented in the tables in this section.

### CSO WISE LAW USERS

Each of CSO's maintained detailed records of the cases that came to them with their names, address and details of the cases. Some cases were even written up as case studies on successful completion. In some cases the details of process followed with the case were sketchy, but the CSO team members were able to recall the details quite well.

Relevant cases and Critical Cases have been explained in the methodology section on "Criteria for Selection of Law Users" which are presented here again.

**Relevant Cases** were identified with the following criteria:

- ◆ The women's journey with the specific law should have begun in the period between 2011 - 2014.
- ◆ The women belong to socially, culturally, and economically vulnerable sections of society
- ◆ The women have used the laws selected for the study

Out of the Relevant Cases, **Critical cases** were identified using the following criteria as

- ◆ The women had at some point in their dealings with the law also used the services of a civil society organization – either right at the beginning or later on.
- ◆ Women who were willing to share their stories and where there has been adequate engagement with the law
- ◆ Women who are able to recall with fair amount of details, the process they have undergone.

**Table No.5 Critical Cases Identified of Law Users**

No	CSO	Total No. of Relevant Cases	Critical Cases	
			Cases	FGD
1	Maliya Mahila Shakti Sangathan (MMSS)	30	9	1
2	Mahila Swaraj Manch (MSM)	10	2	
3	Devgadh Mahila Sangathan (DMS)	33	8	1
4	Panam Mahila Sangathan (PMS)	8	7	1
5	Mahiti Adhikar Gujarat Pahel (MAGP)	8	5	
6	As individual	2	2	
	<b>Total</b>	<b>106</b>	<b>33</b>	<b>3</b>

The most critical cases of law users have been identified with the help of MMSS and DMS and PMS with 9, 8 and 7 cases respectively. Following the logic of 'critical case' these cases are not necessarily representative, but are critical as they belong to very impoverished backgrounds, where the systems of democratic governance are weak. Hence these cases will provide a vantage point to understand their experiences as law users and how they define empowerment.

### **LAW USERS ACCORDING TO THE LAWS**

The table below give the profile of Law Users from the point of Laws that were identified for the study.

**Table No 6 : Law wise Relevant and Critical Cases**

No	Laws	Relevant cases	Selected cases
1	PWDVA	44	7
2	MGNREGA	33	15
3	HSA (2005)	9	4
4	SHW (PPR)	2	2
5	RTI	18	5
	<b>Total</b>	<b>106</b>	<b>33</b>

The maximum number of cases were identified for the law PWDVA and MGNREGA. Domestic violence is a phenomenon that has been acknowledged as a widely prevalent phenomenon across the globe and the communities where these CSOs work was not exception.

It has been nearly 10 years since the law has been passed and one can see that women have started using the law to seek a safe and secure environment. 44 cases were listed under PWDVA, but finally 7 were selected as there were some critical elements pointed out by the CSO members who had dealt with the cases. These features will become evident in the case presentation.

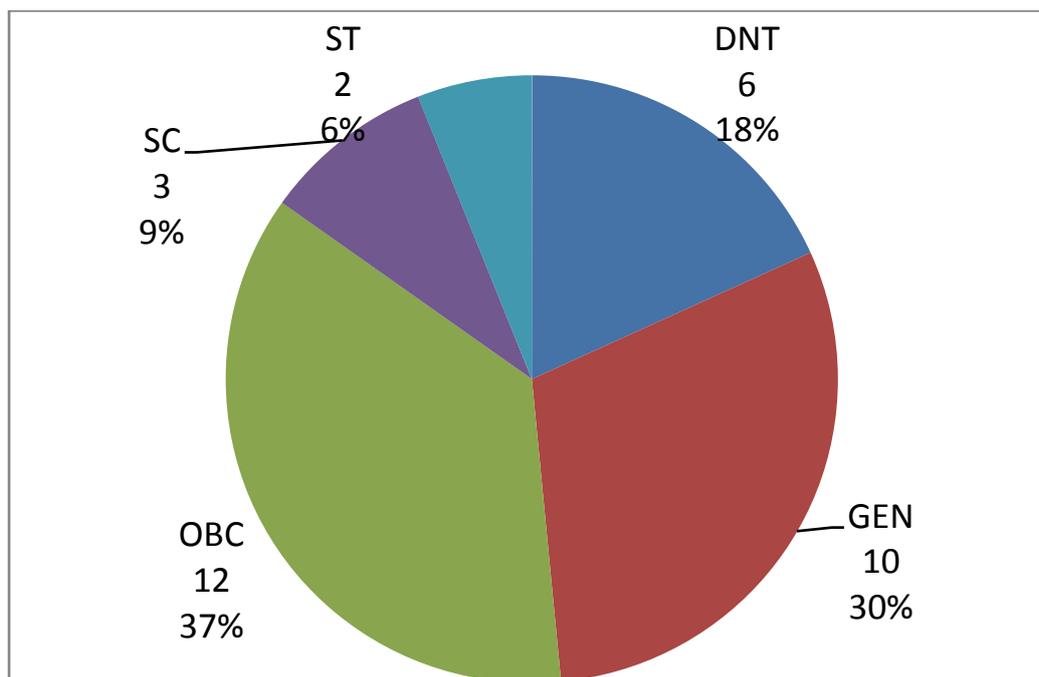
## **CASTE CATEGORIES OF LAW USERS**

Of the total 33 law users,

- Majority of them belong to OBC category with 12 cases which is 37%.
- General Category Law users comprise 10 cases and 30% ;
- The DNT – De Notified Tribes comprise 6 cases and 18 %;
- The SC (Scheduled Caste ) comprise of 3 cases and 9 %
- ST (Scheduled Tribes comprise 2 cases each and 6%

The chart below gives the spread of law users across social categories.

**Figure No : 10 Caste-wise Break up of Law Users**



This distribution reflects the effort to identify women law users from marginalized and vulnerable social group thus fulfilling the 'critical case criteria'.

### AGE AND EDUCATIONAL BACKGROUND OF THE LAW USERS

The profile of the law users on age and education is presented here.

**Table No: 7 Law users by Age and Education Status**

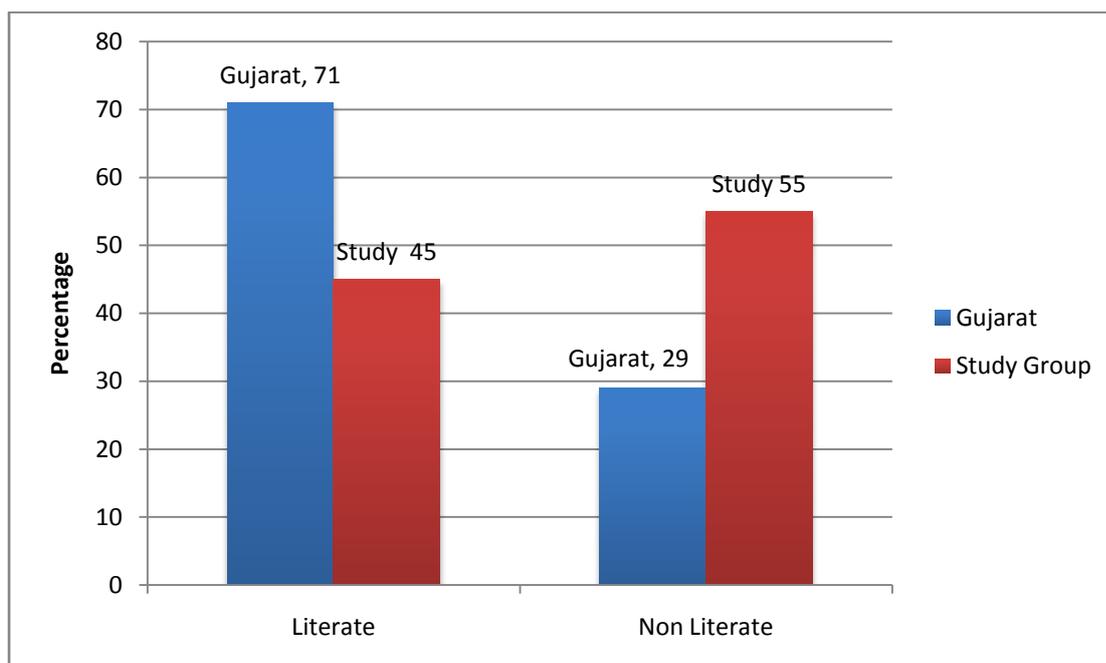
Education	Non literate	1st to 5th	6th to 9th	10-12 <sup>th</sup>	BA and Above	Total
<b>Age</b>						
<b>19 -30</b>	2	1	1	2	1	7
<b>31-40</b>	9		1	1		11
<b>41-50</b>	6		1	2	1	10
<b>51-70</b>	1	1	2	1		5
<b>Total</b>	<b>18</b>	<b>2</b>	<b>5</b>	<b>6</b>	<b>2</b>	<b>33</b>
<b>Percentage</b>	<b>55%</b>	<b>6%</b>	<b>15%</b>	<b>18%</b>	<b>6%</b>	<b>100%</b>

The maximum number of cases fall within the age bracket of 31 to 50 years with 63% of the cases. The least number of law users can be found in the oldest age group, but the number at 5 out of 33 is not insignificant either.

In terms of education majority of the law users are non literate at 55% and nearly one third of the law users have completed 6 to 12 years of formal education. As expected only 2 out of the 33 law users have reached graduation or more.

Compared to the female literacy rate of Gujarat as per the Census 2011, which is at 70.73%, the percentage of literate law users in this study is much lower at 45%. Conversely, while 29.27% of Gujarat women are non literate as per 2011 Census, in the present study 55% of the women are non literate.

**Figure No: 11 Comparison of Study Group and Gujarat on Literacy Parameter**

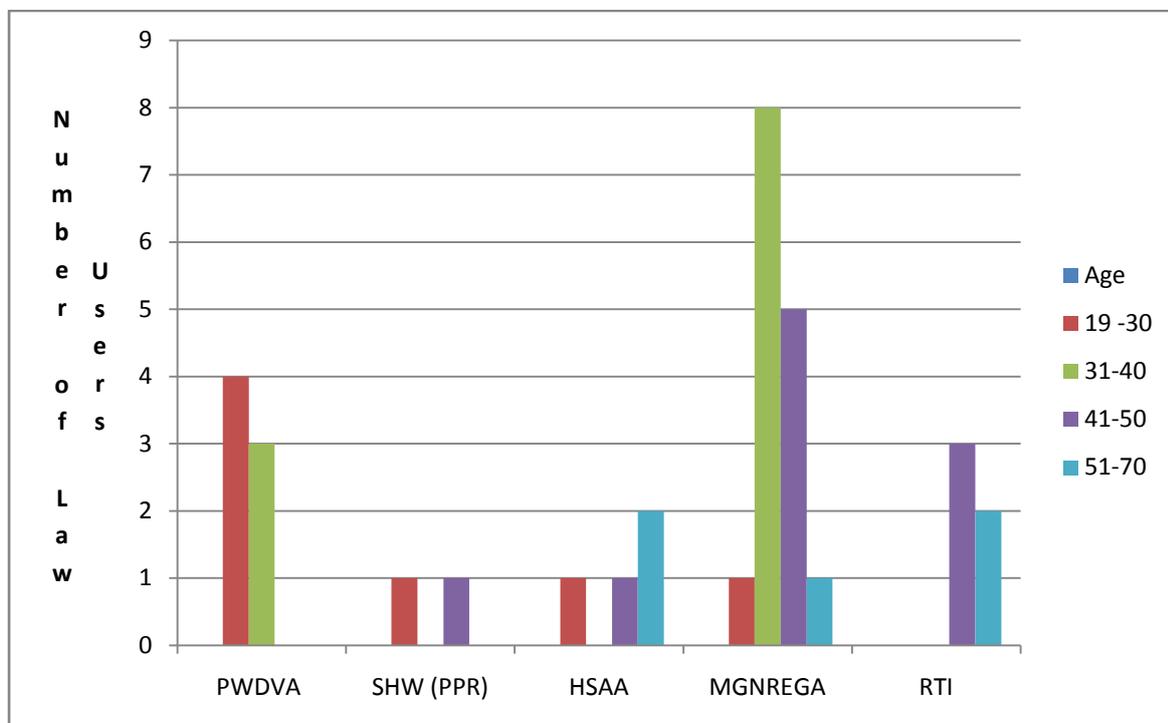


To the extent that there is a wide gap between the state level statistics, one can say that on the parameters of the education the law users do not form the most likely cases. However, as discussed in the methodology chapter, being more disadvantaged offers a useful vantage point to critically assess the role of laws, civil society facilitation and empowerment.

## AGE AND LAWS USED THE LAW USERS

An interesting pattern emerges when one looks at the age group and the laws being used.

**FIGURE NO 12 : AGE WISE LAW USERS**



It is the younger women who are using the PWDVA and the older women who are using the RTI Act. This indicates that young women of this study do not want to accept violence in their lives and seek laws that affect their personal lives. Whereas the older women of this study group are engaging with the larger system when they are using the RTI.

The MGNREGA is being used by women of all age groups, with the largest number falling in the age group 31-40 years. Those are among the most productive years of the human life and also the age when they are expected to support their family.

**Table No: 8 Age Group and Laws being used**

Laws	PWDVA	SHW (PPR)	HSAA	MGNREGA	RTI	Total
Age						
19 -30	4	1	1	1		<b>7</b>
31-40	3			8		<b>11</b>
41-50		1	1	5	3	<b>10</b>
51-70			2	1	2	<b>5</b>
Total	<b>7</b>	<b>2</b>	<b>4</b>	<b>15</b>	<b>5</b>	<b>33</b>

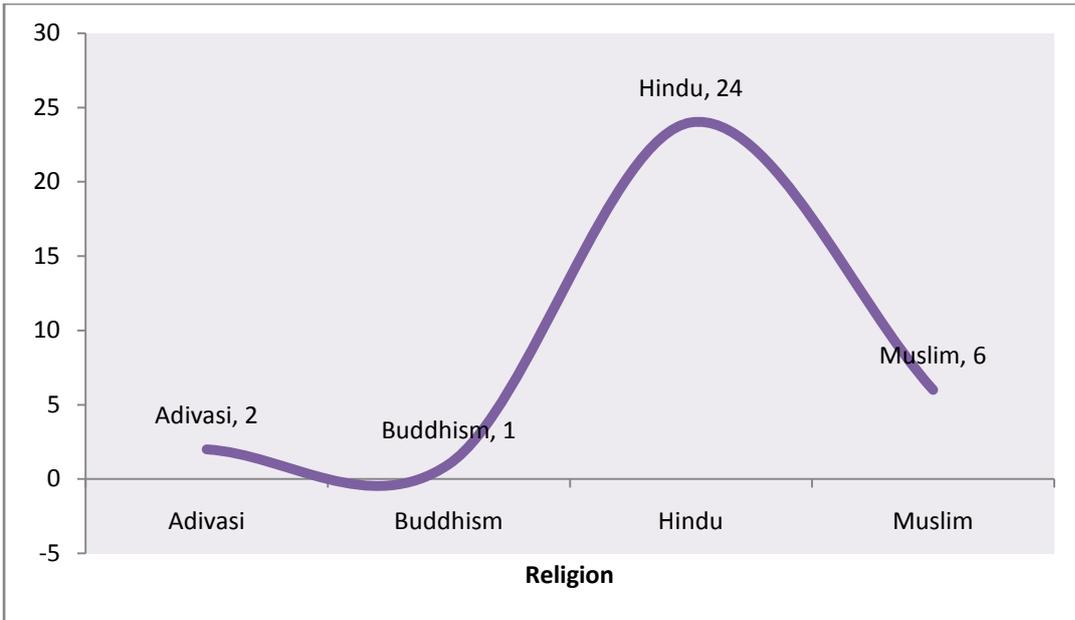
The HSAA is being used by 3 middle aged and older women compared to 1 women who is 28 years old in this group of law users suggesting that land and property are sensitive issues which requires a strength that comes with advancing years. Not many young women know about the law which enables them to claim land and property in their natal homes and hence the low number in the category 19-40 years.

There is one law user each in the age group 19-30 and 41 to 50 years suggesting that Sexual harassment for women has little bearing on age and women are vulnerable to it any stage in their lives.

### **RELIGION OF LAW USERS**

Majority of the law users i.e. 23 out of 33 belong to the Hindu religion, where as 6 follow Islam, 3 follow the Adivasi form of worshipping and 1 the Buddhist form of spiritual belief.

The spread of the law Users across different religions is presented below

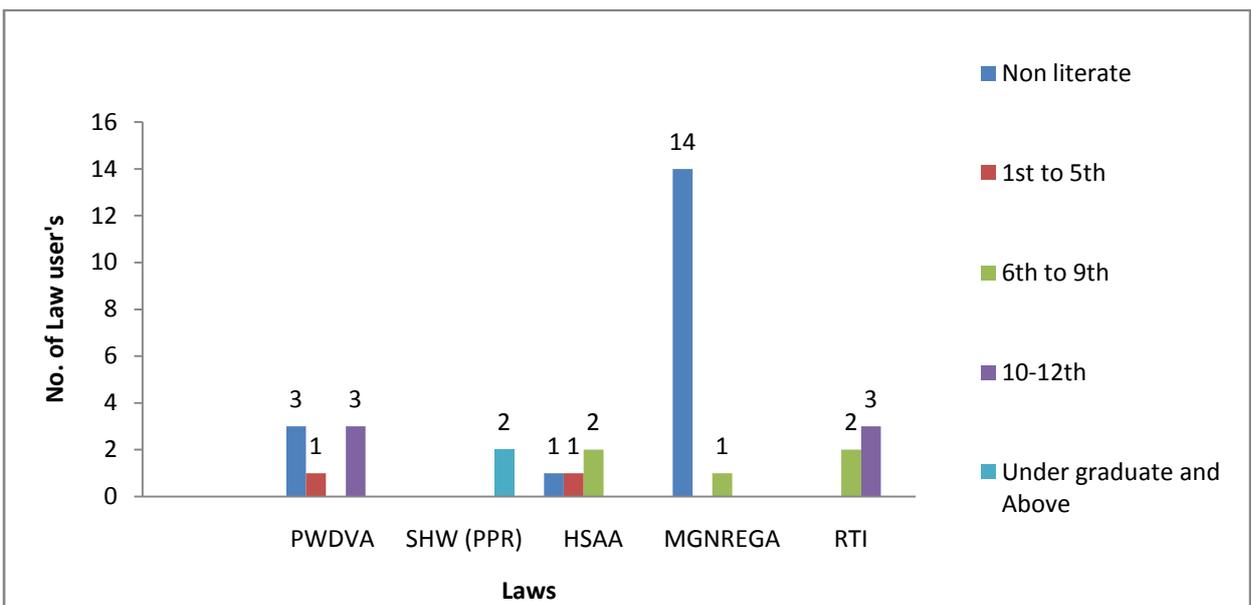


**Figure No : 13 - Law users and Religion**

### EDUCATION AND USE OF LAWS

The Figure below shows the relationship between the Education Status and Law for the study group.

**Figure No: 14 Law Users and Educational Status**



MGNREGA mostly offers wage work to unskilled work, although the Act provides for some component of higher wages for skilled work. The study group points out that the largest percentage of Non literates have used the MGNREGA to secure wage work. RTI Act has been used by women who have studied upwards of 6<sup>th</sup> standard with two women having studied between 6<sup>th</sup> to 9<sup>th</sup> standard and 3 women having studied between 10<sup>th</sup> to 12<sup>th</sup> std. Both the women law users of the SHW (PPR) are either studying for an under graduate course or completed it.

The table below gives data for each category. And one can see that within the category of PWDVA law users, 43% are non literate and the same percent of women have studied upto 10<sup>th</sup> -12<sup>th</sup> and hence in this study group there is no definite relation between education and use of PWDVA.

The percentage of women who have studied between 6<sup>th</sup> to 9<sup>th</sup> standard in the study group is at 50%

**Table No. 9 Education wise Use of Laws by the Law Users**

(figures in parentheses are in %)

Education	Non literate	1st to 5th	6th to 9th	10-12th	Undergraduate and Above	Total
<b>Laws</b>						
<b>PWDVA</b>	3 (43)	1 (14)		3 (43)		<b>7 (100)</b>
<b>SHW (PPR)</b>					2 (100)	<b>2 (100)</b>
<b>HSAA</b>	1 (25)	1 (25)	2 (50)			<b>4 (100)</b>
<b>MGNREGA</b>	14 (93)		1 (7)			<b>15 (100)</b>
<b>RTI</b>			2 (40)	3 (60)		<b>5 (100)</b>
<b>Total</b>	<b>18</b>	<b>2</b>	<b>5</b>	<b>6</b>	<b>2</b>	<b>33</b>

Interesting a difficult law such as the HSAA has been used equally by women who have completed 5 years of study or less and women who have completed between 6 to 9 yrs of study. There is some reason to believe therefore that for the group under study there is a

clear link between education status for the use of RTI, MNREGA and SHW (PPR). However the same cannot be said for PWDVA and HSAA.

### **CONSOLIDATED PROFILES FOR EACH OF THE LAWS**

In this section detailed law wise profiles are presented on parameters of

- Age,
- Education
- CSO affiliation
- Social Category
- Religion
- Whether part of a support group and
- One key parameter which is unique to each of the laws.

### **PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT - PWDVA**

There are seven cases of law users covered of which two women belong to Scheduled Castes (SC), three to General category and one each to Scheduled Tribe (ST) and Other Backward Communities (OBC). Three women are not part of a regular support group and four women are.

All the women except Senthaliben (Name changed) have used other legal provisions available to address the violence they were facing. Rakshaben (Name Changed) has also filed a case under 376 which applies to crime of rape as she was raped by one of her in-laws. This points that women have used multiple legal provisions to seek justice.

**Table No. 10 : Overview of PWDVA Law Users**

Name	Age	Edu	CSO link	Social Category	Religion	Other legal provisions used	Whether part of women's Support group
<b>Bhavyaben</b>	28	5	MSM	OBC	Hindu	498, A, and 125	No
<b>Senthaliben</b>	35	NL	DMS	ST	Adivasi	None	Yes
<b>Rimiben</b>	30	NL	DMS	ST	Adivasi	498 A	Yes
<b>Raksha</b>	30	11	PMS	Gen	Hindu	376	Yes
<b>Heera</b>	21	12	DMS	Gen	Hindu	498 A and 125	No
<b>Gangaben</b>	35	NL	MMSS	SC	Hindu	125	Yes
<b>Komal</b>	32	10	MSM	Gen	Hindu	498 A	No

*(All names have been changed)*

### **HINDU SUCCESSION ACT AMENDMENT - HSAA**

In all 4 cases of women who had sought a share from their parents land or property. Of these 4 only one woman was successful in getting the land in her name. The journey is a long and complicated one as will be see in the case presentation in the qualitative section. Three out of four women who have used this law have support from women's group.

**Table No. 11 Overview of HSAA Law Users**

Name	Age	Edu	CSO link	Social Category	Religion	Whether successful in getting natal property	Whether part of women's Support group
<b>Ranjan</b>	28	7	MMSS	SC	Hindu	Yes	Yes
<b>Ramiben</b>	51	7	DMS	ST	Adivasi	Ongoing	Yes
<b>Railiben</b>	44	NL	DMS	OBC	Hindu	Ongoing	Yes
<b>Karanba</b>	55	3	MMSS	Gen	Hindu	Ongoing	No

*(All names have been changed)*

## **SEXUAL HARASSMENT AT WORKPLACE (PREVENTION PROHIBITION AND REDRESSAL)**

It was possible to cover only two cases under this law as women and young girls preferred not to divulge their cases as provided by the confidentiality clause of the law. As explained in the methodology chapter, these cases were identified as individuals, however, one of them is part of support group. .

**Table No: 12 Overview of SHW (PPR) Law Users**

<b>Name</b>	<b>Age</b>	<b>Edu</b>	<b>CSO link</b>	<b>Social Category</b>	<b>Religion</b>	<b>Whether case taken to logical conclusion</b>	<b>Whether part of women's Support group</b>
<b>Nitya</b>	19	SYBA	Indi	Gen	Hindu	Partially	No
<b>Rajul</b>	44	MSW	Indi	SC	Buddhism	Yes	Yes

*(All names have been changed)*

## **RIGHT TO INFORMATION – RTI**

In general few women use RTI compared to men and hence out of the 8 relevant cases identified five critical cases were covered. One of the woman could not be contacted on the address or phone number given by her. As mentioned in section on Profile of CSO's in the the Methodology Chapter, MAGP primarily works to promote awareness of RTI through a variety of media and provides a service to those who seek to use RTI. They do not actively promote formation of support group. Hence only one woman law user reported being part of a support group which she has initiated.

**Table No. 13 Overview of RTI Law Users**

Name	Age	Edu	CSO link	Social Category	Religion	Key reason to seek RTI	Whether part of women's Support group
<b>Bhartiben</b>	48	12	MAGP	Gen	Hindu	For Maintenance	No
<b>Gulab ben</b>		7	MAGP	Gen	Hindu	For Inheritance	No
<b>Parvatiben</b>	44	10	MAGP	Gen	Hindu	For inheritance	No
<b>Umaben</b>	54	12	MAGP	Gen	Hindu	Support for Disabled	No
<b>Radhaben</b>	46	7	MAGP	OBC	Hindu	Support for Disabled	Yes

*(All names have been changed)*

**MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE SCHEME – MGNREGA**

The highest number of law users 15 out of 33 selected critical cases belonged to this law indicating the economic need of the sample identified. All the women who used this law have reported to be part of a support group. 9 out of 15 women belong to the OBC group and the rest are categorized under the De Notified Tribe (DNT) of Miyana and they follow the Islamic religion.

All most all the women have taken to participating in the larger village level processes, which will be covered in more detail in the FGD of data presentation.

**Table No: 14 Overview of MGNREGA Law Users**

<b>Name</b>	<b>Age</b>	<b>Edu</b>	<b>CSO link</b>	<b>Social Category</b>	<b>Religion</b>	<b>Whether participating in other village level processes</b>	<b>Whether part of women's Support group</b>
<b>Galiben</b>	55	NL	DMS	OBC	Hindu	Yes	Yes
<b>Paruben</b>	40	NL	DMS	OBC	Hindu	Yes	Yes
<b>Jatanben</b>	35	NL	DMS	OBC	Hindu	Yes	Yes
<b>Urmila</b>	38	7	PMS	OBC	Hindu	Yes	Yes
<b>sangitaben</b>	32	NL	PMS	OBC	Hindu	Yes	Yes
<b>Alkaben</b>	45	NL	PMS	OBC	Hindu	Yes	Yes
<b>Reenaben</b>	42	NL	PMS	OBC	Hindu	Yes	Yes
<b>Kiran</b>	32	NL	PMS	OBC	Hindu	Yes	Yes
<b>Kamlaben</b>	48	NL	PMS	OBC	Hindu	Yes	Yes
<b>Sharifa</b>	37	NL	MMSS	DNT	Islam	Not always	Yes
<b>Karina</b>	45	NL	MMSS	DNT	Islam	Not always	Yes
<b>Rehmat</b>	30	NL	MMSS	DNT	Islam	Not always	Yes
<b>Zohra</b>	32	NL	MMSS	DNT	Islam	Not Always	Yes
<b>Rubina</b>	50	NL	MMSS	DNT	Islam	Yes	Yes
<b>Anchal</b>	40	NL	MMSS	DNT	Islam	Yes	Yes

*(All names have been changed)*

## SECTION B

### QUALITATIVE ANALYSIS

#### CASE PRESENTATION

This section has 4 four sub- sections each covering the following four laws,

- PWDVA      Protection of Women from Domestic Violence Act, 2006
- SHW (PPR)      Sexual Harassment at Workplace (Prevention, Prohibition and Redressal), 2013
- HSAA      Hindu Succession Act - Amendment 2005
- RTI      Right to Information Act, 2005

Each sub section begins with a brief overview of the cases covered, followed by Case Presentations. As presented in the section on Methods of Data Analysis under the Methodology Chapter, some of the critical observation of the researcher are reflected in the case narrative.

The data of each of the cases is presented under key headings which were arrived through the following stages described under the section "Methods of Analysis" in the Methodology Chapter;

- correction of raw field notes,
- "data reduction"
- Arriving a the domains and themes

These themes are the sub headings created for each of the laws and are critical to nature of enquiry the present study aims to do. Sometimes these themes fall clearly within the objectives and sometimes the themes have emerged from the narratives. Such themes have added to the "case study strategy" used to study the phenomenon of "Impact of Progressive Laws and Civil Society Facilitation from a Law Users Perspective."

After all the cases are presented discussion and emerging analysis is presented in the final section under each law.

The overall conclusions will be presented in the last chapter titled "Conclusion and Recommendations".

## **Protection of Women from Domestic Violence Act, 2005**

There are seven cases presented under this section. All the women approached the legal system between the period 2011 to 2014. Thus the PWDVA law had been in force for around 5-8 years at the time of taking up this study. Before this law came into the force women could use section 498 A under the Indian Penal Code, the to deal with domestic violence, and the section 125 to get maintenance in case she lived separately. The need for this law came about as domestic violence was very narrowly defined. The Dowry Act was difficult to access as well. Therefore this civil law as against the earlier criminal laws which covered domestic violence was seen as a huge step in securing safety for women.

These 7 cases offer a glimpse into how women have used this law, their experiences with the legal system and how if this process s empowered them.

Name	Heera (name Changed)
Age	21 (when she approached the NGO)
Education	12 <sup>th</sup> pass
Village	Devgadh Baria
Block	Devgadh Baria;
District	Dahod
Law	PWDVA
CSO	Devgdh Mahila Sangathan (DMS)

Heera is a tall well groomed petite woman, who stays in an old style home made of wood and stone – located on one of the three main roads of a small pretty town of Devgadhd Baria – block headquarters in Dahod District. Her father belongs to the ‘soni’ community – goldsmiths – most of whom also have shops that buy and sell silver and gold. The local tribal communities living in the villages of the block have a long tradition of buying silver necklaces, anklets, bangles when they have the money and when in need of cash during health emergency or agricultural crisis they either sell it or would pawn the same with the “soni’ shop keepers.

In between the interview she got a call from her father who asked her to make entries in a book that seemed like a record of repayments received. There is a particular method of making lending and repayment entries to keep the accounts clear she tells the researcher.

Heera lives near the office of Devgadhd Mahila Sangathan and ANANDI. Neither of these organizations was known to her except that she would see many women come and go out of the office which was unusual for a small town like Devgadhd Baria. Hence this case offers insight into how a woman of average circumstances in a small town experiences law and civil society organization (CSO) facilitation.

### **DETAILS OF THE CASE**

Heera gave birth to a son in 2010. She became pregnant within 4-5 months of marriage, and she came back to live with her parents when her son was three months old.

The situation that Heera was facing is narrated in her own words, " Soon after my marriage I had to go and stay with my in-laws – mother in law, sister in law and father in law in Virpur which is about 2 hours from Devgadhi Baria. My husband was a teacher at the Ankli school. He did not stay with us as he used to stay with his Mama in Devgadhi Baria. It was through his Mama my family had learnt about the match and we got married.

In reply to the query if there were problems prior to the marriage – Heera says, "There were problems even before marriage – one day ahead of the marriage my mother in law demanded 25 *tola* of gold. My father said it could be either 25 *tola* of gold or the other things he had already got as he has to take into account his two other daughter and son as well. At that time they let go of the 25 *tola* of gold – but kept demanding it often. Economically they are a little 'dim'(sic) compared to my father and so they thought they could squeeze out money. They kept all that I was given by my family in the cupboard and they gave it all back when we decided to go for divorce. They never wanted me once they realised that my father is not going to bow down to their demands."

Heera shared that when she became pregnant her mother in law and sister in law would taunt her husband by saying, "She is not getting anything from her father – why don't you go and become a "ghar –jamai" and make sure that your father-in-law puts all his property in your name."

Heera narrated that when she came to her parents as per the customs after she completed 7 months of pregnancy her mother was shocked to see how thin she had become. She says, " My haemoglobin was very low. My parents took me to Lara Hospital in Godhra and I was admitted for 5 days. I did not inform him. When he came to know he was offended that I or my family had not informed him, but he still came to see me."

#### **HOW THE WOMAN DEFINED THAT SHE WANTED TO CHANGE HER CIRCUMSTANCES**

The researcher wanted to know the point at which the woman decided that she needed to do something about her situation. After a few probing questions about with whom did she first share her problem and what were the responses, it became clear that Heera had first in good faith sought support from her husband.

She shared, "My sister-in-law and mother-in-law did not give me enough food – they used only ask cook *dal bhat* and no *chapattis* or vegetables during the week. They would create tension and problems for my husband and me. Only on the weekends when my husband came they would cook everything and make a show of offering me. When I would tell my husband in private about how they starved me, he would not believe me. And when he confronted his mother – she would make a drama - pick up a *diya* and create a scene about being honest and how her own son does not believe her. Still I managed.

My father in-law was in the know of all what was going on but he would not say a thing."

On asking her if she made any efforts to speak to her husband about any solutions, she replied, "I used to tell my husband that let us stay in Sagtala separately. But he did not agree and said that I have to stay with his parents."

Heera also stated that even her parents tried to convey to her husband that they we should live together away from the in-laws but he did not listen and said that I would have to live with the in-laws in Virpur.

These incidents point out that instead of being a victim, Heera showed agency and made efforts to improve her situation. Her husband too took up the matter, but the outcome was not as desired and Heera says that she realized that the men of that household were not able to exert influence to stop the injustice being meted out to her in terms of starving her. She got her parents to intervene but still it had no effect.

#### **ARRIVING AT DECISIVE POINT TO SEEK OUTSIDE HELP**

In order to explore what kind of circumstances lead women to take a decisive step that can alter stereotypical gender roles, the researcher posed the question, "Was there anything in particular that led you to take a drastic step?"

To this Heera replied. "The limit for me came when I learnt that my sister-in-law and mother in law were involved in sex work. I saw that men were coming into the house. I got very scared and wondered what if they will expect me to join in. I come from a well respected family and wanted nothing to do with what they were doing. What would happen to my father's honour? When I told my husband he completely discredited me and instead started accusing me and my mother of having affairs." Heera asks a question to me

in return, "What was the need of bringing in my mother? We were talking about his family and what I had learnt." The researcher nodded in reply to convey empathy without explicitly supporting her. And Heera continued, "My husband never spoke up to his mother. She wanted us to get a divorce and now that they have got one – I have heard that they have paid 1.5 lakhs to get a girl from UP. She is not a Gujarati. You know in UP they sell girls – so they have bought her and she stays with in Sagtala. He goes to the school in Ankli from Sagtala."

This part of the narrative points out that Heera not only exhibited agency but that she was very clear about- her need for bodily integrity – one of the ten capabilities mentioned by Nussbaum.

It is also interesting to note that Heera revealed that she had not mentioned these actions of her sister and mother in law in any of cases.

#### **ASSERTION TO ACCESSING LAWS**

Heera shared that already the incidents during my pregnancy were pointing to increased tension. She said that her husband would come to see her and the child but would not stay for more than 10 mins. It was he who named our son Prince. She would ask him, "Don't you want to stay longer and play more with your son." He had no reply or gave some vague answer like, "I have other things to do."

Heera said as per custom, three months after the delivery she went back to the Virpur house. She said that her parents sent her back with the child hoping that the child would bring about some changes. "But they would resent any extra food or ghee I would consume. They never bought even a small scrap of cloth for my child. That really hurt me – what was the fault of the child?"

There was another incident that added to my distress when I had gone back with Prince, "When I went back with the child he used to get several call from a girl. So I asked him who is it? He said it is a female teacher from Dahod and he asked me to speak to her. I was angry and said I wanted to speak to no one and then in anger I said that you and your entire family is like that only."

After a little pause, Heera says, “Essentially my husband did not like that I had come to know the truth about his sister and mother and he began suspecting that I had an affair. There was no trust. And that is when I called my father and told him to come and fetch me.”

Heera says that when she came back, her son was just three months old, “I sat my parents down and told them everything – about my sister and mother in law’s sex work, about- how they resented the child as well, and how I knew that it is not working out.”

Heera said that her parents were supportive and that they gave her a lot a support.

However, using laws was not among the first options that was tried out. Heera says that first her father decided to call five elders of the “soni” community and explained the whole situation. Heera narrates, “He asked them to intervene. But the in-laws family refused – they did not want to hold any meetings. They only wanted to get rid of me.”

It was when the elders (samaj) could not do anything a neighbour suggested that we should talk to a lawyer and ask for maintenance and file a case. So my father went to a lawyer who filed for maintenance and he also asked to file a police case under 498.

For a small town woman of fair means then this case shows that access to law is through a lawyer, who guides them on what they can do.

### **EXPERIENCE OF USING THE LAW**

A few months after Heera came back with her three month old son, a senior member from their caste suggested to my father that “if we put a complaint in the court then at least maintenance can start – she is sitting at home since such a long time. So my father approached a lawyer Y and he filed a complaint in the court and first my father went and when the date came I went.”

Heera says “The lawyer then advised my father to also file a police case. My father first went to the police and I went only to sign. I had never been to a police station before. Obviously I was a bit scared at first.”

The case of Heera points out that it is through informal means that those who need laws come to know about- the laws and the procedure. Also significant is that in this case the

civil society organization is not the first port of call, it their own community network through which they reach the lawyer who in turn is the mediator to access laws.

### **APPROACHING THE CIVIL SOCIETY ORGANIZATION**

Given that Heera had already approached the lawyer and filed their case, the researcher asked, how did they reach the civil society organization. To that she answered, “We had already filed a case of 498 A and 125 at the police station with the help of vakil. But not much was happening. So our neighbour asked me to go the DMS - ANANDI office which is four houses away from where I live. So my mother and I went. I used to see many women coming to the office. And I thought let me also try – may be I will get some justice as my case was already going on in the court. I was very fed up and I felt that I just have to go now I was staying with my parents practically since I was three months pregnant. We wanted to speed up the matter and bring an end to the matter.”

Heera narrated that she first shared with them the problem she had been facing and that she was staying with her father since her son was three months old. She also explained that in Baria the case filed was for 125 and 498.

After we shared the details of the case, representatives of DMS - ANANDI advised us to file a case under PWDVA and here too they applied for 125.

This was among the first cases that DMS - ANANDI took up and it quickly came up for hearing in Baria court. There the procedure is that first a mediation meeting is set up. In this mediation meeting lawyers of both sides meet. In this meeting Heera was still asking for maintenance and restoration of residence with husband alone. But Vaibhav was unrelenting. He would not even look at his son when I would take him me to the court. Heera states that under the PWDVA , they got an order in her favour. But her husband went in for appeal to Dahod.

### **REGARDING THE EXPERIENCES WITH POLICE AND JUDICIARY**

Heera did not have much to say about her experience with the police, but stated that in dealing with the courts, initially she always went with her father. After she came in contact DMS-ANANDI, she says, “the NGO people came with me. And later I was able to go alone on my own.” She explains that the NGO women would introduce me to various officials and

the work being done on different desks. Then they would suggest that she could go alone. Heera says, "That is how I began going alone."

Heera narrates her experience with judiciary thus, "When the judge in Dahod called us and asked if we wanted to live together. V said yes on the condition that I should sever all ties with my parents. So I too said that he should also sever all his relations with his family and that the three of us can live together. But he did not agree and said that even if you die I will not take you.

The judge also gave up and felt that this marriage will not work. He spoke sternly to him. V spoke rudely to my father in court and the judge scolded him."

So when Heera was asked to describe her experience at the lawyers/court? And if she thought she would get justice? Heera says, "Yes" .... thinks a little... and says aloud, "I have got justice.

Since Heera has said that she was quite fed –up that the cases were not going anywhere a little probing was done. It revealed that she never had serious second thought about her decision, except when as she recollected, "No.... But when they put a false case against my father that he pulled his chain in the market...., at that time I felt that we had done the case to have a good outcome, but now my father was being humiliated... – we had not expected this. I was sad and dejected. But my father gave me a lot of strength. He said don't worry.....It was also the work of V's Mama who lives in Baria – he is the one who instigated the whole quarrel. ....But nothing came of it as it was a false case meant only to harass us."

These points in the narrative point out that Heera gained an understanding of the law, the procedure, the attitude and behavior of police, judge, etc, But she also learnt that laws can be used in many ways - it was not just about justice, but also about causing nuisance. The fact that the false case got dropped and that the judge listened to Heera are the critical points when she realizes that justice was done which can be termed as substantive justice.

#### **ECONOMIC IMPLICATIONS OF DOING THE CASE**

Heera knows all the details, she reveals, "The lawyer took almost two lakh rupees – it was not lumpsum – but over the entire duration he has taken Rs. Two lakhs. My father paid for it. This includes the fees of the lawyer who was arguing our case in Baria and of the lawyer

who argued in Dahod.” She thinks a little.... “The Baria lawyer was no good – he just took a lot of money – did not even tell us initially how much money he would charge.”

Heera's mother comes and joins in ..... “With the Dahod Lawyer – we requested through the Bank Manager who had referred our case to him that we are not very wealthy – and that we can only afford Rs. 50,000/- . And he got us the settlement of Rs. 3.5 lakhs.

Actually, he had asked for seven lakhs. But V said that he only has three lakhs rupees. My daughter was very fed up and after much haggling he agreed to give Rs. 3.5 lakhs and that too he has put it in a fix deposit in the name of the child and he will get it when he is 18 years. Now we get a monthly interest of Rs. 2500/-.

Her mother added, “Even the judge told Heera that you are very young, Rs. 3.5 lakhs is a very small amount – this amount will get spent by the time your son is years old? But Heera and we said we don’t want any money for our daughter – but he should give for his son.”

### **CHANGING SOCIAL RELATIONS**

HEERA provided several insights into how her relationships changed as she too changed.

“We were engaged for two years prior to marriage, but I got no inkling of his nature. It was only later I discovered that he only looked to me only for his sexual satisfaction. That is why he hardly showed interest in our son.

Once when the case was going on he called me to meet him at a common friend/acquaintance's place – I went with my son and he asked me to kiss him ( *mithu modhu nahi karave?*). I totally did not expect this and told him off – “aren’t you ashamed that here is this case going on and all you can think is of is a kiss.” When I said that he in turn, taunted me that maybe I now like someone else. I replied, “I have been sitting thru the months and years and going thru this case just so that our marriage can be restored, - if I wanted I would have gone away with another guy long ago.”

Heera reaction to this demand from her husband can be said to be linked to the universal need that Nussbaum states of Affiliation (B) in which she states, “ having the bases of self respect and non humiliation, being able to be treated as a dignified being whose worth is equal to that of others.” Even though she is V’s wife, Heera felt affronted and humiliated that he sought to demand fulfillment of his sexual need and wanted her to sever all other

ties from her family. She had a broader need for affiliation and emotional support which she was clearly asserting even when she refused him then and when she narrates the incident after so many years to the researcher.

For a woman in the Indian society, there is still a huge significance being attached to being married. Hence, if she is facing marital problems and returns home, the woman herself tends to feel a sense of inadequacy. Heera says, "Initially when I came back I did not go out for a whole month – but my mother and father said – till how long can you stay in doors. They told me that you have to toughen up – how long can you live with this pain? So then I made myself strong."

"I am now working as a teacher in the Gulab benbud School. They started me with 3000 per month. Within six months, seeing my work they increased my pay to 5000/- . Even here I have to tell some of the Madam if they are not doing their work properly. They tell all kinds of things about me. But my seniors are seeing my work and support me."

She also spoke about how she is now hopeful of the future when she says, "I have my son – tomorrow he will grow up – he is already 5 years - in 10 – 15 years he will be a grown up – what else do I want?"

Here one can see a clear shift from being afraid to step out of the house to picking up a job and looking forward to raise her son. In between are her experiences with the marital family, the lawyer, the court, her own supportive family and the civil society organization.

### **SPECIFICALLY ON THE PWDVA**

Heera states that the lawyer, whom they approached must have known the new law, but he never told them anything about it. And when nothing was happening in the case he got them to file, it was she and her mother who approached the civil society organization. It was they who even suggested a new law – she calls it "gharelu hinsa no kaydo".

*She states, "It is under this law that we got justice in my favour, the judge was asking both of us questions. And it was during the proceedings of this case that things started becoming clear to me. Earlier, I used to think that if we stay on our own, it will be fine, but what he did in court helped me to see things clearly." She then goes on to narrate, "He would abuse me even in front of the*

*judge and call me names. Even the judge who was a Soni from Limkheda felt that this marriage has no future. I was fed up and told him. 'Why are you insulting me like this – say what you have to say clearly.' He would then become silent. But then I just decided that I had enough and filed a case for divorce.*

**In this narration, it is evident that while Heera has asked for restitution of residence, it was what she was experiencing and getting to know about her husband during the proceedings that helped her to take firm decision about her marriage. Thus the law is useful in more ways than merely providing orders on what the woman wants.**

Heera says that having gone through the whole process, she is now more aware and few months back, when one of her friends was having trouble with her marriage, she suggested that she could use the “gharelu hinsa no kaydo.”

#### **ROLE OF THE CIVIL SOCIETY ORGANISATION**

As stated earlier, Heera came to the organization to seek guidance specifically for her case, she was not part of any organizing or training that the organization did. She acknowledges that it was S ben of the organization who would explain in detail to her what the law can offer. They explained to her the difference between 125, 498 and PWDVA.

*She says, "It was due to them that I learnt that I had no need to fear and they motivated me to go alone to the court, the police station."*

My father would also tell me the same thing. When the organization told me the same thing, I realized that I must do it.

It was they who guided me when my mother in law contacted some agency in Gandhinagar to seek help to get me back. That agency wrote a letter to me asking me to come to their office in Gandhinagar for arbitration. However, it was on the same day that I had a court hearing, so the organization people helped me to formulate a response. She says now reflecting, “It was a ploy by my mother in law to derail the court process and harass me.”

“The organization sister, (*sanstha na ben*) had explained to me that I should hide nothing from the Protection Officer and they came with me – but they asked me to say everything.

They only intervened if I did not understand anything or if they thought I was forgetting something. You see I was nervous”, says PW-D-B, in response to the query, “In what ways did the organization help you?”

*Heera explained that when she went with the 'sansthan na ben' to the court there she would interact with other women who had also filed their case and she would speak to them; and she realized that other women too have problems and they all empathized with each other and learnt from each other stories the pattern of injustice.*

### **WHAT IS EMPOWERMENT**

Heera is unable to say if she has heard this term before. Then she thinks a little and says tentatively, “Is it something to do with courage? *Himmat?*”

Probing a bit more on how she thinks she became more “himmatwali” The researcher deliberately used her own words to probe deeper to assure that there is no evaluation in the answer she gives but the idea was to get her perspective on the term. She then gave the example, “ When I returned with my son, my father invited the elders to come home and he spoke to them about the whole situation. I did not speak up or share anything beyond what my father said. He told them everything about my mother in law and sister in law. They conveyed that they did not see any fault in my behavior. I was inside all the while – could listen to them talk. But I did not step out in front of them. I was still apprehensive about- my decision and wondered what the community elders would say.”

Heera says that when they supported her she felt relieved and good from inside that she was right and that gave her courage.

*Next she says when the judge scolded her husband for being insensitive, she felt supported and vindicated that her judgment about her husband was right. She had never been to court before.*

Initially she wanted to go back as that is what she had been taught all girls must do and hoped for a happy married life. But as the case proceeded, her husband’s nature also became more evident and problematic.

She reflects a bit more and states, "I had to go to courts many times. My father came with me once or twice and then told me I have go on my own. Initially when the Judge asked me I was afraid but my father said don't be afraid – I am with you. Later when the opponents lawyers would cross question I was afraid. But my father was of great support. Even though he did not come always he used to always say I will support you. That gave the greatest strength."

**Among all this it was my father who was of the greatest support. And I do believe that the laws were of great help – the maintenance laws and the PWDVA case was helpful. The PWDVA gives protection to girls.**

### **INPUTS BY DMS- ANANDI**

The counselors of the organization gave several details of how they had to build the **confidence** of Heera on various occasions and most importantly,

*they said they would spend at least one to two hours with her prior to every case hearing rehearsing with her and going over with her what had been written in the complaint and what kind of questions she should expect from the opposing lawyer. They said in their experience, too often the women would recollect other details of their lives which are painful, but would not have mentioned them in the complaint and so had to be reminded that they must say what is written and then add new details.*

They also confirmed that Heera would take interest and ask other women who had come to their Nyay Samiti sessions and they believe that it is an important space where the women share their stories with one another and find mutual support.

*They also point out that there was a clear class and urban – rural difference between Heera and other women who came to the Nyay Samiti but this did not deter them from sharing and that in their analysis these sharing helps the women to understand that it is patriarchy as a larger system that operates across the socio-cultural communities and it is not their individual fault.*

Name	Senthaliben (name Changed)
Age	35 (when she approached the NGO)
Education	NL
Village	Devirampura
Block	Devgadh Baria;
District	Dahod
Law	PWDVA
CSO	Devgadh Mahila Sangathan (DMS)

Senthaliben smile and demeanor belies the hardships she has gone through. She lives in a house where the walls are made of straw and mud and has low tiled roof. Surrounding her house is the farm in which tuvar is standing – part of which belongs to her and part which belongs to her brother – in-law. A cow, and a few goats are tied and some chicken run about.

Her son who is 19 years old has come back from Vadodara a city about 90 kms from her village where he does masonry work. Her daughter Sangita is older than the son and married, but is now home. Senthaliben has one more son.

Devirampura is about 25 kms into the hilly area of Sagtala area from Devgadh Baria. A pretty village amongst undulating mildly sloping lands, with its own share of difficulties of poor water supply and kucchha roads. The road that came towards Senthaliben 's house was still under construction – with the road having been laid out with grit (metal). It was not possible to drive the two wheeler without the risk of slipping or a puncture. The houses are scattered on different hillocks. The researcher is accompanied by a DMS leader Mojliben who has served as a Sarpanch for a term and was the one who guided Senthaliben through her journey to seek justice.

### **DETAILS OF THE CASE**

Mojliben introduced Senthaliben saying that she lives here and I have known her since she came into the village after marriage and has always been a very hard working woman. She used to come to work on our farms and we would often sit and talk about- our families and the village and the rains and so on.

Senthaliben says, “ My husband committed suicide by hanging himself. We had three children then. The daughter eldest was about 11 years old. My BIL was harassing me – he said that I was the one who killed his brother ( my husband). He asked me to leave. After the 12th day ceremony when my uncle ( kaka) came they asked me to go away with him. They kept the children and asked me to leave. I was too stunned and still recovering from the loss of my husband and I left. My children would come away to stay with me. I only have a kaka – my father is no more and my mother lives in another village. When my children kept coming to meet me – I felt really bad.”

Senthaliben becomes quiet for a while and then again picks up the thread, “After about a month I met Mojliben in the Sagtala market. She knew all about what was happening at my family and supported me.” When asked, ‘supported in what way?’,

Mojliben responded to that question, “I told her that you have a right over the property and to look after your children. And that she must come back.” Senthaliben adds, “My elder son used to come to meet me in the night. There was no one really to look after them. My eldest daughter used to manage the cooking and cleaning – but she was a child herself.”

#### ON HOW THE WOMAN DEFINED THAT SHE WANTED TO CHANGE HER CIRCUMSTANCES

Senthaliben says that trouble started with my brother-in-law as soon as I got married and came. At that time he used to harass my husband to give up his share of land to him. My husband chose to go away and work in cities to avoid the daily conflicts.

Mojliben adds that Senthaliben used to work very hard, she used to work her own land and also go for work as farm labour on others fields. So they would have a little more to eat and the brother in law was jealous of them. Senthaliben even lost a son when he was small and she suffered a lot and so I used to try and help her in whatever way I could.”

Senthaliben says, “I was unable to think clearly, although I had my children, my in laws were threatening me. My brother-in-law would come and stand in the doorway drunk and with a stick. I was afraid.”

*“So, I was quite at a loss. So when Mojliben met me in the market, it was a like a ray of hope. She told me to never leave my children.” She explained that I had land, and I had a share in the house.”*

In order to confirm, the researcher asked, "Did you know earlier that you have a share in this land and the house?" Senthaliben , immediately, responded, "Of course I knew it before – everyone knows that." All adivasi women enjoy customary rights over land and that is well known to all.

This points to the fact that although Senthaliben knew her rights, the fear of violence and the loss of her husband had made her vulnerable and she was unable to assert herself. At that point in time, it was Mojliben, a leader of DMS acts as a key trigger for Sentaliben to take firm action.

#### **ARRIVING AT DECISIVE POINT TO SEEK OUTSIDE HELP**

The researcher asked her, "Did you ever think of contacting Mojliben when you went away with your uncle." Senthaliben says, "The reason I came to the weekly market of Sagtala was with the hope of meeting women from the village and I met Mojliben herself. I wanted news about my children."

It seems that, Senthaliben 's state of mind was still filled with grief and the idea of claiming her share in the land and home had not crossed her mind. She was preoccupied with her children's welfare. She was still afraid of physical threats.

So for Senthaliben it was largely the constant reminding by Mojliben that she has a right, that she became convinced to take action. The first step that she had to take was to gather courage to return to her own home.

*Senthaliben says, "I was still scared, I took the night bus out of uncle's village and reached in the dark, so that no one would see me and report to my in laws. I got off the bus and went to Mojliben's house."*

Mojliben says, "I spoke to my family and explained to them that we have to support her. She has come all the way from her uncle's home, means that she is wants to go back to her home. My family members knew of her in laws and agreed to help Senthaliben . In fact they told her she must not be afraid – if anything happens we will come to help you."

*The decisive point therefore for Sentheliben comes when Mojliben not only reminds her of her right but also opens her home for her to stay.*

#### **ASSERTION TO ACCESSING LAWS**

Sentheliben revealed that she stayed at Mojliben's house for two-three days . When asked, "What was the thinking going on?" She replied, "That I could do a case." Knowing about the customary norms about calling the local elders – the "panch", the researcher asked, if she thought of calling a panch first? Sentheliben responded, "They would not have come even if called for a panch. And so we did the case."

In many cases that the researcher has dealt with, women first follow the customary practices and then approach the mahila mandals, when they feel that they are not getting the desired outcome.

This is an unusual case where Sentheliben although alone chose to go straight for the use of formal law.

#### **EXPERIENCE OF USING THE LAW**

The researcher asked her, "Do you know what law was used? i.e. under which law did you make the complaint? " Sentheliben was bit lost and she looked at Mojliben for help and says "it has been some time now..." But she was unable to recollect and so Mojliben prompts – '*gahrelu hinsa no kaydo*' - referring the PWDVA. Immediately, there was a nodding and look of recollecting it at that moment.

The researcher asked, "Where did you have to go to file the case?" She remembered clearly that she had been Dahod the district headquarters as that is where the Protection Officer designated to deal with cases of Devgadh Baria block were dealt with.

The researcher asked, her if she had ever been to a police station previously, Sentheliben stated that she had gone to the Baria police station to collect her husband's post mortem report and papers.

In order to first also find out if she had even an inkling of the law previously, the researcher asked, " Had you ever heard about the law from anywhere else? Sentheliben answered in

the negative. In order to aid her memory the researcher pursued, “any chance of hearing it on the radio?”

*Senthaliben was amused and pointed out to her bare house and replied, “ I don’t have a radio or anything – so how will I know – for me it was the sangathan women”, who gave me the information.*

As the researcher knew that Mojliben was an active Sarpanch, she asked, “Maybe you heard about it in the Gram sabha?”, Mojliben confirmed, “I used to call them for the gram sabha. Before I became the Sarpanch – no one went to the gram sabha – when I became the sarpanch – I would go around and call all the people to the come to the gram sabha. And then Seemaben would come and tell about the laws, we even called Doctors, officials from other departments who would speak about the laws.” But Senthaliben says that she had not been to any of the gram sabhas – she said she had to look after three small children and hardly had time.

#### **APPROACHING THE CIVIL SOCIETY ORGANIZATION**

As is evident, in this case it was the civil society organization – DMS – Devgad Mahila Sangathan leader, Mojliben who was in touch with her. However, prior to the case, Senthaliben only knew of Mojliben as a supportive older woman in the village. She had not really participated in any of the events or meetings of DMS. In order to understand Mojliben’s role, the researcher asked her, “ What do you do at DMS?” She replied, “I go to the Lok Adhikar Kendra - it operates out of the Mamlatdar’s office. Sardar, Ramila and I sit there and we give information and guidance to all those who want to apply for scheme and their entitlements. We sit there twice a week”.

On asking how did she come to know of laws like PWDVA and that it can be applied to the case of Senthaliben , she replied, “ Seemaben and Smitaben teach us about the laws.

*In our sangthan meetings we discuss all the cases, the leaders are dealing with and we come to know how different laws are applied. So when Senthaliben met me in Sagtala market and I saw that she was totally distressed, I thought the ‘gharelu hinsa’ law can be applied here.”*

Thus Mojliben is a key representative of the Civil society organization – DMS living in this remote village who has been informed about the law. She participates in various campaign events, is informed about new laws and uses her own forum to debate and discuss the laws and cases of women who approach the Nyay Samiti.

*Thus when Senthaliben approached this particular civil Society organization she is participating in the mechanisms that are possible in a democratic nation state and is contributing to promoting equality among its citizens, in particular, women citizens from marginalized communities.*

### **EXPERIENCES OF USING THE PWDVA**

During the conversations, significant information is gathered about the case and process involved, however this information comes in bits and pieces as the conversation was kept free flowing and it was not an interview strictly speaking. Here all the conversation pieces are woven together to make a coherent story.

The researcher asked, “What was the relief you had asked for?” Senthaliben replied, “That my brother in law is troubling me and that I should be allowed to stay in my house. When the case came up for hearing, the judge informed me that my brother in law had accused me of killing my husband. I replied that, “Saheb, I have borne three children with him, Why would I kill him, we were doing quite ok as a couple, who doesn’t have some fights? I had no reason to kill him. I have to support three children” In order to keep the flow, the researcher asked so then what happened?, Senthaliben said, “the judge would set up dates, but my brother in law would not show up.” During the next hearing, Senthaliben says, “even the judge was fed up and asked for a warrant to be issued in his name. So the police caught him and put him in jail.”

By now, it was evident to Senthaliben that by her putting the complaint, her brother in law was feeling the pressure as he was receiving notices from the court and he had been arrested. It seems his uncle bailed him out. Senthaliben continues, “Then one day my uncle came to my house and informed me that we have to go for a case to Baria. I was confused, but I went along, there my brother in law asked me to do “samadhan” which meant that I had to take back my complaint. I was totally shocked, I just simply refused to speak to him.

And I left.” The researcher asked her, “Were you alone or was there someone with you? Senthaliben says, “Who will be there with me? Only my Uncle was there, who only stood there, he was the messenger, but did not speak a word. I just told him, he should come to the court to close the matter.”

I went to the office of the sangathan (that is how DMS is referred to by the women). There I shared the incident with those present. Mojliben was not present, but I knew the others by now as I had been to their office the first time before we went to Dahod.”

In the next hearing, when the judge asked him, he said he was willing to do ‘samadhan’ and let his bhabhi stay in the house. Senthaliben said, “It was just a ploy to show himself in good light.”

Intrigued, the researcher asked, “Why do you call it a ploy?” Senthaliben said, “because in a few days he started coming home drunk, he would stand in the door way and threaten me that he would kill me. He and my father in law would keep on saying that I should go away and would threaten me that they will beat me up. They would keep on talking, even at night they would not let me sleep.”

“One day, it became too much and I just took my children and left the house. I put all the animals – my bullock, goats and all in the house and left. I went straight to the office, of the sangathan, but no one was there. So I went to the police station and from there I made phone calls to Seemaben and Guliben (of ANANDI and DMS respectively). They came there in a while.

At this point Mojliben interjects and says, “Earlier, she would call me first if anything happened.

It is evident that by going to the court several times, Senthaliben has gained confidence to take independent decisions she travelled out 20 kms to a town and used the police phone to call for help. She is confident that she can get help from the CSO legal system.

Senthaliben continues with the incident and says, “When Seemaben and Guliben came, they called up the sahib in Dahod (Protection Officer) and informed him that I had left the house in fear of her life. He then spoke to me and he asked me if I would be willing to stay at

the Nari Kendra in Godhra. I said Yes and so Seemaben came to drop me at the Nari Kendra. I stayed there for a week.”

The researcher asked, “what happened after a week.” She replied, “The Protection Officer came to Godhra and brought me back home. He spoke to my in laws and conveyed that in case there would be any trouble, they would be put in jail again.”

Senthaliben says that it was obvious that my brother – in-law had learnt his lesson. He came to the court next time and accepted that he won’t bother me and that I could stay in the house and till the land that was my share. And we got similar order.”

#### **EXPERIENCES WITH POLICE AND JUDICIARY**

Senthaliben was quite vocal throughout the interactions and when asked “How has your experience been with the law?” Her response was surprising as she interpreted the question differently, “Why I have always lived within the ‘kayda’ law. I was never asking for anything that was not within the law.”

So when clarified, the discussion was about how the law helped her. She said, “of course, because of the law, I was able to take my in laws to court and teach them a lesson.”

*Senthaliben was quite pleased with the Judge who asked her the questions and she was able to put up her case.*

*Senthaliben did not have to deal with the police much. But she did say that the staff and the situation of the Nari Kendra was ok.*

#### **ECONOMIC IMPLICATIONS OF DOING THE CASE**

Senthaliben did not have to spend on any lawyers as no lawyer was hired. So she hardly had any out of pocket expenses. Her travel to Dahod was also supported by the organization.

In fact due to the case, Senthaliben is today able to earn a living out of the land and the animals that she got as part of her share.

## CHANGING SOCIAL RELATIONS

Senthaliben says very clearly, "I was scared for my life and that if something happened to me who would look after my children." She said, "Do you know what life is for children who don't have a father or mother? But now I am not scared."

On asking her, "So what gave your strength?" Immediately, she replies, " All these women from the sangathan. And I was not at fault, I know that."

Then she says, "Now my children are grown up and daughter is married. I have nothing to fear."

Then she states, "My brother in law met with an accident and he was in the hospital, I sent my son to look after him. He is better now and will come home in a few days." Then she points out to a small girl (11 years) and younger boy and says, "These are his children. Their mother died, so they eat here and call me mother and not 'kaki' (aunt)."

It is to be noted that the Senthaliben has shown amazing maturity in her dealings – not only looking after the children but also sending out her son to look after someone who has tried to harm her. Then she shares something even more personal, "He now comes and asks me again and again to make me his wife." Senthaliben says, "But am I insane to marry a drunkard like him. I am not going to do that. I will look after his children – that is another thing – but one who troubles me so much – has given me so much grief – how can I live with him?"

*Senthaliben also shares about the changing relations in her extended family, "She says that the other day, my uncle in law came to see me with an electricity bill and wanted me to tell him why it was so high and where should he go to get it checked?"*

It can be noted that a vulnerable woman who was afraid to come back to her house a few years back is now regarded as someone who can assist the family members to solve issues with the government.

***The fact that she has been to the district headquarters and to the court goes to build her credibility and identity as "someone who knows how to get things done"***

## **ROLE OF THE CIVIL SOCIETY ORGANISATION**

Senthaliben is not able to say much else than the role played by Mojliben and Seemaben and Guliben to go with her to different offices and court and that it was very helpful..

But Guliben and Seema reveal that they had to bear upon the Protection Officer a lot to get him to come to her house so that he could file an independent report in the court as per the law.

The other thing that Guliben asked the researcher after she completed the interview was , "Did she tell you of the harrowing experience at Nari Kendra?" The researcher was surprised and told her that in fact Senthaliben was all happy about the fact that she could stay for a week.

Guliben then narrated that as her son was older than 11 years, the Nari Kendra people did not allow him to stay with the mother but were asking him to stay in the Boys observation home which was located in the neighboring campus from the Nari Kendra. The boy was terrified at the prospect and was crying away and no amount of pleading was of any help. They all had to stay up till late till the children fell asleep. It was very traumatic scene – the mother and the children all crying and the officials were unrelenting.

*The point to be noted here is that the Senthaliben seemed to either have completely forgotten the incident or erased it out of her memory as it was so painful. But the DMS- ANANDI chose to be with them and provide what comfort they could. And so today that trauma is almost forgotten. Thus while the government does provide services, the staff there gets bound by the rules and regulations where as the civil society organization chooses to put the interest of the women and children – clients first.*

Getting the warrant issued to the brother in law was also done only due to the persistent follow up of DMS- ANANDI as there were no dedicated staff under the law and the court had to rely on the local police to deliver the warrant.

### **WHAT IS EMPOWERMENT**

Senthaliben is completely surprised to hear the term “sashaktikaran”. So the researcher had to elaborate and ask if she has now used her abilities to change some norm or supported others who are in need.

### **Box no 6 : From being helpless to being pillar of strength**

Her daughter went away with a much older man one fine day without telling her mother. This is a practice that is prevalent among the adivasis of this region. When Senthaliben came to know of this she went to the family and asked for the “daavo” like a bride price, which they paid her. It was an amount of Rs. 35,000/- She lived with him and his family for over two years. She had two pregnancies – the first time she lost the child at full term and the second time the child died a few months after birth. Senthaliben says that they have been making her daughter slog like a slave. They don’t give her adequate food or rest and take away all her money. The daughter has come back to her mother. Senthaliben says that she has kept the Rs. 35,000/- aside and will call the sarpanch of both the villages to settle the matter. She will return the Rs. 35,000/- and formalize the separation. Senthaliben says that actually she can ask for all the money that her daughter earned and gave them, but I don’t want to prolong it.

Senthaliben who had to come in the dark of night for fear to her life is today taking on the family that is harassing her daughter and she plans to do it not just with the support of the sarpanch of her village but of the son in law’s village as well. She say, “I will call them, I am not afraid of them – it is my daughter’s life.”

To that Senthaliben narrated the above sequence of events following her daughter going away with a married man and how she now plans to speak to the sarpanch of her village as well as with that of the man to get the issue resolved

***This narrative amply shows that Senthaliben has a good sense of how she can use her power to challenge those who are being unfair which can certainly be termed empowerment as one can see the spiral of***

*empowerment at play in this case. From consciousness to action to new consciousness and further action.*

### **INPUTS BY DMS- ANANDI**

In the end the researcher turn to Mojliben to ask if she would like to add anything. To that Mojliben says, that now she has attended so many events – she comes often to the meeting of the 5<sup>th</sup> which is like an open house for all the sangthan members held every month. Women come to share their success stories as well as their problems; she has come for the rallies and heard officials like the Collector.

*So the researcher asks her,*

*"What do you gather from going to all these meetings?" and she replies, "I got know so many things. I learnt that one must not give up. One must not be afraid if it is not your mistake."*

She doesn't remember what was said in the rallies or from the stage by the invited guest, she excuses her self, " Well, that was so long ago, I am an illiterate woman, not educated like you, I can't remember so many things."

*In fact that is true, that often it is not being able to recollect the exact words, but the overall impact of going to so many places, and the sense of strength and conviction it builds for women by being part of collective action and community organizing that is critical to lead up to empowerment.*

Name	Komal (name Changed)
Age	32 (when she approached the NGO)
Education	10 <sup>th</sup> grade
Village	Dhola
Block	Umrالا
District	Bhavnagar
Law	PWDVA
CSO	Mahila Swaraj Manch (MSM)

Komal belongs to Dhola village of Umarala block of Bhavnagar district. She was married into a family in Bhavnagar and they live in a low middle class locality. She asks the researcher and member of Mahila Swaraj Manch to come in the evening when most of her in laws are out of the house. She quickly says, that she is not afraid of them but it was just that she didn't want them to feel bad. Her young son palys outside and the older son was yet to return from school.

### **DETAILS OF THE CASE**

Komal had been married for 9 years and had two sons. She says, the trouble started because her uncle-in-law's son –*dever* (term for younger brother in law) held a grudge against her. He had felt affronted when Komal had intervened during a quarrel between two of her brothers in law. This particular brother in law had become violent and Komal had stopped him from using further physical force. He told her that he would see to it that she would be made to leave her martial home as revenge.

A couple of months later, when Komal was washing utensils in the wash area outside their home, their neighbor came to borrow the news paper. It was a daily practice, but that day the brother in law saw her handing over the newspaper to the neighbor and made remarks to suggest that the neighbor comes only because she had an affair with him. This enraged her husband and mother in law who began abusing her. Her husband beat her and kicked her from the steps. Her mother-in-law and father-in-law joined in and she was badly bruised and was bleeding. She called her parents who came to fetch her and she left with her younger son.

## HOW THE WOMAN DEFINED THAT SHE WANTED TO CHANGE HER CIRCUMSTANCES

It had been six months since Komal had been staying with her parents. She says she was deeply hurt and was unable to get over the fact that even after 9 years of marriage she was not trusted in that home and her husband and in laws simply believed what her cousin brother in law told them.

Her parents were supportive, but she felt bad for the older son whom she left behind. However, she was clear that she would go only if they came to call her.

The violence was sudden and severe, which Komal says led her to immediately leave her marital home. She could no longer stay there and hence took the step of leaving for her parents home.

*The researcher probed, "What disturbed you the most?" . Komal thinks a little and says, "I felt I too am a human being, simply because, I am married into their house, they have no right to beat me as if I am an animal? (dhor maar marvno hakk nathi ne?)*

Thus one can see that along with the sheer physical pain, Komal is also deeply offended about her human right, although she has perhaps never heard that word. It points out that there are truly some universal needs and that **dignity and bodily integrity** are certainly important ones. When denied or violated, they can trigger significant action.

Komal had no exposure to civil society organizations prior to her incident, but her reaction and articulation certainly point to her having an inherent a sense of self esteem and what is just and what is unfair.

## ARRIVING AT DECISIVE POINT TO SEEK OUTSIDE HELP

It had been almost six months since Komal had come to her parents home in Dhola and the Mahila Swaraj Manch (MSM) was holding a campaign on violence against women in the villages. During their campaign in a neighbouring village Nana Surka, a woman who knew Komal 's mother came up to the MSM team and shared that her friend's daughter needed some assistance. MSM team conveyed that they could come and meet them on any Thursday at the Lok Adhikar Kendra which works out of the Shihor Taluka Panchayat Office.

When her mother learnt about the possibility of this help, she asked Komal if she would be willing to go and meet them. Komal , said, "It had been six months since I returned to my parents home. They were not putting any pressure, but I felt that I can't stay here indefinitely. So I thought why not go and find out what the women's organization had to say?"

### **FROM ASSERTION TO ACCESSING LAWS**

Komal narrated how the MSM women were very supportive and explained to her that there are several means to support her. They explained that one route was to call for an arbitration meeting between my family members and my in laws family. They also explained that there was a law called "gherelu hinsa no kaydo" for which she would have to file a complaint.

Komal said, "My mother and I discussed and felt that why take matters to the court if it can be settled outside through a sitting with this organization."

MSM people wrote a letter to them and asked them to come for a meeting. "They were 15 of them and we were only my father, mother, brother and my mother's friend.

That meeting turned out to be very noisy. Femilaben and Hiraben tried to get them to see that it was a case of them trusting me versus their nephew. They even challenged, the brother in law and asked him what was his motivation in trying to break up the marriage of 9 years. Komal said, "He just cooked up some more and said that I saw her embracing the man. Hiraben pushed him even further and asked, why he was taking such interest in these private matters. But when my brother heard this he got up and slapped me in front of everybody." The researcher was surprised and asked, "your own brother?" Komal with tears in her eyes, said, "Yes, he was upset that such things were being said about his sister. But it was my mother who just got up and said that, it was enough and she would not take any further humiliation of her daughter."

Komal took a pause gathered herself – it was traumatic for her even to narrate this – it was as if she was living it all over again, and said, " MSM women told them to see logic and that if they were not interested, then Komal had the option of filing a case and taking the matter to the court."

*She remembers, "It was my in-laws response that got me determination."*

*They were speaking among themselves, " Oh we will see, what can she do."*

*Komal said, " After they left, I told my parents, I want to file a case and they supported me."*

### **EXPERIENCE OF USING THE LAW**

The researcher asked Komal what the procedure was of filing the case, "Hiraben and Femilaben introduced me to their lady lawyer who helped me to file the complaint." The researcher asked, "Do you remember, what is the complaint called?", hoping to hear her say "DIR". She replied, "It is was so long ago, I can't recollect it."

Komal remembered going to the office of the Protection Officer in Bhavangar with the lawyer, Faridaben. There the Protection Officer asked her case details and she narrated the entire incident, and the arbitration procedure followed at Shihor." Komal - did know that two cases were filed, one was under 498 A and the other was under PWDVA. She did not know what specific relief were sought, when the researcher asked her, she simply said, I wanted to teach them a lesson and once they agreed to their mistake, I was willing to go back an stay with them.

*Thus one can see that Komal was aware of the final outcome that she wanted, she was unable to use the technical terms of the law that would provide her the desired outcome.*

In five days time or maybe a week, Komal 's case came up for hearing. The judge gave a hearing and called the other party. Komal had named 7 members of her family who were involved in physically abusing her.

He listened to both the parties and then gave an order to put behind bars all the 7 members. Komal says, she was glad, that the judge gave them that punishment as, they felt they could get away with abusing me. They all stayed in jail for three days. They were able to get out only after paying Rs. 3.5 lakhs. It took them some time to arrange the amount and hence they had to stay in for three days.

At next court hearing, Komal says, her husband agreed to take her back and also agreed that they would not harass me any further.

### **APPROACHING THE CIVIL SOCIETY ORGANIZATION**

Komal says, MSM women were very supportive, they gave her a lot of moral courage and supported my decisions.

*"They gave me options and explained to me what possible outcomes may come out of them. Femila and Faridaben took turns to accompany me to the offices and guided me when I was unable to follow the questions being put to me."*

### **REGARDING THE EXPERIENCES WITH POLICE AND JUDICIARY**

Komal says, "I only went to the police station once to file the case under 498 A for the physical violence." She says, she had a positive experience at all the places she went as she was accompanied by Femilaben or Faridaben. They were there to take care of all the paper work and would inform her of all the papers she needed to get when they were to go to the office.

On her experience with the court, Komal says, "The judge asked me, if there were any problems, I said no sahib, I have two children, and there have never been any instance of any negative incident. But this time they really blew up the whole matter on the word of a relative of theirs. They did not wait to ask me my side of the story."

*She goes on to share that when the judge asked the in laws a few questions, "It was evident that I was right and he also pointed out to them that under no circumstances they had the right to abuse me."*

**Taking their matter to the court and getting a formal vindication of what Komal felt was just and fair, provided a huge sense of confidence. She further felt that in response to their dismissing her capability to do anything to her, the fact that they had to stay for three days in the jail and pay up Rs. 3.5 lakhs was like a victory.**

It was only due to this experience of theirs that they agreed to take her back and the judge gave a favourable order.

### **ECONOMIC IMPLICATIONS OF DOING THE CASE**

Komal did not have to spend on any fees. Her father took care of the travel expenses. However, when the matter was over they gave Rs. 5000/- to MSM to cover the costs of the

lawyer. Komal said they did not quote any amount, they simply said , what ever you think appropriate and can afford, they may give as theirs was a non government organization and they have raise their own funds.

### **CHANGING SOCIAL RELATIONS**

Komal says she is glad that it only took 6 – 8 months for the whole exercise. "I am glad to be back with my children." The researcher tried to probe, "Do your in laws hold it against you that you took them to court."

Komal says that after she has returned to her marital home, when the mother in law was upset over some small matter even, she would bring up the matter and say, "We had to cough up Rs. 3.5 lakhs because of you." She says her husband never brings it up and in fact tells her to ignore what her mother in law says.

*Komal continues and says, "Sometimes I reply back and say to her – you too should have thought twice before hitting me so much. You have brought me here as a wife to your son and am your daughter in law. You can't blame it all on me."*

On asking if she is being respected more than earlier, PW-B –C felt that she wasn't sure of that. But she says, sometimes when she feels that her mother in law is taking things a bit too far, she just mentions that she still has to number of the women in Shihor." Then Komal reveals that when you were to come, she said she will go to the temple so that we would speak freely, but then quietly also slipped in the message that she should not tell too many bad things about her.

In this case also one sees that in the relationship there is still tension and unease but Komal feels she has some sort of a support in the group of women from Shihor. (She would refer to them as "mahila sanchalit mandal").

*In relation to her husband, Komal says, "The thing that hurt me the most was, the man for whom I left my parents and with whom I spent 9 years did not trust me. Even now, it pains my heart, (maara dil ma ae daag to chej haji), I have still not got over it that he has dishonored my trust."*

Here too we can see that although, the violence was a major reason, at the personal level, Komal has also used her sense of what is fair between a husband and wife relationship. She still carries that feeling of him being unjust and unfair to her when compared to the trust she put in him.

### **SPECIFICALLY ON USE OF PWDVA**

Komal says that when the arbitration failed, it was decided that they will add all that her in-laws had done. Komal says, “maybe on one or two counts we had written a bit more severely” The judge took up the matter and immediately asked the in-laws to be arrested. Her mother in law’s brother was among those who did not let the arbitration succeed and kept speaking very badly about her. He was a teacher and it hurt his status very badly to have been arrested. So they paid up 3.5 lakhs to the police and to get bail.

*Komal is very clear that had it not been for the law, there was no way she would have been able to return to her family with dignity. It was only due to the law that she was able to show them that they can’t just mess with her.*

### **ROLE OF THE CIVIL SOCIETY ORGANISATION**

Komal was extremely grateful to the support that all the women gave as until then no one had told her that she had a right to stand up to herself.

*And when the arbitration had failed, she was feeling very desperate. She was begging to be taken back. And they were just unrelenting. At that point it was the Mahila Swaraj Manch (MSM) women who had said that, “You don’t have to beg. There is law by which you can get them to come to court and then let the court decide.”*

Komal says, “Now whenever, I come across women who are suffering, I tell them that they must go and speak at least once to the ‘Shihor women’ (MSM). It will give you a lot of strength.”

### **WHAT IS EMPOWERMENT**

Komal is among those, who are socialized into accepting the usual stereotypes of Indian women. For her it was the violence and being dishonored that were crucial moments.

She never had exposure to any women's organization prior to being introduced to MSM, and she says that she had little in her control and she was simply begging to be taken back. But after the whole process of being facilitated by the CSO – MSM she is now able to hold on to herself, and at times even tell her mother in law to back off by using the line that she still has the phone number of the "shihor women."

### **INPUTS BY MSM**

MSM Nyay Samiti members' key role in this case was to offer Komal an alternative to the stereotypical notion that husband's family is always right. When she began begging to be taken by the in-laws, it was Hiraben, who felt that a line had been crossed and was the first to say that as a women's organization it was not acceptable to them to have a woman degrade herself so much. So they told the husband's side that if despite Komal's apology, despite her begging to go if they just wanted to show their authority and no humanity, then it would be the court that would decide the matter.

*It was this ability to stand up for what is right and stand up against the patriarchal power centres that Komal carries with her and hence says that all women who suffer must go at least once to meet leaders of MSM so that they can*

Name	Raksha Bharwad (Name Changed)
Age	30 (when she approached the NGO)
Education	11 <sup>th</sup> pass
Village	Bhensal
Block	Shehera
District	Panchamahaals
Law	PWDVA
CSO	Panam Mahila Sangathan

Raksha's village Bhensal is about 15 kms from Shehera block and it takes a short walk to her house, where she is living with her parents, two brothers, sister in law and young son. One of her brother had mild mental disorder and had gone missing since three days. There a few cows, tied in the courtyard indicating that her family followed the traditional occupation of rearing milch animals and selling milk and milk products.

#### **DETAILS OF THE CASE**

Raksha got married as child and following the customary practice of "*sata padhati*" her community follows where in her brother was married to Raksha's sister-in-law. By this practice, essentially two siblings – brother and sister marry another set of siblings sister and brother respectively. However, she went to live with her husband and in-laws only when she turned 18 years. Soon after the marriage trouble started and her in-laws started harassing her. She moved out with her husband, but unfortunately he met with an accident and passed away. Life became even more difficult for her. Her Uncle-in-law even raped her. She was in a dilemma – if she filed a police case regarding rape – he knew she won't get any share of the property for her son. It was only when we was guided to the women support cell by a well wisher that she came realized that she can use the PWDVA to get justice.

#### **HOW THE WOMAN DEFINED THAT SHE WANTED TO CHANGE HER CIRCUMSTANCES**

Raksha states that, "There was no violence or abuse in the beginning but my mother-in-law did not like my talking with neighbors or for that matter anyone else in the village. She was of suspicious nature. I worked in the field which was given to my husband on a mutual

understanding by my father-in-law and I also did other house hold chores. My mother had given me buffalo at the time of marriage, so I was taking care of care for the animal and milking and feeding her; I often went to field to get fodder here I had to speak to village women and girls. But my mother-in-law used to make an issue out of it and used to quarrel with me for no matter.”

The researcher asked at what point did the situation get worse. Raksha continued narrating her story, “ I got pregnant and the mental harassment continued. My husband and I got separated from our in-laws, which meant that although we stayed in the same house and we cooked on different chulhas. There was some respite, but she continued to use abusive language.”

Raksha said that she delivered a baby boy but the joy was short lived as when her son turned 10 months old, her husband met with an accident and went in coma. They took him to different hospitals and she stayed with her husband throughout the month that he was admitted at the Vadodara hospital. No other family members were with her. She had left her son with her mother. The family took the decision to get her husband released from the hospital and they took him back to their village home. Her husband did not live for more than 4 days. Raksha recollected, “After my husband’s demise, mental harassment by my in-laws, including my father-in-law and brother-in-law, increased. They wanted that I should leave the house so that they did not have to give a share of the land and house. They were also looking for a reason such that if I left they house, they would be free to break off the marriage between my brother and my sister-in-law. They had even started physically hurting me.”

#### **ARRIVING AT DECISIVE POINT TO SEEK OUTSIDE HELP**

In order to understand at what point did Raksha decide that she had had enough, the researcher asked her, “So what was it that led you say that you will take it no more?” Raksha revealed a rather disturbing incident, “All the important documents like my husband’s death certificate were in the custody of my father-in-law which he was not handing over to me. As they wanted me to leave their house, they did not mention my name in the property documents that my husband owned. One day, one of my in-law’s side uncle of my father’s age came to me and told that he would help me get my name on the

various documents and took to Shehera taluka office on his bike. We met the officials and presented my case. They explained the needful procedures and agreed to help in getting my name added in the property documents. On our way back he stopped the bike near the forest and demanded to sleep with me; I tried to run but did not succeed and he raped me. I somehow reached my in-law's house and told the incident to my mother-in-law. But she did not react and told me to forget about the whole thing. I was very disturbed and in a few days it became clear that they are only looking for excuses to get me out of the way. So much so that they spread stories about me to the villagers who created such an atmosphere that I was left with no option but to leave the house.

### **ASSERTION TO ACCESSING LAWS**

Raksha explains, " My son was already at my mother's place as he was unwell. Once that uncle raped he thought that he could repeat it again and again and because I refused he further fuelled my in-law against me. And that is when I decided that I need to go file a police complaint." The researcher asked Raksha, if she knew what laws could be used. To this she replied, "I only knew that the police will take my complaint, I did not know then of section 376 or of domestic violence law".

Raksha continued, " So after I left the house, I first went to my cousin's house at Godhra and approached police on the next day to file a complaint against my in-laws but police refused to file the complaint."

It can be noted that Raksha is aware that police can be of help, but nothing beyond that in terms of laws and the various sections. And therefore when the police refused to take her complaint, she did not know what to do. Someone from the police station suggested that she needs to get a lawyer to help her. Raksha went with her brother to the court to enquire about the court procedure and lawyer's fees. "One of lawyers told Rs. 20,000/- fees for filing my case, which I found very high and hence, approached other lawyer in the court. He agreed to prepare application for Rs. 300/- and we got the application done. I posted this application copies to different places like commissioner, Minister women and Child at Gandhinagar but nothing happened."

The case of Raksha points out that women do have a vague idea of the support they can get from the police and the courts, but it is just that. As there are no standard rates, the

lawyers, and middlemen can actually take away a lot of money without securing any justice.

### **APPROACHING THE CIVIL SOCIETY ORGANIZATION**

In response to how Raksha came to file the case under PWDVA, she stated, "Since nothing moved forward, I took help of one Narsingbhai who worked with an NGO and is from my (in-law's) village who took me along with my brother to *mahila* police station (women support cell) promoted by ANANDI in Godhra, where a form was filled." Ruksana, who sits at the Women's Support Cell and who had accompanied the researcher, added, "We asked her to narrate all that had happened and she told everything from the rape to the harassment she was going through. After filling up all the details, we asked her what is it that she wanted to do?" Raksha joined in, "Yes, I was clear I wanted them to give a share in the property as I had a son. He needs to have some security, if I had a daughter, I would not have pursued the matter so much. But as a son he has a right over his father's property."

Ruksana continued, "It was a complicated issue – while Raksha had already sent applications to the police and the Minister to get her complaint against rape and that was of criminal nature which the police may take cognizance at any point. And on the other hand what Raksha wanted could be secured through the PWDVA case. So we explained the provisions of the law and asked if she wanted to file a case under the PWDVA."

Raksha states, that "I did not know about any laws, but when Ruksanaben explained I agreed to take it up. So then I was taken to Protection Officer social defense officer who filled up the Domestic Incident Report on 7<sup>th</sup> August 2013."

### **EXPERIENCE OF USING THE LAW**

Two months after the case was filed with the Protection Officer, Usha's case came up for hearing and till March 2014 when the researcher met her for the first time, 8 hearings had taken place. She recollected quite clearly that of these she went to the court each time, but the in-laws did not show up for 6 times and they presented their responses in the March hearing.

By January 2015 the final orders had been passed and the court had ordered that the buffalo should be handed over to Raksha and that the in-laws must also give a share of the house

and land to her. Ruksana from the CSO accompanied Raksha to get the buffalo from her in-law's house. They had expected acrimony but it went smoothly.

*Raksha says, "It took long for the order to come – but I am happy that my demands are met. It is because of the law that I have got justice. However, I am now hopeful that the case against my uncle –in-law will also come up and I should get justice."*

In fact Raksha states categorically, "There are many relatives who try to bring pressure on me to say that I should take back my complaint against the uncle if I want to go back to that family and claim my son's right. But I have decided that I am not going to let go – I have done nothing wrong. I want the case to come up on the 'board'."

This clearly indicates that having gained a positive outcome as a law user, Raksha is not only using technical legal language but is confident of using law and the court to secure justice in the criminal case as well.

#### **EXPERIENCES WITH POLICE AND JUDICIARY**

Raksha had already communicated that the police had not taken her complaint in the first instance. So the experience reinforced the notion that police are not helpful. On reminding her that, she nevertheless went on her own in the first place,

*Raksha says, "There was no other choice and yes I did have to gather courage to go the police station. And I realized that they were not willing to listen as I was a woman and had no support."*

On probing, how she felt about the hearings, she says,

*"Initially I was afraid about what will the judge ask me. But Ruksanaben and Seemaben would tell me to say the truth and say what has actually happened. After going there several times, I realized that there is nothing to fear. They are people just like us."*

*The judge asked me questions and I was able to answer them directly. This gave me the feeling that there is someone listening to me. I am hopeful that I will get justice."*

### **ECONOMIC IMPLICATIONS OF DOING THE CASE**

Raksha, says that her parents supported her and she continues to work in the parents fields and at the house to ensure that she is not a burden to the family. When she had approached the lawyers on her own she felt a setback as their fees were very high. "When I met Ruksanaben at the Police station, I was apprehensive that they too would ask for a huge et of fees. But they said, I would only have to pay for my own travel and that they would arrange for legal aid from the government. It was a relief and news to me that government can even provide lawyers free of cost."

The buffalo that her mother gifted her is now back with her and the income from that supports her child's needs. While her immediate needs are small, Raksha is concerned about the future of her son and his entitlements in his ancestral property from her in-laws. While the order has been passed that they have managed to get the buffalo, getting the land title she believes is going to be more challenging.

### **CHANGING SOCIAL RELATIONS**

Raksha says that she had a lot of pressure due to the "sata" system as whatever decision she took, it would impact the terms of her brother's relationship with her sister-in-law. This pressure works from both- sides, the in-laws as well as her natal home. In fact, she states, "Because I had come away and filed a case, they wanted to call off the marriage. It might still so happen. My brother is supportive and is not pressurizing me but the elders are. They worry he will not get a bride."

Raksha is back in her natal home and she says that She does not hesitate to go out and mingle with others during festive occasions. However, she fears for her brothers as she feels that the in-laws may hurt them.

***Thus it can be seen that when a woman does challenge patriarchal structures, there are multiple layers of outcomes – some which are liberating for the woman and some which create new burdens.***

Raksha is confident that in a few years time she will be able to go back and stay with the in-laws to claim her and her son's share. Her only worry is that the uncle in-law will still make sexual demands on her when she is walking to the fields or returning from them. And therefore wants that the legal proceedings will teach him a lesson.

## **SPECIFIC EXPERIENCE OF USING THE PWDVA**

Raksha is very clear that she did not know about the PWDVA act at all till she came to the Women's Support Cell. Even as the police did not take her complaint, they did not even mention that there is a law under which she can seek justice.

She says, "Now that this gharelu hinsa (domestic violence) law is there, it can help women like me to get justice. My in-laws are quite influential in the area and just their name was enough for the police to deny filing my complaint. But for filing the PWDVA case, I did not have to go to the police station, I went directly to the Protection Officer in Godhra and my case got registered."

Raksha expressed that during the filling up of the DIR the PO asked several questions which were all relevant to her problem. "I felt that there is something here which

## **ROLE OF THE CIVIL SOCIETY ORGANISATION**

The researcher asked Raksha in what way did she think the CSO was most helpful. Raksha quickly listed that they helped in ensuring that all the paperwork was in order. They would speak in her support and affirmed what she said during conversations with the PO and the opposing party.

*It is interesting to note the shift in terminology that Raksha uses when referring to the case. "opposing party" is a very technical legal term used in civil cases – ordinarily she would refer to them as "in-laws" (sasur, sasra, or sasariya in general).*

The researcher tried to get a more nuanced answer by challenging her and saying that she could have got help from lawyers to do the papers and so on. To that Raksha gave a pointed response, " Lawyers are hungry only for money – whatever fees I may have given them to do my work, the opposing party would have given more to weaken my case as they have a lot of money.

***"But the CSO did not take money from me and would not be bought by money.***

***I was also not clear about the rape case and getting respite from the daily harassment. But it was through the conversations with Ruksanaben and***

*Seema that I realized that I could use this new Act and through that take up both the issues."*

#### **WHAT IS EMPOWERMENT**

Raksha says, "I have become more courageous. People around here are a bit afraid of me – in the sense that they will not mess with me. They know that I know the laws, I have gone to court and secured a victory in my case. Some times they come to ask for guidance if some of their applications or issues are stuck at the block level"

To the question if he went to gram sabha meetings, "Raksha says, no one ever comes to this falia to inform us about when is the gram sabha."

This case illustrates that Raksha is not supported by any women's collective in the village and hence her experience of empowerment is within the individual sphere and does not get transferred to participation in public affairs of governance.

Name	Bhavya (Name Changed)
Age	28 (when she approached the NGO)
Education	5 <sup>th</sup> pass
Village	Shihor
Block	Shihor
District	Bhavnagar
Law	PWDVA
CSO	Mahila Swaraj Manch (MSM)

We could meet Bhavya only between 1.00 and 2.00 p.m. as she came home for lunch from her diamond polishing work. She lives on the outskirts of Shihor with her mother, brother and her 9 year old daughter. Their house is about 300 sq. ft with a small kitchen a verandah, a slightly larger sitting space and bigger room that had a cot, television and a refrigerator. In the open space outside the house a separate toilet and bathroom were built. A guvava tree and a *champa* tree grew on the border of the plot.

#### **HOW THE WOMAN DEFINED THAT SHE WANTED TO CHANGE HER CIRCUMSTANCES**

Bhavya was pregnant with her daughter within a year of her marriage. As she gave birth to a daughter, her in-laws did not come to see her on the delivery and did not send for her from her natal home for six months. Her sister-in-law came to fetch her but not her husband. Bhavya remembers, "I was hurt, but thought at least I will get to go to her home. People around my mother's house here had started asking questions if all was ok with my marriage."

"On reaching there I found that I was not really welcome. They would find fault with everything I did, " continued Bhavya. "If my daughter cried and I was cooking, I could not go and pick her up. They would start abusing me and say bad words."

Bhavya says that she first shared about this behavior with her sister-in-law, who was sympathetic. Her advice was to tolerate and bear it as all marriages have some problem or other. She also said that Rajput women can't do much to change this. Bhavya says, "But when they would beat me for no reason, I could bear it no longer. Yet I continued to live there for 4 years after my daughter was born."

*Bhavya was able to offer her own analysis to the researcher, It is an unfair world – it a "purush pradhan" society – patriarchal society.*

The researcher was surprised to hear these words from Bhavya and asked her where she heard these words.

***She gave a short laugh, and said. "I always knew this from my childhood – I observed that it was always made out to be the woman's fault in all cases."***

Here it can be seen that even as Bhavya continues to live in an abusive marital home, she is analyzing her own situation and making choices and decisions to stay on or not based on her analysis.

Bhavya says that her husband always believed his mother and together they would find fault for different actions of her and beat her. She did not want her daughter to grow up seeing this kind of abuse. For own dignity and for the future of her daughter Bhavya decided to seek help.

#### **ARRIVING AT DECISIVE POINT TO SEEK OUTSIDE HELP**

Bhavya was left at her mother's place when her daughter was 4 years old after an episode of violence and where she had spoken back at the husband and mother-in-law pointing out their fault.

No one came to pick her up for 2-3 years. She began working in a diamond polishing unit in Shihor to support herself and her daughter. All the beating she had taken had made her weak and would get bouts of chest constrictions. But she still continued to work. Her daughter was much happier to grow in a non violent home.

Neighbour suggested Bhavya's mother to approach the CSO Mahila Swaraj Manch and that is how they called up and took an appointment for her case.

#### **ASSERTION TO ACCESSING LAWS**

Bhavya remembers, that after listening to her case and her history, the 'sanstha women' sent a 'notice' to her husband on the address she gave and asked them to come for a joint meeting. Her husband, her mother-in-law and younger brother-in-law came for the

meeting. "They continued to find fault with me. My mother in law even got possessed and acted as if it was God's will that Bhavya should not be called back."

The CSO leader added, "We sat down her husband and reasoned with her that if he has got married and has a daughter then he must do his obligations and look after them nicely."

After much counseling, it was agreed that he would take Bhavya and their daughter back to their house and that there would be no violent episodes.

Bhavya continued, "But in a week's time, early in the morning there was a fight and he beat me again. I was so upset, I just wanted to die – but I called Miraben (name changed) of the the sanstha and told her that I want to die. She spoke nicely to me and told me to do nothing of that sort and that I should pick up my daughter and return to my mother's house."

It was after this incident that the CSO advised Bhavya to use the PWDVA law. In hind sight Bhavya says, she too agreed to use the law as her husband had challenged her that neither she nor her "sanstha women" will be able to do much to change the situation.

#### **EXPERIENCE OF USING THE LAW**

Bhavya recollects that about 2 years ago she went with the CSO appointed lawyer (also a Trustees of the CSO) to the court. She does not recollect meeting the Protection Officer and says that it was so long ago that she doesn't remember. She also does not know the term DIR but refers to it in general terms as 'complaint'.

Bhavya however does recollect that the relief she had asked for were ,

"to be able to live separately with her husband;

To have her husband pay for the education and living expenses for her daughter and

To never use violence with her."

Bhavya says that the court had fixed Rs. 2500 as the maintenance to be paid each month. But he never paid even once. So they had to go back to the court and report non payment. The court issues a warrant against him and got him arrested. He stayed in the jail for three month but did not agree to pay the maintenance.

### **APPROACHING THE CIVIL SOCIETY ORGANIZATION**

Bhavya says that, at time when few either believed or told her to accept her situation and carry on, the CSO women believe her and also supported her decision that she should not accept violence. She says, that when the episode of violence occurred after the mediation by the CSO, she was feeling completely hopeless and wanted to commit suicide. She recounted, "It was 8.00 a.m. in the morning when it had happened and I first called Miraben - She told me to stop thinking of giving up on life and asked me to take my daughter and bring her to Shihor."

On probing more about the role of CSO – Bhavya pointed that their biggest role was to give me strength by believing in me and by telling me that I do not deserve to be beaten – No non else did this. "It had an effect of rebuilding me from inside like a pump that fills air into the balloon."

**These words point to a very critical role that is played by counselors and social workers for women facing violence – to give the message of hope, respect for one’s own life and beliefs.**

### **EXPERIENCES WITH POLICE AND JUDICIARY**

As stated earlier, Bhavya has sketchy memory of the legal process. In fact, from her narration it emerged that she was expecting much more from the judiciary. She thought that she is the one who has had to deal with all the hardships of earning and supporting her daughter.

The researcher tried to point out that her husband did go to jail for three months and it will teach him a lesson. Miraben who was present at the time of the interview, pointed out that the family has left the house they were staying in due to the loss of respect when the police came to arrest him.

Bhavya reluctantly acknowledges these facts, but feels that having to explain to the world is rather burdensome.

### **ECONOMIC IMPLICATIONS OF DOING THE CASE**

Bhavya states that she did not have to pay anything to the lawyer of the CSO and infact they took care of her travel expenses as they knew of her condition.

But she has got no relief as asked for as per the PWDVA. She is concerned that as long as her younger brother is not married, it is ok for her to live in the same house, but when he gets married it would be better if she had a roof to call her own.

But her husband has just left the house and gone missing and no one is giving her the address. So she is still hoping to get money out of her husband to either support their daughter's education or get a house for them.

### **CHANGING SOCIAL RELATIONS**

Bhavya belongs to the Rajput community, where according to her, "Women are expected to stay in-doors and accept their fate." So she faces a lot of questions both at her work, in her family and her neighbourhood and feels harassed.

She acknowledges that her mother and brother have been most supportive. She says, she has not ime to socialize as her work at the diamond polishing unit is cumbersome and after coming home she is too tired. She prefers to spend time with her daughter. As the work in the unit is on a daily wage basis any absent days means loss of income.

Her health remains fragile due to all the physical abuse she has gone through – she gets severe headaches ever since her head was banged against the wall during one of the episodes of violence. And the stress causes chest constriction. She is unable to work those days and also has to spend on medicines.

Given her circumstances, she remains largely confined to her work and home.

### **SPECIFICAL EXPERIENCE WITH PWDVA**

Bhavya is able to see that only because of the law, she was able to show her husband that she is not a weak person. She used the law and got him arrested. She was able to take up his challenge that she would not be able to harm him in any way.

*She is able to see that the law gives strength to women like her who otherwise are told to suffer in silence. She says, "If all women knew that*

*there is a law like this then they would know that the laws have changed and women would stand up for themselves.”*

**However she is disappointed that there is no meaningful solution to her problem.**

This narrative points that while the PWDVA is a law that has come about after the demands of the women’s movement, it still has to deliver fully on its promise.

### **ROLE OF THE CIVIL SOCIETY ORGANISATION**

As discussed in the section above on ‘approaching the CSO’, their most critical role has been to give courage and hope to Bhavya. Through their arbitration and negotiation meetings they convey to the opposing party that they will stand up for Bhavya if they become violent.

They use their knowledge of the law to work out strategies of response. They stand out as conveyed by Bhavya as a voice that is in opposition to all around her and supports her.

### **WHAT IS EMPOWERMENT**

Bhavya smiles and says, she is not very educated to understand such big words as ‘sashkatikaran’. On probing and asking her to guess, she says tentatively, “It is to get justice and to lead a life free of tension.”

She truly may have never heard the term or registered it as relevant to her as she is not part of any regular women’s support group. The meaning she ascribes is reflective of what she desires for herself at this point of time in life.

### **INPUTS BY MSM**

After meeting Bhavya a short discussion was held with the MSM team to understand their role and take on how the case had turned out.

Miraben shared that, “We don’t get to meet hr often but after hearing her today, it felt that she is much better off right now than what we had seen when she first came in.”

Her colleague at MSM, states, “The lawyer and we took a considered decision that there was no point in trying to find the whereabouts of the husband as he was among those men who preferred to go to jail rather than give maintenance or stay peacefully with his wife. It

would have been a waste of time. There are other cases, where we use all our contacts to locate a husband if we are hopeful that some positive outcome is possible.

Name	Rimiben (Name Changed)
Age	30 (when she approached the NGO)
Education	NL
Village	Umari Kheda
Block	Degadh Baria
District	Dahod
Law	PWDVA
CSO	Devgadh Mahila Sangatan (DMS)

Rimiben is a small built wiry lady who stepped out home with her 6 month old son. She had asked us to meet her in Kalidungri which is her natal home and her marital home is in UmariKheda. Kali Dungri is about 20 kms from Devgadh Baria which is a block headquarters.

The researcher is accompanied by the President of the CSO – Devgadh Mahila Sangathan who was also involved in dealing with the case.

This was the most challenging interview as Rimiben’s style of speech delivery consisted of short burst of words and repetition of one phrase, “*shanti kari aapi*” to describe the support she received.

#### **HOW THE WOMAN DEFINED THAT SHE WANTED TO CHANGE HER CIRCUMSTANCES**

Rimiben was married 15 years ago. She narrates, “Things were quite good until I had three children. My oldest daughter is now 12 years old. He used to migrate out to Ahmedabad to work as a mason on centering jobs. Then he started an affair with this widow about 4-5 years ago. He started living with her and giving her money. What we gave me started becoming less and less.

“My in laws were all supporting me. They too asked him to stop seeing the other woman but he would not listen to any one.” According to Rimiben, he would then start abusing her and become violent.

### **ARRIVING AT DECISIVE POINT TO SEEK OUTSIDE HELP**

Rimiben shared that, things came to a head when he got the woman to the house. She was so angry that she took all the three children and came away to her natal home. In about two days time, Rimiben approached Guliben of the Sangathan to help her out. Guliben heard her out and asked her to come to the Sangathan office in Devgad Baria on a Monday.

When she went to the Nyay Samiti of the DMS, they heard her out and said they would first hold a '*panch*' (a sort of a court where both parties present their side and five (elders/wise women) in her marital home. But her husband did not show up.

The Nyay Samiti, gave one more chance for the husband to show up and held another panch, but in her natal home, so that Rimiben would not have to spend on her and her relatives travel. But her husband did not show up there either.

It was at that time that the Nyay Samiti said to all present that Rimiben had the option of filing the case under the new law PWDVA. However, Rimiben was unable to recollect the name of the law – she merely refers to it as "*kes karva ha paadi*" – agreed to do the case.

**The CSO follows this strategy of combining customary law of calling the village elders and the relatives and use of formal law as an effective way of supporting the woman. In this manner, Guliben explained that the villagers would learn about the laws and know that they have to change their old ways of ill treating women.**

### **ASSERTION TO ACCESSING LAWS**

Rimiben states that Guliben then took me to Dahod to register my case. She was unable to recall the name of the office, but knows that she was asked to narrate what kind of violence she was facing.

Rimiben says, that she did not have much support from her natal home as her parents were no more and her sister in law did not get along with her. So she could not stay there for too long.

Rimiben recollects that, Guliben and the other CSO leaders informed her about the option of staying in a women's shelter. She agreed and chose to stay in shelter in Dahod. She

mentioned that she did not want to stay in Devgadhi Baria as too many known people would come to visit her.

### **EXPERIENCE OF USING THE LAW**

Rimiben is unable to easily differentiate between the Court proceedings, the meeting with the Protection officer and her stay at the Shelter Homes. In her narration the phrase, "Shanti Kari aapi" keeps repeating.

**This repetitive use could be indicative of the stress she must have gone through and therefore "getting peace" was very critical to her.**

After much back and forth, it became clear that her husband appeared first in Dahod at the Protection Officer's office and said that he wanted to stay with Rimiben and that he would leave the other woman.

Rimiben says that it was due to the law and the CSO women that she was able to get "peace" in her marriage. But within a month it all started again and matters became worse.

So Rimiben says, "I called up Guliben once again and at the next court hearing once again she was referred to stay at the Women's Shelter. This time I left behind the older children and only took the youngest with me." Rimiben justifies her decision by saying, "How much could I manage on my own? He should also take care of his children."

After about 10 days, when the court hearing was scheduled, her husband came too. The researcher tried to probe and elicit response from Rimiben about the nature of questions she was asked, but she was unable to recollect coherently, except that when the Judge asked her questions, she told him everything.

To the researcher's question, on what did the Judge ask him, Rimiben replied, "He asked him what he wanted to do and he replied that he would keep Rimiben in peace."

"Since then" Rimiben shares, "that there has been peace in her life."

### **APPROACHING THE CIVIL SOCIETY ORGANIZATION**

Rimiben shares in different way that it was due to the CSO leaders that she has been able to have peace restored in her life.

*To the question who in her opinion was most effective in restoring peace in her life, Rimiben immediately says "the CSO leaders – They came to the village, they came to Dahod with me, they came to drop me at the women's shelter – it is because of them that my husband brought me back to the house."*

### **EXPERIENCES WITH POLICE AND JUDICIARY**

Rimiben states that, she had a positive experience with both the judiciary and the police station. She says, she was able to reply to all their questions and wherever she did not understand especially at the police station, the CSO team members would explain the question to her and she would be able to give her responses.

### **ECONOMIC IMPLICATIONS OF DOING THE CASE**

Rimiben states that she was very stressed over looking after her three children. She would work on the in laws farm along with her brothers in law and sisters in law to contribute their share of work.

She had to send her daughter out for work in other people's farms to support the family as her husband would not give them much money.

Rimiben recalls that when she went to the Nyay Samiti for the first time, they gave her Rs. 1000/- to buy food for herself and her children as she had left her house with nothing else in hand. Her brother and sister in law were hardly able to support their family and so she could expect them to feed four people.

Rimiben did not have to spend any money of her own simply because she did not have any money. The CSO took care of all her travel and food expenses when she had to appear in the court or meet the Protection Officer.

### **CHANGING SOCIAL RELATIONS**

Rimiben states that she always got support from everyone – all agreed that her husband was at fault – he can't leave a wife and three children and go after another woman. So according to Rimiben, she had the sympathies of all but they could not get him to change.

### **SPECIFICA USE OF PWDVA**

Rimiben was unable to clearly say anything in particular about the law or its provision – in her narration it was a composite whole – “a case that she took to the court.”

She has positive things to state about all the officials she met in the course and is in general very happy with their responses.

### **ROLE OF THE CIVIL SOCIETY ORGANISATION**

As stated earlier, Rimiben is ever so grateful to the CSO for taking up her case and ensuring that her husband no longer brings the woman to the house. Although, she knows that he still sees the other lady and gives her some of his income, she says, her husband is afraid of the CSO leaders.

### **WHAT IS EMPOWERMENT**

Rimiben is at a complete loss when she hears the word, “sashaktikaran” and with some back and forth about how would she describe the main change in her life, she says –“ it means to be able to live in peace”

### **INPUTS BY DMS- ANANDI**

The CSO president was quite surprised and disappointed that Rimiben was not as articulate as she had expected her to be. According to her at each and every stage the CSO leaders had to push with the officials, with the courts to get act in accordance with the new law.

For instance, she recollects that the Protection officer was not willing to make the recommendation that Rimiben should be put in the women's shelter. It took a lot of convincing before they could place her at the shelter home.

The villagers had given up on her husband, and it took all the convincing – using one on one meetings with the sarpanch and other powerful people.

Name	Ganga (Name Changed)
Age	35 (when she approached the NGO)
Education	NL
Village	Mota Dahinsara
Block	Maliya Miyana
District	Morbi
Law	PWDVA
CSO	Maliya Mahila Shakti Sangathan (MMSS)

Gangaben stays in a crumbling shed, which by no means could be called a house. It is about 8 ft long and about 4.5 ft in breadth. It has an asbestos roof and one wall is adjacent to her brother's house. Their house is about a kilometer away from the main village and is located amid their farm. She stays next to her brother's house.

Untill her daughter was married less than a year ago both of them lived in this 'home'. This was the place where she grew up. She lost her father very early and her mother raised Gangaben and her two brothers. Her mother was unable to send any of the children to school. The eldest son was married early and his wife did all the household work. When he died, his wife was asked to start living with the younger brother.

#### **HOW THE WOMAN DEFINED THAT SHE WANTED TO CHANGE HER CIRCUMSTANCES**

Gangaben narrates that she was still playing with her dolls when she was married and sent away to her in laws home. Her brother's wife and her mother did all the household work, she knew very little about managing a home.

She recollects that often there were fights about the quality of food and the way the clothes she washed remained dirty. She took the view that she would learn and things would be ok. Then she began hearing stories about her husband having an affair with another woman. She even asked him, but he denied it. The one day Gangaben was dusting the house and a photo of the woman fell out from behind the switchboard.

She asked her husband who she was, when he came back from work that evening. Her husband could not hide any longer and was very angry that Gangaben had found out. This woman was married, had a son and had come to live with her parents as she was going through a marital conflict.

Gangaben says, "I was very upset. At that time we were living amidst salt pans of Vavaniya. I was pregnant with my daughter. Although we had a huge argument, no one came to help sort things out. Verbal abuse turned to physical violence."

Gangaben reflects and says, "Over time I would have learnt to cook and wash, but how can I live with a man who is no longer mine."

In a little while, the husband found another woman and got married to her. Gangaben informed her mother and her brother and told them that she wanted to return home. They tried to sort matters out. But her husband insisted that he wanted to keep her as his wife.

The CSO leader shared the customary practice – Whoever wants a divorce has to pay up all the marriage expenses that the opposing party had incurred.

Gangaben acknowledges and says, "Yes that is why he kept saying he did not want a divorce. I was clear that I did not want to marry again and so I was not keen to make it an official divorce. I only asked my mother to allow me to stay with her and if she would look after my daughter when I went out to work."

#### **ARRIVING AT DECISIVE POINT TO SEEK OUTSIDE HELP**

Gangaben thus returned to her mother's village and lived there for about 20 years. She would do all sorts of labour work – farm labour, salt pan work, in sand mines to support herself and her daughter.

One of the CSO leader who lives in the same village – Hiruben (name changed) and Gangaben became friends when they went for wage work. Hiruben had started going for Nyay Samiti sessions as one of the committee members. She was also a member of the village level SHGs.

As Gangaben's daughter was approaching marriageable age, she asked Hiruben if there is some way by which she can get her husband to pick some of the costs of their daughter's wedding. Hiruben asked her to get her case registered at the Nyay Samiti.

#### **ASSERTION TO ACCESSING LAWS**

The MSM Nyay Samiti wrote a letter to her husband asking him to come for an arbitration session. He came with his second wife and Hiruben went on her own.

Gangaben put forward her demand that she wanted her husband to pick up the cost of the wedding. Her husband agreed on the condition that the wedding would take place in his village vavaniya and all the gift money (*chandlo*) that the guests would give would be his.

Gangaben narrated what she told her husband, "All these years I have worked hard to raise our daughter single handedly, Moreover, I have been to others weddings in my village and spent in giving gifts, how can I let go and let you have all the gift money that comes."

Hiruben added, "The second wife who had come along shared at the Nyay Samiti that she had no knowledge that her husband had married earlier and had a daughter. She felt cheated, but also said that they had four children and she could not see herself walking out of the marriage. She also added that they had no money to give for the wedding, but offered that they will build a separate room for her next to their house if she wanted to come and live there."

*Gangaben nodded and then turned to the researcher and stated, " Why would I want to go there after so many year? If I went there I would only be a servant no? I am his wedded wife not she."*

Gangaben is clearly asserting herself and her needs. From being a young child bride to having brought up her daughter on her own Gangaben has come a long way. But she was always clear about the fact that it was her right to expect that her husband would be loyal to her. When he broke that trust, she wanted nothing from the relationship until it was time for her daughter's wedding.

### **EXPERIENCE OF USING THE LAW**

The arbitration fell through and the Nyay Samiti members of the CSO suggested to Gangaben that she could file a case under the PWDVA to get what she wanted. Gangaben agreed but did not expect much.

She went along with the CSO leaders to Rajkot to get her case registered with the Protection Officer. But she does not recollect anything about the procedure that were done there.

She was called for a hearing at Maliya but her husband never showed up.

Gangaben explains that it was of no use, she knew her husband would not be able to give any money. Going to the court meant I would lose a days' wage of Rs. 100 and have to spend about that much to go to Maliya court.

**Thus Gangaben's case points out that she did not use the law in the formal sense.**

In fact Gangaben says, that her husband sent her threats through the owners of the salt farm where he worked. She shared this with Hiruben and so the CSO leaders thought of another strategy to support Gangaben.

### **APPROACHING THE CIVIL SOCIETY ORGANIZATION**

Hiruben recounted that, " At the Nyay Samiti meeting we discussed the situation among ourselves and thought that if her husband is using an influential person from his village, we need to make sure that Gangaben is supported in her own village. Why don't we take the case to the upcoming Gram Sabha where Gangaben must stand up and state her case and ask for support."

The researcher asked Gangaben whether she had ever been to the gram panchayat or gram sabha in her village. She replied in the negative.

But Gangaben was willing to go to the Gram Sabha and she shared what she had asked of her husband. "Those present", she says, "agreed with me as I was right!" .

*Hiruben added that, "I was there at the gram sabha too and took the opportunity to speak about the new PWDVA Act. We then asked the elders to*

*convey to the salt pan owner to back off and not interfere in the matter of a husband and wife as the matter has been taken to court."*

A couple of elders who knew the Salt pan owner spoke to him and since then there were no threats.

#### **EXPERIENCES WITH POLICE AND JUDICIARY**

Gangaben does not have anything significant to say about the judiciary as stated above. She never went to the police station.

#### **ECONOMIC IMPLICATIONS OF DOING THE CASE**

It was after many years, i.e. at the time of her daughter's marriage that Gangaben thought of getting economic help. After the first hearing of the Nyay Samiti it was clear that her husband was not going to give any money and that she would have to manage on her own.

*She also stopped going to the court and nothing was coming out of it and landed up losing her wages and spending money for the travel.*

Researcher asked her so how did she manage her daughter's wedding, she replied, "I sold the buffalo I had for Rs. 50,000/- and managed the expenses."

#### **CHANGING SOCIAL RELATIONS**

When the researcher probed how her relations had changed, Gangaben first stated that as they stayed away from the main village, there was only limited interaction.

On probing the gram sabha experience further, Gangaben accepted that she had never known who was the Sarpanch of her village. But now if she ever had to get any work done she would be able to go to the panchayat and get it done on her own.

#### **SPECIFIC EXPERIENCE OF USING PWDVA**

There are no provisions in the law and the machinery through which it is implemented to take care of the loss of wages and the travel expenses women have to bear to keep appearing for the case hearing. On the other hand the court does not have any means to make sure that the husband would appear.

### **ROLE OF THE CIVIL SOCIETY ORGANISATION**

Gangaben is not part of any SHG that the CSO has formed in the village, but it is through Hiruben the village and CSO leader, that Gangaben received different kinds of support.

Gangaben acknowledges that had it not been for Hiruben she would not have even asked for the wedding money from her husband.

### **WHAT IS EMPOWERMENT**

Gangaben has never heard the term and says, she is an illiterate laboring woman – she doesn't know such big words.

# SUBSTANTIVE DISCUSSION AND ANALYSIS ON PWDVA LAW USERS

**This section will analyse the findings under the four objectives of the study to draw conclusions for this specific law.**

- I. EXPLORE OUTCOMES OF INTERPLAY OF ASSERTION OF WOMEN'S RIGHTS , THE LEGAL PROVISIONS AND SUPPORT STRUCTURES OF THE STATE

## **From assertion to becoming a Law User**

Each of the cases are examples of assertion of what is acceptable to women in a marriage and what is not. However, none of them immediately thought of using a law. The consciousness of invoking a law did not exist. Heera is the only person whose parents went to a lawyer on the advice of community members. Here too the lawyer was seen as an expert and there was faith that he would do all that is necessary.

**It was only when the women came in touch with the CSO team members that they were explained about the laws and especially the PWDVA which they could use.**

If their friends and acquaintances face marital conflict, Sonal of Bhavnagar and Heera state that they speak about the law. **This is another form of being a law user – not just to secure justice for one's self but also to apply it to other situations.**

## **About the experience of using the Law**

Each of the law user knew the name of the law in short as "gharelu hinsa no kaydo" translates to "Law on Domestic Violence". They recalled that an order was passed which vindicated their claim that the husband and or the in laws were in the wrong and that it affirmed their claim to justice.

None of them were able to reply to the question on what "relief or protection" (*rahat or saurakshan*) did they ask for as part of the law. But when asked what was their "demand,"

(maang) they were able to clearly list out what they wanted be it “stopping of violence,” or “begin to live separately from the in-laws” or “restitution of conjugal rights” or be it “maintenance”.

The law uses a particular language which reflects the state approach and in this instance, it certainly seems that the state sees itself as being responsible for **providing relief and protection “to someone who is unable to secure it for herself”** and the state will apply the law to secure the same.

*However, the **women who are exercising agency** by becoming a law user, are actually “demanding” various things. In other words, **they are seeking what they think is fair and therefore also forms part of what they see as justice.***

### **Regarding experiences with police and judiciary**

Although strictly speaking there need not be any role of the police in the application of the PWDVA as it is a civil law and the women can directly approach the Protection Officer. The reality is that most women do not know about this law and hence they would approach the police station where the case gets recorded under Indian Penal Code 498 - A. Of the 7 cases only two women had experience of going to the police station. Raksha had a negative experience where they just did not take her complaint and she had to go to a lawyer to get her rape complaint filed. Komal reported a positive experience and attribute it to being accompanied by the lawyer appointed by the CSO or a CSO team member. It was the lawyer who had suggested that along with PWDVA, she must file a case under 498 A and hence they went with her.

Once again it needs to be noted the stereotypical images of police stations being unfriendly places for women to go, cultural norms about “good women do not go to police station” are actually deterring factors for women to seek help. **Yet when women do approach the police, it is an act of assertion and agency.**

Compared to the experiences with the police, all the law users have reported that the Judge gave a fair hearing, that the overall experience was positive. Yet, Gangaben states that she did not get justice as there were no final orders.

None of the law users were able to clearly recount the number of hearings or details of the case proceedings and they all pleaded either that it was a long time ago or that they were non literate and hence could not be expected to recall such details.

Only in the case of Komal did the judge give his interim and final orders within the stipulated time. But none of the law users knew or recollected that there are time restrictions for the judicial proceedings. Even with delay, final orders were issued in only four cases – of Senthliben, Raksha, Heera and Komal. In the other 3 cases, the parties had tried other mechanisms to arrive at a settlement or have left the court matter as it is too time consuming.

Overall, each of the law users stated that they had a positive experience with the judiciary. They had thought that it would be intimidating, but with the support of the CSO team members and their lawyers, they were able to be at ease and participate in the proceedings without fear or anxiety.

**It was a high point for the women that the judge spoke to them directly and asked them their views. This act itself was quite empowering, as each of the law user felt that someone powerful is even asking them to talk about what is otherwise considered as private and very 'un woman like', i.e. to speak about their marital problems.**

## II. EXPLORE NATURE OF CHANGES IN THE WOMAN'S RELATIONSHIPS WITH HER FAMILY MEMBERS, MEN AND WOMEN IN THE COMMUNITY AS THEY SEEK JUSTICE

### **Changing social relations**

Empowerment as discussed in chapters one and two is a concept that can take many meanings. One of the propositions of this study is that a measure of empowerment is that a woman who feel empowered in one arena will bring about changes in her relations with other members of family and the community.

The law users have indicated in different ways how they have become more confident in their dealing with other members. Senthliben has become so strong that she independently now goes to negotiate with Sarpanch of her own village and that of

neighbouring village to settle dispute related to her daughter's marriage. Hers is a dramatic transformation.

Heera has discovered a skill that she can manage people and not just teach in a school and hence has been moved up by the school management.

Komal states that she is able to assert herself with her mother in law and husband with much more confidence.

Bhavya's case is yet to reach a logical conclusion and hence in her case it is difficult to state how her relations have changed. But she does speak about now being able to speak up with her employer and co workers without fear.

Gangaben was able to complete her daughter's marriage ceremony on her own from identifying the groom to all the ceremonies without the help of her spouse.

All the cases prove that as women increase their assertion, they exercise their agency and in turn feel empowered when they believe that they have secured justice. The empowering feeling is not limited to only one sphere of their life but affects various social relations.

### **Economic Implications of Assertion**

Women make significant contributions to the economy and yet their contribution remains under valued and invisible. This in turn means that most often a woman has nothing but her physical labour through which she can support herself. Her right to a shelter is mediated through her relationships with male family members – father, brother, husband, son, father in law, brother in law etc. In these circumstances, if a woman has to assert herself, she has to first consider where will she stay if she is asked to leave the house or if she herself decided to walk out of the house.

While Heera, Bhavya, Sonal, Raksha, had the support of their natal families, Rimiben, Senthaliben and Gangaben did not have that kind of support. These three women had to take tough decisions – Senthaliben knew that only if she stayed in her marital home, she would be able to work on their farms and support herself and her three children. But that was exactly the place where her brother in law would threaten her with life.

It would be difficult to put an economic value to the risk Senthaliben was taking by going and staying in the same house. Or for that matter it would be difficult to calculate the value of the support provided by Mojliben who was able to build her confidence to go and stay in her own house.

Gangaben's home is a small shed of 7 ft by 4 ft, where one can barely stand erect. She has a cot to sleep on and a stove to cook food and one water pot. She has saved every penny that she could from her wage work and looking after the buffalo and selling milk. With this she raised her daughter single handedly and got her married. She had to sell her buffalo to do so. Gangaben was hopeful that there will be an order for the husband to give her maintenance or pick up the wedding costs of their daughter.

Such are the economic implications of poor women who stand up to say no to violence. Most of them had not tracked the amount they had spent on the case as the lawyers' fees were paid for by the CSO. Only Heera's family had paid the lawyer fees which amounted to Rs. 2 lakhs. The husband paid Rs. 3.5 lakhs as part of the settlement, so in effect she got only Rs. 1.5 lakhs. Heera states, that by the time the case reached this level, she was fed up and just wanted to be done with the entire matter. Thus even though she knew that the amount was hardly sufficient to support her or her son in any way, she agreed just so that the matter could come to a close.

While there are free legal aid services available – the cost of travel from their homes to the court, loss of wages can act as a deterrent to pursuing the cases for working class women. And when the court does not give any interim orders there is no motivation.

Some measures such as supporting the woman and her children through free ration till the case is going on can be thought of to support basic survival of women and her children.

### III. EXPLORE DIFFERENCES IN OUTCOMES WHEN A WOMAN IS PART OF A WOMEN'S COLLECTIVE OR SUPPORT GROUPS AND WHEN SHE SEEKS HELP AND GOES THROUGH THE JOURNEY ON HER OWN

## On the role of the civil society organization

Of these seven women, 4 are part of some form of village level or block level women's group and 3 were not part of a village level support group but came to use the services provided by the CSO. Of the 4 who are part of the women's support group, 3 are non literate where as all the three who are not part of any support group have completed 5<sup>th</sup>, 10<sup>th</sup> and 12<sup>th</sup> std respectively. This is indicative of the fact that the CSO's reach out to those women who are most vulnerable as defined by poor education and points to a general belief that women who are educated are strong women and can manage their lives without support. Thus the 3 educated women came only to seek help of the CSO to expedite matters for resolution or avail advice and support.

None of the law users of the PWDVA knew of the Act prior to approaching the CSO. In fact Heera's lawyer had only invoked the earlier section of criminal law – 498 A and section 125 for maintenance. In the case of Raksha's case too it was the clever strategizing by the CSO to take recourse to the PWDVA so that she get the economic relief and control of the livelihood assets that she had left behind. This strategy paid off and Raksha was able to gain get her buffalo back which is a source of income for her. This has also raised her hopes that she will be able to gain shelter rights. If she had only pursued the rape complaint the whole family would have turned against her. With this victory, she has also gained confidence and is waiting for the rape case to commence in the court.

Heera very clearly states that earlier, her father did all the leg work and talking to the police and the lawyer, but **once the CSO got involved the team members would prepare in advance and guide her to say the truth.** She even began to go to these offices and court on her own. She clearly attributes the confidence to the CSO guidance.

In the case of Gangaben, it was the CSO who suggested that she must go to the gram sabha and seek the larger body's support to bring peace to her married life. Here one can see that the **CSO is pushing the boundaries of what possible roles could institutions of democratic governance play to address domestic violence.** They has prepared Gangaben to share that while the case was going on in the court and she expects to get justice, and hence she appealed to the gram sabha and the Sarpanch to intervene to get speedy solution to her problem.

Based on what the law users stated and the CSO leaders stated, it is apparent that the **CSO's had to play a significant role in getting the law implemented as the government machinery was still falling into place even after 5-7 years of the law being passed.** For instance, the CSO was able to push for the Protection Officer to make home visits and to file their report in the court.

The CSOs have built a credible position for themselves by offering to support the work of the courts when it comes to delivering the summons. However, from a long term perspective and from the fact that in cases where no CSO is involved, the problem of who will deliver summons would still remain.

The biggest role of the CSO lies in interpreting the law and applying it to solve the domestic violence cases that come to them.

**The leaders of the CSO also use the provisions of the law while they are negotiating out of court settlements between the two parties.**

CSO representatives have also been invited to make presentations at state level forum of Ministers and senior Government officials with a view to suggest improvements in the implementation of the law.

There are multiple roles that CSO's play in securing justice for women through the use of PWDVA.

#### IV. EXAMINE HOW WOMEN LAW USERS EXPERIENCE CHANGES IN THEIR LIVES AND MORE SPECIFICALLY HOW THEY DEFINE JUSTICE AND EMPOWERMENT

##### **Point of Seeking Help**

Majority of the law users are in the age bracket of 21 to 35 years of age, which is an indication that young women are coming out to state that they will not tolerate domestic violence. Each of them stated that they first made efforts on their own to settle their differences, this was especially true for the cases filed against the husband. They first spoke to the husband then to the elder in-laws and then to their own family members.

It was usually episodes of severe physical abuse that led to the women taking the step of leaving their homes.

**Instead of interpreting this as escape or the response of a victim, these steps must be seen as exercising “agency”, especially because later on they went to the extent of using the law to seek justice.**

The case of Heera was different as she left the house when she realized that her mother in law and sister in law were engaged in sex work and she feared that she may be pushed into it as well. It was her sense of self esteem and dignity as described by Martha Nussbaum in her definition of **Bodily Integrity** as one of the Universal needs that Heera took the decisive step to protect herself and moved out. It also related to the first domain listed by John Snow Institute’s six domains of Empowerment i.e. **Sense of Self and Vision of Future** as she was trying to protect herself from a possible future situation of sexual abuse..

Senthaliben can be said to have initially gone away fearing for her life due to the threats of her brother in law, but was torn by the concern she felt for her children. Her sense of agency needs to be understood from the point when she says, “ I was afraid of what would happen to my children if I died too. Life for children without parents can be terrible.” She chooses to find support and can be said to be fulfilling Nussbaum’s universal need to “Life” such that she does not have to die prematurely and the need to “Emotions” which states, “Not having one’s emotional development blighted by overwhelming fear and anxiety, or by traumatic events of abuse or neglect.”

### **Decision to Improve one’s circumstances and seeking outside help**

As the years of democratic nation advance, there is a commensurate breaking down traditional forms of approval and sanction. The rule of law becomes an integral component of democracy has gained ascendancy. The belief that “family matters should not be taken outside the home” has considerably weakened. These law users mentioned that despite reaching out to the elders in the family or even in the community, there were no improvements. In some cases the husband or the in-laws just did not show up for any arbitration, or if they came they did not agree to sufficiently commit to change their ways. Thus it can be said that the reason these methods have become weakened is because once

again the women are asserting themselves and are clear about the terms of a married life. They have gone along with the decisions to an extent as did Bhavya of Shihor, but returned as soon as the violence and abuse resumed.

### **What is empowerment**

Empowerment for all the law users of the PWDVA act lies first and foremost in the fact that they decided that they had had enough. The law helped them to achieve their goal. **The significant point therefore is that in the first place there is a law, next that it is being used by those who face violence and that it is followed in spirit. Only when this process is complete then can it lead to empowering experiences.**

However, the term empowerment as it is used in gujarati language, “sashaktikaran” is a word that most law users are unfamiliar with. Those who are part of the CSO activities actually acknowledged that it was a word they had heard of. But they were able to ascribe a variety of meanings to it.

## **THE HINDU SUCCESSION ACT AMENDMENT - HSAA 2005**

The Hindu Succession Act 1956 covers inheritance and succession of property of Hindus, Sikhs, Buddhists and Jains comprising 83.6% of the Indian population was amended in 2005 to grant, among others, rights to women to inherit agricultural land of the parents and husband.

This amendment followed almost a decade after five southern states namely Maharashtra, Kerala, Andhra Pradesh, Karnataka and Tamil Nadu had amended their succession laws to allow women to inherit agricultural land subject to various conditionalities.

As the name of the law suggests, this act applies only to Hindu women. Although the adivasis or the indigenous community do not strictly follow Hindu religion, they have come to become assimilated into the dominant culture and over the years adopted several religious and other practices like festivals that are similar to the Hindu culture. It has been seen that they follow their own customary norms as well as norms that are learnt from the dominant cultures. In Gujarat, the adivasi customary norms are not as well codified as the tribal and ethnic groups of say North East India. Thus it is mix of laws and norms that mediate women's access to property in the tribal areas of Panchamahaals and Dahod.

It has been noticed that in many of documents issued by the state, the officials simply put Hindu against the religion column and thus it has come to be that the Hindu Succession Amendment Act (HSAA) 2005 would apply to adivasi women.

In this section in all four cases have been presented of which three are Hindu women and one is an adivasi woman. In only one case the woman has been able to complete the procedure of transferring the property from her natal family in her name, All the other women are still to complete the process.

The narrative follows very different patterns as each of the cases were different and brings out the complexities involved in actually ensuring land rights for women

Name	Railiben Bariya (Name Changed)
Age	44 (when she approached the NGO)
Education	Non Literate
Village	Kansatiya
Block	Devgadh Baria
District	Dahod
Law	HSAA
CSO	Devgadh Mahila Sangathan (DMS)

Railiben has been married for around 20 years now. She has five children, the eldest son is 18 years and the youngest daughter is 9 years old. She looks thin but not frail and her eyes are bright that convey a strength which belies her small build.

She was very young when the house in Ankali village where she grew up, went up in flames. She was told that her father got drunk and in his drunken state set his house on fire. Her mother, her younger brother and she barely escaped with their lives. Railiben's mother was asked to leave the house by her husband Ramsing (Railiben's father) as he thought that she got him arrested. She went away taking her son with her. Railiben was raised by her relatives and was married at the appropriate age. She came to live in Kasantiya village. However, she was concerned about her father's land and tried various means to find out about the land even as a young bride.

Railiben used to miss her home and worried for her brother. She wanted to have place that she could go to as her maternal home. This case tells the story of a woman who began seeking land ownership and control for her brother – but with the new laws realized her own right and gained control over her father's land.

### **Details of Land that Railiben could claim**

Railiben is a non tribal belonging to the Baria – OBC (Other Backward Classes) community. Her father owned two land pieces one in Ankali and one in Khandaniya village which were not adjacent to each other. The size of the Ankali land is a little over 3 acres (3 acres and and

2.6 gunthas where 40 gunthas is equal to 1 acre) and the other piece is 3.63 acres. Railiben's house was on the larger piece of land and that land also had several large fruit bearing trees – such as neem, jambu, pomegranate and so on. This land was her ancestral land. And the smaller piece of land was acquired by her father.

### **On ownership and Actual Control over land**

Railiben's father Ramsing got into the habit of drinking quite early. Railiben who has now been with the sangathan for a long time says, "It is not just the fault of the person. Often there are vested interests in the village who egg men to keep drinking even if they don't have money – so that they can lend money for alcohol and in return get them to mortgage their land or other valuables. As the person gets addicted they are unable to work or earn enough to ever pay back the amount and that is how they lose their silver or animals or even land."

Railiben then reveals that, "My father got into drinking and used to hang out with the Sarpanch. One night he came home quite late after drinking. My brother and I were sleeping with our mother and suddenly we woke up and saw fire all around us. We all escaped somehow from the house and saw it burn down as it was not possible to douse the fire." Railiben was young but she remembers that the next day the police came and took her father away. But now Railiben knows that it was the Sarpanch who had intimidated the police. He had reported that Ramsing in his drunken stupor set his own house to fire and that it would cause harm to other houses as well.

The sarpanch spread false stories and conveyed things that had actually never happened. Railiben shares that the Sarpanch told Ramsing that it was her mother who filed a complaint against him and got him arrested and thus caused her to leave the village. Railiben says, "The Sarpanch had actually stolen the property papers from the house before it was set on fire by him. He then went to my father who was in custody with some documents and told him that in order to arrange for his bail, he would have to mortgage his land. However, he took his thumb impression not on mortgage papers but on a sales document."

Railiben explains, that my father spent his time in drinking and never paid attention to these matters at that time and trusted the Sarpanch. He never verified the amount written in the document, nor did he know if it was a mortgage document or if it was land sale document. For many years Ramsing was under the impression that as he was unable to pay up the mortgage amount the Sarpanch had taken possession of the land.

Railiben shared that her father then went away to work in Anand and hardly came to his village. Over the years Railiben got to know some tit bits of information that all was not clean and clear about her father's land.

### **Efforts Prior to CSO engagement**

Railiben though illiterate continued to make efforts to find out the status of her father's land. Railiben says after marriage, she went to men who she thought were knowledgeable about official matters, but she says, "They took money and did nothing – to one she gave Rs. 3000/- and to the other – son of a respected teacher in the area Rs. 2500/-". She says she had to rely on these men as she used to shudder at the thought of going to the Panchayat office and speak to the men sitting on chairs.

But she was determined to find out what happened to the land. Railiben states that once she had been called to the block headquarters in the morning, when she was pregnant. She had eaten the previous evening and she left early in the morning and returned late in the evening when it was dark. So for 24 hours, she says, she did not eat anything. Her in-laws did not appreciate that she spent so much energy in trying to chase land in her maternal village. So Railiben says, "I had to be very mindful of the time and money I spent."

This narration of Railiben tells us that for Railiben, the difference is not just the information of the law that changed. What changed for her was the fact that these kinds of hardships – physical and monetary changed when she became more engaged with the CSO – Devgadhi Mahila Sangathan.

## Role of the CSO – Devgadh Mahila Sangathan

Railiben shares that soon after marriage, her neighbor Kesliben would come to visit her house and share about what she is learning through the sangathan. “Then she started holding meetings in the villages and I started attending the meetings.

*In these meetings, they told us that men and women are equal, about new laws and schemes and what we should do to get them. We learnt that we should not be giving money to get our benefits.”* Railiben says to further explain how her ability to pursue the land case developed. She says, *“If we know the law, and have the right information, then no one can fool us and we can do much on our own.”* It needs to be noted that Railiben is illiterate, but the CSO seems to have instilled the confidence that with correct information much can be achieved.

To the specific question about what and where did she learn about women and landownership, Railiben states,

*“I started going to meetings outside the village and there many other women share their experiences, sometimes women came from outside and taught us new things. I have attended rallies and big meetings ”.*

Kesliben the Sangathan leader who joined the discussion, names the events in which she says over 300 – 400 women participated and senior government officials from districts and some times the local MLA’s or MP’s were also invited. She explains,

*“These events where so many women come together provide an opportunity for women like us to speak up about our problems and the ‘big people’ give their responses.”*

Railiben says, “ Slowly, I gained confidence in going to government offices and I no longer shivered.

*The last time I had gone to the Collector’s office in Dahod, I sat on the chair and shared my case details.”*

**Railiben is proud to state the fact of “being able to sit on a chair” which is seen as a symbol of power and higher status. Railiben’s house has no chair like most families in her village. The chair therefore is seen as part of an ‘official apparatus’ usually seen in the panchayat office which is the ‘nearest seat of power’ for most villagers. Traditionally, men and those belonging to the so called ‘higher caste’ sit on cots and chairs where as women and those belonging to the so called ‘lower castes’ sit on the floor. In this cultural context, Railiben’s sentence, about sitting on the chair in front of the Collector, gains significance as her expression of empowerment.**

The researcher still probed, and asked, “You were in any case a strong lady who went to several people and offices before as well. What changed by being part of the Sangathan.”

Railiben says, “I was dependent on others earlier, I did not do anything else other than tracing the records of our land. I was duped of so much money because I did not know anything.

*But by joining the sangathan I gained knowledge and confidence.*

I became more sure about what I was doing – that it something right and I also learnt how to go about doing it.”

About three years ago, Railiben says that she decided to formally approach the Sangathan to seek support to secure ownership rights. The researcher asked Railiben, what made her approach the Sangathan after these many years and what is the meaning of formally approaching the Sangathan. Railiben explains that, “As such Kesliben her neighbor was a strong leader of DMS, but the Sangathan has a formal system called the Nyay Samiti which meets on fixed days in their office in Devgadhi Baria; all those who have a grievance present their cases to the Nyay Samiti. So while Kesliben knows the case she cannot take independent action or offer guidance as a Sangathan leader without following their Sangathan norms.” So, Railiben continues, “I had to go to Devgadhi Baria and present my case and give a written application to seek help to the Nyay Samiti and I also told the sangathan that if they would help me get control over the land then she was willing to donate some part of her land to build a Sangathan office.”

## **Towards asserting her claim as Daughter**

The question that the researcher posed to Railiben was, "What made you go to the Sangathan after so many years?" Railiben's reply to the above question was, "Earlier, I was only concerned about my brother, since a couple of meetings, the sangathan leaders were telling all of us about the daughter's right to land ownership. There was a law that allowed for daughters to have land ownership. So I realized that all this while, I was only thinking of my brother getting the land, but now with the new law, I could also get a piece of the land."

Leaders of DMS who comprise the Nyay Samiti (Justice Committee) heard her case and asked her to put together all the documents she had thus far. They looked at the documents such as the 7/12 which gives the status of the current ownership and gives an indication to the revenue department about the amount of tax it has to collect. The Samiti also looked at the 6-A records which gives a historical record of ownership of the land.

According to Guliben, Nyay Samiti member and President of DMS these records indicated that in 1994 the year when the house was burned down, the Sarpanch had indeed forged documents and got the land transferred to his name using his influence. The Sarpanch was now dead and the land was in the control of his nephew. Together they had cut down most of the fruit bearing trees and sold the wood which Railiben says must be of a minimum value of Rs. 2,00,000/- . The nephew has built a two storeyed house and is living there.

Railiben then shared that she got in touch with her mother, brother and her father regarding the whole situation. Between them they were able to pull out more documents, which Railiben also showed the researcher – one of these documents was the sale deed. The document was in tatters, but it clearly had the names and the amount was clearly legible. When the researcher read the document and said aloud 'Rs. 12,000/- has been paid by the Sarpanch – Khandubhai to Ramsing, Railiben retorts – "Not a single penny has been paid and this amount is nothing compared to the actual value of the land."

## **Access to Land Ownership and Violence**

Railiben, states, "Now my parents and brother realize that the Sarpanch has wrongly snatched away our land and he told lies to my mother about my father and said completely false stories about my mother to my father. This way our family broke up and he isolated

my father. My father said that he remembers being called to go to the Mamlatdar's office to sign some papers about the land and when my father said he would like to bring along his own witness, the Sarpanch beat him up and said that he should do only as much as he was told." Railiben points out that in the document there are only witnesses that are known to the Sarpanch – no one who is from our family's side. Railiben has obviously got the documents read and registered the critical details about the document. Railiben says, that all along her father was told that a lot of money was required to bail him out and it was in that connection his signatures were required at various places and on various documents. Railiben points out that no money was given at all, not even the paltry sum mentioned in the sale document; she knows that the market price of that land is much higher than Rs. 12,000/-

The land has clearly been acquired using fraudulent means.

Railiben states that even the other piece of land in the Ankali village that they owned was in the control of other villagers. When she and her brother went to take control of their own land, they were beaten up – Railiben gestures to her hands and says, " They used rods to hit on our hands and they were swollen this big." But this did not deter Railiben, she called upon the Nyay Samiti members. They decided to hold an arbitration meeting in the Ankali village and invited the leaders of that village to remain present, besides those who had beaten up Railiben.

As per the Nyay Samiti process, Kesliben explained that first Railiben was asked put forward her complain. Kesliben says, "She said everything that had happened with her and her brother. The other villagers present agreed with Railiben that her father's land had been illegally occupied and that she must have access and control over it." The researcher then asked, "What happened next? What was the decision?" Kesliben explains, "If it were a village panch, the men would have taken a fine from the person at fault; but our Sangathan Nyay Samiti is not interested in the fine amount, they are more concerned with a written document that mentions the terms and is signed by both parties and witnesses. In this case, the opponents agreed that they will stop tilling the land and that they will not hurt Railiben or her family if they come to work on it. It was all written down."

*Railiben says with a smile, " Just a few days ago I had gone to our farm in Ankali village and completed the sowing of maize for the season. Last year too I was able to take a good crop."*

## **Customary Laws and Formal Laws for Women's Access to Land**

Railiben's case brings out that there are two kinds of land pieces that her father had – one which was her ancestral land which was illegally transferred by the Sarpanch and was now under the control of his nephew; and the other which was being tilled by others but the papers were still in the name of her father Ramsing.

In order to understand why the villagers agreed to let Railiben have access to her father's land, the researcher sought to triangulate the matter with ANANDI team members who were guiding the process. Neeta and Sejal explained that as per the customary laws among the tribal people – a daughter can have access to the land of her father till she is alive, but she cannot pass it on to her children. However, it is interesting to note that Railiben is not a tribal but belongs to the OBC community. Here one can see the process of 'assimilation' as defined in sociology where in communities living in close proximity begin to adopt each others customs.

On speaking to the Nyay Samiti to understand their specific views on the issue of customary and formal laws the researcher found they had a nuanced and clear understanding of how to tackle the matter. When the Nyay Samiti called for a panch, some villagers were tribal and some non tribal. The Nyay Samiti leaders were addressing the claim made by Railiben that she was beaten up while seeking to till her father's land. Hence there were two matters that had to be addressed – the fact that she was beaten up and that those who beat her up had to leave the control of the land. When speaking to the Nyay Samiti leaders, about this case, they elaborated that the point of violence was not justified in any circumstances – if opposing people wanted to stake claim – they ought to have called the village elders or the panchayat to settle the matter through discussion and not through violence and still if they wanted they should have gone to the court to establish their right.

*Guliben then explains, " We members of Devgad Mahila Sangathan know that Railiben is not a tribal, but there is a law now that provides for a*

*daughter's right over her father's land. Moreover, Railiben has been the one to run here and there to so many offices to find out about her father's land, secondly, we believe that daughters and sons are equal and so both of them must have equal share whether they are tribals or not."*

**Thus it was possible in the Ankali land that Railiben was able to stake claim to it and has gained access to it for farming through a combination of using customary laws and the formal laws.**

In the case of the Khandaniya village where the Sarpanch and now his nephew have forged documents, the Nyay Samiti had reached a roadblock. They had got the records that indicated the land was in the name of the Sarpanch and his nephew. They guided her to make representation to the Mamlatdar and the Collector, who agreed to look into the matter, but nothing much was happening. The Nyay Samiti leaders were invited for training organized by the secretariat of the Network – Working Group on Women's Land Ownership where the an expert explained various legal aspects of land ownership. One of the members of Nyay Samiti – Ramilaben shared, " I used to think that as Nyay Samiti, we could do nothing more for Railiben as the case was very old and there were several complications. However, after we went for the training, we realized that we need not rely on the revenue courts, but need to approach the Civil Court to settle the ownership matter. ANANDI team members and the Nyay Samiti members both decided to also ask Railiben to join the training.

At the end of the training Railiben was convinced that the matter of Khandaniya village will not be solved by mere application, but will have to go to court.

Through this case, several points became evident to the researcher,

- Railiben was a determined woman who wanted to secure land rights first for her brother and then for herself.
- The Nyay Samiti used a combination of feminist principles, customary law practice and formal laws to help secure land ownership for women.
- For a rural woman to secure land rights in her ancestral property, can mean that she is likely to have to fight for her own father's land ownership against fraudulent, rich

villagers who try to usurp land from non literate people. Although the 2005 amendment to the Hindu Succession Act allows coparcenary rights to a daughter, there are other land related disputes that first need to be sorted out to claim its benefits, as land is a highly contested and valuable asset.

## **On the Meaning of Empowerment and Justice**

In several sections above, Railiben has indicated how she became more empowered with information about laws and procedures, with the knowledge that men and women are equal and with the support that came from being part of collective gatherings and events. The researcher therefore asked Railiben to share what in her mind was the meaning of empowerment and justice

On hearing the gujarati word for empowerment - "*sashaktikaran*" Railiben tries to say it after the researcher and gets all knotted up trying to utter the word and then the researcher and Railiben broke out into laughter. She then said, "These are big words, I am non literate, I cant know the meanings of such words." The researcher asked her if she has ever heard it anywhere? She tried to think and then nodded her head and once again referred to her non literate status and that she cant remember so much. In line with participatory and the ethnomethodological approach adopted for the study wherein the researcher does not create an evaluative atmosphere, she explained to Railiben that the changes she has described are all instances of being empowered.

So the researcher moved on the word – Justice – and asked Railiben what did that word mean to her. To this she was quick to respond, " If Ramsing did not have any children, then one can understand that someone took away his land, - but here we are both alive and how can someone just take away what belongs to my ancestors – our family has deep ties with that land. And he used deception to take away this land – to get this land back is justice." This response points to a clear understanding of fairness as linked to justice.

## **Current Status**

Finding cases of women who stake claim in ancestral land under the new amendment has been a challenge and this case was taken up as Railiben has staked claim and it offers a glimpse of what women from marginalized communities have to experience in order to access a law that ensures equality for daughters.

At the time of submitting the thesis, the Collector has written a formal letter to the Mamlatdar seeking an update on the case and directions to expedite the matter. Railiben has been approached by the nephew through some common contacts that he is willing to settle the matter outside the formal system. Railiben's father, mother and brother have all come together now to secure their rights. Her father has agreed to give half of the land he owns to her and half to his son.

Name	Ranjan (Name Changed)
Age	28 (when she met the researcher)
Education	7 <sup>h</sup> pass
Village	
Block	Sanand
District	Ahmedabad
Law	HSAA
CSO	Sanand Mahila Sangathan (DMS)

Ranjanben (Name changed) is partially disabled and she can move with the help of a quadripod. She had just finished milking her buffaloes when we reached her home. She moves confidently and offers us water and then settles down in a chair. Her mother Kiranben (name changed) was the second wife of Navneetbhai (Name changed), who had two son's from his earlier wife. Kiranben and Naveentbhai had two daughter Ranjan and her sister. Ranjanben was disabled since a young age. Today her mother is no more, but she lives with her husband and earn out the land that she got from her mother.

### **On ownership and Actual Control over land**

Ranjanben states that her mother was a far sighted woman. She was able to see that in order to make sure that her daughter who was disabled was well settled, she need to economically secure her. Ranjanben says, "Though I was reluctant to go to school as the children would tease me and I could not participate in any games, my mother used all means to make me study till the 7<sup>th</sup>. She explained, that they had a school in their own village till the 7<sup>th</sup>. After that she would have to travel about 10 kms to attend 8<sup>th</sup> std.

To the question of how did she come to have land in her name, she narrated, "When I was 18 years old, my mother wanted to make sure that I should get a good match. She had known of many cases where girls with disabilities are abused or many are sent back, or some are married to much older men. My mother spoke to my father and suggested that she would like to give land to her daughter and announce it before looking out for a match. My father agreed and so it was decided to transfer my share of the land."

In order to confirm if this was after the passing of the HSA, the researcher asked if she knew how her mother had come to know of the act. Ranjanben states, "I came to know much later about the Act, perhaps my mother already knew about women's right to land. She had actually also put a claim for her share with her brothers – my Mama in her natal home." The researcher calculated along with Ranjanben and it emerged that it would be just about 18 years old in 2005-2006.

Ranjanben says, "My parents announced their plan to put land in my name and when the proposal from my husband came, it was accepted. Girish (name changed) used to study with me and so we kind of knew each other."

Ranjanben then explained that Girish lived in the neighbouring village and so her parents put the land close to that village in her name. The researcher asked Ranjan if she knew of any resistance or delay from the government officials as what her mother was about to do was unusual. Ranjanben replied that she was 80% sure that there was no difficulty, as she had left for her in laws place when the procedure was done.

Trouble started soon after marriage when my father – in-law wanted me to transfer this land in my husband's name.

Ranjanben states, "I realized at that time what a wise decision my mother had taken. And I so I refused."

### **Efforts Prior to CSO engagement**

Ranjanben recounted how she told her mother about the pressure she was facing from her father –in-law. She then called for my husband and explained her point of view and why she wanted me to be secure with land ownership. Girish was able to see the logic, however, he was unable to put it across to his father.

The pressure, Ranjanben says, continued and when her daughter was 3 years old a big fight broke out.

*"My father – in – law had run up a debt and wanted me to put my land for mortgage. When I refused, my in – laws started verbally abusing me and my*

*family. I was very angry and just took my daughter and our clothes and came away to my mother's place."*

### **Towards asserting her claim as Land owner**

For three years Ranjanben stayed with her mother and helped out in whatever way she could with the household work and learnt to manage the care and milking process of the buffaloes. While her mother was supportive of the stand taken by Ranjanben, her father was asking her to give in and not be stubborn about it and he reasoned that her husband Girish was a nice man. Ranjanben's eyes become moist as she reminisces and misses her mother.

Then Ranjanben narrated that her husband came to fetch her on the pretext that she was needed for a family function where all the daughters –in – law had to perform some ritual.

*She then told her husband to first clarify if her family would still force her on the land issue.*

**Here in this narration one can see that getting land as a daughter was smooth with no hurdles from the government or from the family as the parents had decided. But the daughter needed to become a "law user" when her in-laws sought to take away the land. She had to assert her ownership as a daughter and as a woman in the face of patriarchal norms which assumed land ownership to be a male bastion.**

Ranjanben shared that due to the community pressure her mother agreed for a common meeting where my in laws came as well as some elders from both villages.

### **Customary Laws and Formal Laws for Women's Access to Land**

In that meeting Ranjan recalls that most of the men and even women were on one side and she and her mother on one side. To find out what were the nature of arguments, the researcher asked her if she recollected what was said. The event must have been very significant for 20 -21 year old Ranjan of that time as she remembered the words very clearly.

She said, "The sarpanch of that village said, 'We can understand that you put the land in your daughter's name to get a god match. So now that your objective is fulfilled, you have married her into this fine family, that land must go to her husband. It is his duty to look after her.'

"To that my mother replied, 'If the family is honorable, there should be no reason to doubt that the land will go anywhere. My daughter is living with you, let she and her husband earn out of it and live together. There is no need to transfer the land. I have given her the land"

*On hearing her mother assert in this manner, Ranjanben recounts that she too became confident and said to everyone present, "I will not marry any one else. This land will be like my provider, I will work on it and feed my daughter and myself."*

The people went back and after a few days, her husband returned to say that he would start staying separately with Ranjanben and work on her land with her.

### **Meaning of Empowerment and Justice**

The researcher asked her if she had heard about the law that gave equal rights to women in her parents property. Ranjanben, smiles and stated that she had not heard about the law when her mother took the decision. But later, when she went for the CSO meetings, she heard some government officials and women from Ahmedabad say that there was a new law.

When Ranjanben stated this it became clear here was an instance of Ranjanben who had got a share of her parents land because her mother had understood the spirit behind the law.

In this light, the researcher asked her to narrate, how she felt about being a land owners and being a woman.

Ranjanben says, " When I was young I did not understand fully the significance of what my mother was doing. My father went along with what my mother said, maybe just to please her. And so when my in-laws asked me to transfer the land on my husband's name – he too thought it was the right thing to do."

She continued, “ It became more and more clear that their problem wasn’t with me being disabled and that I could manage the land, but more that I was a woman and need not be a land owner.

*“Slowly, I began seeing what was happening around, women were being ill treated because they did not have any independent source of income. My mother was wise, she had even asked for her share from her brothers. It gave her confidence and respect.”*

To the specific question about what is empowerment and justice, Ranjanben stated,

*“The way I became stronger, with the knowledge that though I was disabled but could lead a life on my own if I had land, empowerment is about becoming more and more confident and being able to lead a life of dignity.”*

### **Current Status**

Ranjanben and her husband have continued the work on the land and bought a few buffaloes to help augment their income.

Name	Ramiben (Name Changed) and Bhanuben (Name changed)
Age	51 (when she approached the NGO)
Education	7 <sup>h</sup> pass
Village	Kansatiya
Block	Devgadh Baria
District	Dahod
Law	HSAA
CSO	Devgadh Mahila Sangathan (DMS)

Ramiben's house is among the green, rolling hills of Kansatiya village and as it was monsoon it made for a serene pretty picture which was in complete contrast with the violence that the researcher learnt about that day.

The researcher was accompanied by the CSO leader of ANANDI and the local leader of that village, Kesliben. Ramiben's husband had gone to Devgadh Baria to purchase fertilizer and Ramiben was expecting the researcher and had taken the first half off from her farm work.

Her house was small, walls made of twigs and cow dung and roof of traditional tiles. Two goats were tied nearby. She laid her cot (*charpai*), for the visitors sit on and she herself sat down. In order to reduce the outsider, urban divide, the researcher too sat down. After a while Ramiben's mother Bhanuben too joins.

### **A case within a Case**

Ramiben's case was selected as it was known that her mother had got her married with the condition that her husband would come and live with them as '*ghar jamai*' – the term when the son in law moves in with his wife's parents. Kesliben explained that it was customary practice if a family especially a female headed family needed to have additional hands to work the farms, to negotiate at the time of the marriage itself, for the husband to live with his in laws. Whether the land is actually transferred to the daughter's name or on the husband's or to the grand children varies depending on the relationships developed.

This case was selected to explore how a progressive and rational customary practice that allowed a daughter to have access to the land worked with the new HSAA. What emerged

from this case was perhaps extra ordinary, but it showed how a complex set of factors – rape, alcohol, money lending, can lead to dispossession of land for women.

A whole sordid story of the challenges that her mother has been facing in even trying to retain control of her land unfolded as she narrated the experience.

Ramiben's mother Bhanuben is a widow and got her name added as the legal inheritor for all the land her husband used to own. Bhanuben has two daughters and one son. She had decided to give land to her daughters as well as her sons. Her son and Ramiben live close by. Her second daughter lives in a town that is 50 kms away.

### **Actual Control over Land**

Ramiben gets to till 5 *vighas* (2.5 vighas is 1 acre) of the public wasteland that was converted to cultivable land and bought by her father. This land however is yet to be officially regularized as cultivable land.

In all her mother owns 14.75 vighas of land, which is nearly six acres of land. This would make her slightly above the marginal farmer category. Ramiben already had access to nearly one third of her mother's land.

As the second daughter is not living in the same village it was upto Bhanuben and her son to cultivate the rest of the land. However, Ramiben's brother turned out to be a alcoholic and offered little help. Fed up with his alcoholic ways, his wife left him leaving behind 2 daughters and 2 sons. Bhanuben brought his children up.

The eldest grandson also got addicted to alcohol and was violent towards his grandmother and his two sisters. The older sister and Bhanuben's grand daughter migrates out for work with her extended family members. The younger sister was sent off to another relative's home where she attends school.

### **Land in hand but not enough working hands**

Ramiben was trying to point out that, her mother had no help – for the household chores – from fetching water to cultivating the land as there was no other female adult or child to share any of the work Ramiben stated, " I try and do as much as I can, but I have my own

house and land to attend to. My mother is nearly 70 years old. If she does not sow anything then she would have nothing to eat." She goes on to explain, "But farming is not something that can be done single handed, there are so many things to do, how can my mother manage on her own."

This points out that in spite of owning a considerable amount of land, Bhanuben did not have enough laboring hands to produce enough food grain for self-consumption. Ramiben shared that, "previous year she had migrated to another village for agricultural labour. Instead of cash, she brought home food grain."

Bhanuben who was quiet till then added "Not just that, he goes and mortgages my land to get money to buy alcohol. Not only is he useless in farming, he is bent on losing what little land that is left."

### **Dispossession of land due to Alcohol**

Bhanuben continued, " When I came back with this food grain, my grandson sold the food grain first and then the bullock for alcohol without asking me. The bullock, whose value was close to Rs. 20000 was sold for Rs. 5000!"

Though Bhanuben was old and frail, she did not just accept the situation and she chased down the man who bought the bullock from her grandson. She returned his 5000 rupees to him and brought it back. Bhanuben also shared, "Earlier my son had mortgaged my land for Rs.6000 to pay for *his* alcohol habit."

Ramiben looks at Kesliben and says, "Don't we all know that, my cousins and some of the 'big people' in the village have got my brother and my nephew to become addicted to alcohol. They all get together and sit and drink around."

The researcher pointed that it was illegal in Gujarat to drink or sell alcohol, and Ramiben responded, "If only it was true, here as much as alcohol you want is available. These people have connections with the suppliers and get people to start drinking. And it is they who will suggest that the person who cannot afford to drink must either sell their assets or mortgage their land. Invariably the big people offer money and just announce that the land

has been taken.” Kesliben says, “This is true, we see this all the time in the Nyay Samiti cases.”

### **Rape and further dispossession**

To the question of the researcher about the procedure for getting such land back, Ramiben simply said, “There is no procedure, we were lucky to get support from the Sangathan, otherwise after what happened to my mother, there was no guarantee that we would have been able to retain the land.”

To probe further, the researcher asked if she would share what had happened. Ramiben looked at her mother to seek her permission and Bhanuben nodded to give her permission.

Ramiben then narrated the incident, “ My nephew had eloped with a girl and brought her home. As the girl's parents came to know of it they demanded Rs. 20,000 as ‘*daavo*’ to solemnize the marriage. (It is a customary practice to ask for a ‘*daavo*’ when the boy elopes with a girl and the amount is negotiated and paid in the presence of village elder or the ‘*panch*’. Thus the relationship gets sanction from the community). My mother had to borrow Rs. 20,000/- to pay the *daavo*. The elderly lender would often come to ask for the money.

That day he had come to ask for money and my nephew came home drunk. He started accusing my mother of having an affair with him and pulled him out of the house and tied him to a post nearby. Next he tied my mother to the bed and raped her and left to get further drunk. The elderly man somehow got himself free and came to untie my mother and he just left.”

The researcher was too stunned to hear this and to imagine how traumatic the whole incident would have been for Bhanuben.

Ramiben continued, “I was not in the village that day, so my mother went to the neighbour's house and first only told them that she was beaten up by her grandson. Not suspecting anything more as everyone knew that he was abusive. Even his wife left him when he started abusing him. When I came the next day, I realized my mother needed medical attention and so took her to the hospital where she was admitted. I had informed Kesliben

and the Sangathan women who had come to the hospital in connection with another case came to see us. They told us that we must file a police case.

But my mother was not willing at that time to make an official complain about the rape as she thought no would believe her and that she did not want to complain against her own blood.”

Kesliben added, “We had to do a lot of convincing to get Bhanuben to agree to file a police complain. So she first only filed a case of seriously trying to injure her. The police took action and arrested her grandson first. It was after 10-12 days that Bhanuben agreed to put in the rape case.”

*Bhanuben says, "I was right, the police just did not believe that an old woman like me can be raped and that too by my own grandson. When they asked the villagers around, many of them said it could not be true and that it was an internal land fight. Some even said that I am the one who drinks and so cannot be believed. It was only with the pressure of the Sangathan women that the police filed a case."*

This narrative pointed out that Bhanuben being old, single was being discredited by the villager. In not believing her they were in fact supporting the nephew who was known to drink and had a history of abuse with his sisters and his wife. Such an opinion also normalizes violence and creates conditions for dispossession of land.

### **Role of CSO in securing the land control**

Ramiben stated, “The police did finally take the complaint and my mother underwent all the related check up. They arrested my nephew and he was put in jail. My mother came and stayed with me till she was well.”

Kesliben recounted, “We discussed this case in our Nyay Samiti and everyone was worried for Bhanuben. The members could see how the villagers are likely to take advantage of Bhanuben’s vulnerability and try to take away more land. So it was decided that we would call for a ‘*panch*’ in this village and invited the elders and the Sarpanch too.”

The researcher asked, why they called for a panch when the matter was a criminal case?

*Kesliben replied, "We wanted to secure Bhanuben's assets. Typically in such cases the police will ask for money from the accused and we suspected that her grandson will promise money or take loans to get himself released on bail. So we wanted the villagers to ensure that they must not allow any land deals on Bhanuben's land without first confirming with her as she is the rightful owner. Neither her son or the grandson are rightful owners till the mother is alive."*

Ramiben too adds, "This was important, otherwise my brother would have taken loans or mortgaged the land to release his son. The Sarpanch too came for the meeting and my mother stood up and said that my grandson has committed a crime and that she had decided to go to court to seek justice. Although the Sarpanch and the elders did not agree to give their signature to the decision that Bhanuben's land will not be sold or mortgaged without her knowledge or permission, they all were now aware. "

**It was to the credit of the CSO that as they had foreseen what was likely to happen and tried to secure Bhanuben's land by making the matter public and so that the villagers are brought on board to support her.**

The researcher's visit to Ramiben was a few months after this entire episode.

### **Divided Loyalties**

To know what was the status of the land and whether they knew about the HSAA, the researcher asked if Bhanuben was planning to add the names of her daughters.

Before Bhanuben could answer, Ramiben burst out, "What names, she has given me the land to till, but she still supports her sons only. Even after all that I have done, the Sangathan has done, my mother become soft on her son and grandson."

To check what Bhanuben had to say, the researcher asked if it was true? Bhanuben said, "What can I do I am so old, but they are my children, if they come and ask for food I cannot say no."

The conflict of being a mother and at the same time being raped by her own grand son was evident. In fact as the researcher was leaving when the interview was over, Kesliben shared that her grandson was out on bail and he had come to the village the previous night.

It was decided that we would go and see Bhanuben's home as well. On her cooking stove was some green looking rice cooked in milk – Bhanuben said that the anganwadi women gave the milk that was left over as they too know her condition. And then she said, "I ate some and gave him some (pointing to the grandson) as there was nothing else to eat."

### **Future of the land division**

Before leaving Ramiben's house the researcher asked Bhanuben, once again if she planned to get her daughter's names added. She replied that she would do so and there was no question about it. And to the further question if she would also give a share to her son, Bhanuben replied, "What ever said, they are afterall my children, after I am gone how will they manage?"

### **Meaning of empowerment**

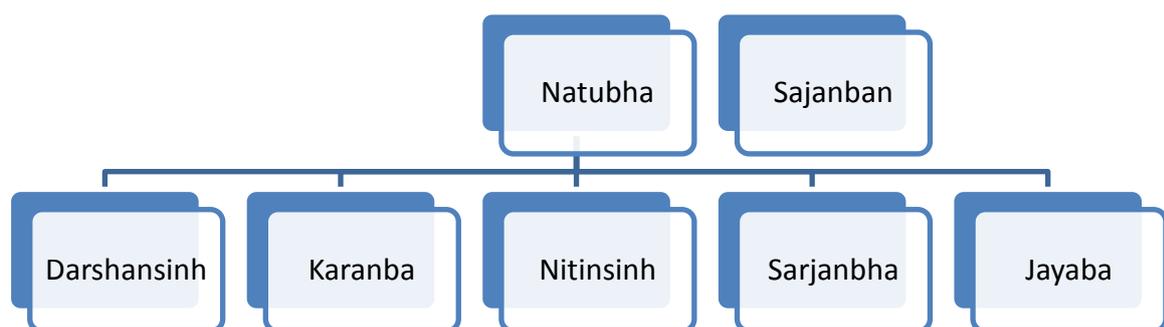
Given the complex and completely traumatic experiences shared it felt awkward to ask these questions and closed the interaction by asking Bhanuben to remain strong and continue to seek justice. Kesliben asked Ramiben to come to the Sangathan meeting more often as it will give her strength.

Name	Karanba (Name Changed)
Age	55 (when she approached the NGO)
Education	3 <sup>h</sup> pass
Village	Nava Jambudia
Block	Morbi
District	Morbi
Law	HSAA
CSO	Maliya Mahila Shakti Sangathan (MMSS)

Karanba (Name Changed) lives in a single large room in the village called Nava Jambudia, which is actually an extension of the fast growing Morbi town. The housing plots are arranged more like in urban area than like the rural areas. There are very few trees left in and around the houses.

Karanba looks much older than her 55 years. She had agreed to the interview on the day her son was around. She has lost her husband a few years ago.

#### On ownership and Actual Control over land



Karanba first names her brothers and sister. Her sister Jayaba was murdered by her nephew after her husband died to take over the land that would have gone to her. Darshansinh has

chosen a life of a wandering mendicant and left home, Both Nitnsinh and Sarjanbha are not keeping good health due to old age. Her mother is quite weak as well.

### **Fradulent land deal to disposes**

Karanba shares that her father had a cousin Sureshbha who also had land in the same village. And in some old land records there was mention of all the cousins names and inheritors. After that there were clear divisions of land and her father was the sole owner of the land that he was cultivating.

Seeing that there was no one strong enough in Natubha's family to challenge them, Sureshbha's sons used the old documents as the basis and, sold off the land that belonged to Natubha and his children.

### **Learning about the HSAA**

Karanba had been hearing that in the modern days even daughters have a right over land and so she decided to find out and wanted to reclaim the land that rightfully belonged to them.

Karanba shared, "I had taken my mother to the court as my nephew – Sarjanbha's son had a quarrel with my mother over some family issues. There I overheard Jashuben from this CSO talking to a man about the land with some men. So I stopped and spoke to her.

She confirmed that there was a law by which I would get equal share in my parents property. I told my mother and my son and they agreed that I should take up the matter.

I would get 7.5 vighas (2.5 vighas in 1 acre) of land."

### **Support of the CSO**

Karanba shared that she knew nothing about land matters and papers. It was the CSO leaders Jashuben who guided her to first ask for the 7/12 land record which indicated the current ownership and the 6 A records that listed the historical ownership changes over the years.

Once they got these papers, Jashuben introduced her to a lawyer in Morbi who had agreed to help all cases that came through the CSO for a nominal fee of Rs. 150 per consultation and a lump sum at the end of case depending on the outcome of the case.

Karanba stated, "Initially I would not go the lawyer without my son or Jashuben as I would feel that I don't know anything. But when Jashuben shared that she was completely non literate but knew so much and was helping so many women, I felt I am at least 3<sup>rd</sup> std pass – I can read at least. So then started going on my own – it was not possible for my son to keep taking leave from his work either."

### **Civil society role is evident in building Karanba's confidence to deal with government procedures and legal matters.**

Karanba shared that on the lawyer's advice, she put an application to the Mamlatdar stating that her mother is alive, and that so are the children and hence the legal heirs of Natubha. Secondly, she challenged the sale deed by which Sureshbha's children had sold the land.

### **Counter claims**

Karanba recounted, "When the word got around that I have started asking for land records and my share there were other claimants from the family who also started asking for their share."

Karanba analyzes the situation and asks in rhetoric, "When our land was fraudulently sold away that time no one asked any questions, but when I have put in a claim which is rightfully ours, there are others who have jumped in."

**Having become aware of the law and having stepped out, dealing with the government, has given her the ability to become critical aware of her own reality and the patriarchal responses. She does not use the word patriarchy but makes a connection between her asking for a share in land which is a male domain and other family members trying to intimidate her.**

However, this spark of strength was not sustained and currently even Karanba has not been following up with the lawyer.

### **Threat and Economic Implications**

A few months after Karanba put in her claim, there were two instances in their extended family where one man and one woman were found murdered in their family land related disputes. This has led to a dampening effect and Karanba said, "I only have one son, what if something happens to him."

The researcher tried to probe, if she had received any threats, but Karanba said, 'Not directly, but indirectly they try to undermine my efforts and keep on saying it would be a waste of money. They give examples of what happened to my sister. I know they have political connections.'

Karanba is not part of any support group in her village and hence her contact with the CSO is limited to when the leader comes to her village. After some time the lawyer started asking for much more money for the consultations and court appearances.

Jashuben later explained that, "Karanba should have immediately communicated it to us and we would have intervened. We will still take it up with the lawyer that he should not take additional fees in this case."

### **Meaning of Empowerment and Justice**

Karanba's efforts, certainly indicate her agency as she took the initiative of finding out more about the HSAA and put the effort to stake her claim.

The researcher asked her, what would constitute justice for her and her reply was simple, "They have to do the right thing. What belongs to my father also belongs to me. Even my mother is alive – justice would be when we get our land back."

### **Here Karanba is connecting fairness, justice and rights.**

But Karanba is quick to add, "I don't know if we will get it – it is taking too much time and money. My mother is very old and she cannot keep coming to the court."

While asking about empowerment, like all others, the word was new to her and she gave the excuse of being old and not going out that much to know the meaning. With a little more pushing and asking her to take a guess, Karanba said, **“It means to have power - one’s own power.**

## **SUBSTANTIVE DISCUSSION ON HSAA AND LAW USERS**

Based on the four cases of women who have used the HSAA, this section discusses and analyzes the data around the objectives of the study

### **V. EXPLORE OUTCOMES OF INTERPLAY OF ASSERTION OF WOMEN'S RIGHTS , THE LEGAL PROVISIONS AND SUPPORT STRUCTURES OF THE STATE**

The whole matter of land and property is governed by several legal provisions, different types of land and different judicial procedures. Even for men the whole matter of land ownership, land transfers and land inheritance is very complicated.

Despite the 1956 Hindu Succession Act, including women as inheritors of property in their marital family has been a challenge, due to strong patriarchal notions reinforced by religious and cultural practices. As stated in the methodology chapter, the CSO team initially interpreted working on HSAA as the same as working on cases of mutation (*varsai*) in martial property after death of husband.

In two out of the four cases initially the women began seeking land titles for their brother or mother as others had wrongfully excluded them. They came to know through the CSO that even they can get a share under the HSAA (2005).

This knowledge gave them energy to assert themselves and keep up the tedious process of completing the procedures.

The case becomes far more complicated in instances of fraudulently taking over the land to divest the daughter,. The woman not only has to prove that she is the rightful daughter but would also have to file a criminal case to prove fraud. In both the cases of Railiben and Pavanba, the opposing party also have strong political connections and have threatened them with violence.

This law is the most challenging one for women to assert for, follow the legal procedures and get justice.

Only in the case where Ranjan's mother who was supportive of her claim, was it possible to transfer the land on her name with least hurdles.

## **VI. EXPLORE NATURE OF CHANGES IN THE WOMAN'S RELATIONSHIPS WITH HER FAMILY MEMBERS, MEN AND WOMEN IN THE COMMUNITY AS THEY SEEK JUSTICE**

Both Karanba and Railiben would justify their visits to government offices by saying that they were seeking the rightful claim of their mother/brother respectively. In a patriarchal world, this was a plausible reason for a woman to leave her household responsibilities.

Karanba states that she would have to spend money to travel first to her mother's village and then bring her to the court for the case. None of her brothers or other sisters would help her economically. She states that she was lucky that her in-laws did not object.

Railiben's case shows how her persistent efforts, led her to unearth the fraud that the Sarpanch and his nephew had committed. This has helped to bridge the estranged relationship between her parents. She is hopeful that together they would be able to reclaim their land.

The case of Ramiben and her mother is perhaps an extreme case and shows the complicated relationship between money lending, and alcohol and divesting land from tribal to non tribal hands. Some powerful people in the village want to take away her mother's land as she is a widow. They offer alcohol to young nephew and instigate him that his grandmother would give the land away to her daughter. Ramiben's brother too does not earn, gets into debt and the same village people ask him to mortgage his mother's land. Ramiben's case shows the struggle she goes through with her brother and nephew on one side and her mother the other.

It is through the support of the sangthan leader in her village that Ramiben tires to find meaning and a way out. The most difficult part for her is that sometimes her elderly mother also behaves in a very patriarchal way and support her sons and covers up for them.

Once again this shows the challenges women face when they seek to change the male bastion of land ownership even when there is a law that supports her.

**VII. EXPLORE DIFFERENCES IN OUTCOMES WHEN A WOMAN IS PART OF A WOMEN'S COLLECTIVE OR SUPPORT GROUPS AND WHEN SHE SEEKS HELP AND GOES THROUGH THE JOURNEY ON HER OWN**

Except for Karanba all the cases had the support of women's groups. The difference is evident in that all the other women have had interventions at the village level to at least get access to the land through the CSO intervention at the village level.

When they do the journey on their own they rely on lawyers, who can be unfari as seems the case with Karanba. The lawyer's fee would have been reduced, had she got the CSO to intervene. The fees were causing a drain on her finances and she was no longer sure if she had the mean to fight out the case.

**In contrast in the case of Ramiben, CSO's and women's groups at the village level were able to use feminist understanding and a combination of customary practices and formal laws to protect women's land ownership.**

**VIII. EXAMINE HOW WOMEN LAW USERS EXPERIENCE CHANGES IN THEIR LIVES AND MORE SPECIFICALLY HOW THEY DEFINE JUSTICE AND EMPOWERMENT**

Of the four cases, Railiben was most articulate in linking the information she got and the strength she derived from the CSO meetings. These helped her to pursue the matter even when no one was supporting her and when she was beaten up.

However none of the women were familiar with the term "sashaktikaran". They were able to make a link between their claims to land, the HSAA and justice and fairness far more clearly.

## SECTION 3

### **SEXUAL HARASSMENT AT WORKPLACE – PREVENTION, PROTECTION AND REDRESSAL SHW (PPR) 2013**

This law is most recent one and prior to the enactment of the law, the Supreme Court had issued guidelines for all establishments to formulate rules and regulations and committees to address the issue to sexual harassment at workplace. That is the reason why it was added at the time of conceptualizing of the study it was during the course of the study that the law was finally passed in 2013.

This has caused some issues which as mentioned in the limitations of the study. Due to the confidentiality clause only two cases were shared even with researcher which are presented below.

Both the cases belong to Ahmedabad city - one a college student and the other law user is a CSO worker.

Name	Nitya (Name Changed)
Age	19 (when she approached the NGO)
Education	SYBA
City	Ahmedabad
Law	SHW (PPR)
CSO	Individual Case

It was not possible to meet this girl as she was so traumatized and upset that she did not want to relive the experience. So this case was narrated by the head of the organization who will be referred to as Mr. Suresh that was supporting the girl to get redressal under the Act.

### **The incident**

The girl was a student intern with Mr. Suresh’s organisation that works with college youth to sensitize them to various social and developmental problems and exposes them to NGOs that work through different mechanisms to address these problems. It offers short duration fellowship – one month with NGOs in the city.

The student belonged to Rajkot and had sought admission in Ahmedabad college. The Mr.Suresh’s organization had regular interaction with students of her college and many of them signed up for the fellowship. Nitya too signed up and was assigned the NGO X. She completed her fellowship and it was during the reporting session that she simply stated, “Please don’t send girls to X again.” She kind of broke down and left the room. Mr.Suresh then offered her support and an environment that enabled her to calm down sufficiently to be able to narrate the incident.

“X was holding a show and Nitya had been assigned the responsibility to assist with issuing and collecting of passes with a male staff member. As the show time was about to start the crowd had thinned out. Both of them were working in the small cabin sort of a room that had a computer, table and two chairs. She was making entries on the computer and he was sitting next to her. All the while the door was kept open. But the staff member went and

closed the door. Immediately Nitya was alarmed and asked why he closed the door. By then he came and stood behind her and held her shoulders.” Nitya then recounted to Mr.Suresh that, “I felt as though all strength had drained out of me from me and I froze. But then somehow I gathered all my strength, pushed him back and just ran out of the room.” This was her last day at the NGO X.

Mr.Suresh shared the details but was very careful not to reveal the name to the researcher but was keen to share the incident as he felt that by sharing information it would help create awareness. He then went on to share that initially the girl was hesitant to report about- the incident because she knew that Mr.Suresh and the head of X were friends. Incidentally the head of the organization X was female.

### **Source of info about- the law**

The head of the organization had previous experience in another organization when he was rather young, where during a similar situation between the male head of that organization and female student had arisen. Not knowing the law or the Supreme Court guidelines then, he innocently landed up sharing critical information which went against the girl. He was rather junior in that organization and in hindsight shared that, in his opinion the Governing Board of that organization did not act adequately to support or give out the message that they support the girl. Since then he had left that organization and now was heading his own organization. He felt strongly about the issue and wanted to ensure that the girl should lodge a formal complain and that as the head of his organization he would support in every way to secure justice. So he suggested to the girl to put down in an email to him the whole incident and based on that he took further action.

#### **Existence of a well written policy – with rules and regulation about- what needs to be done? If not what happened?**

MR. Suresh's organisation had a policy that applied within his organisation, but in this case another organisation was involved. Mr.Suresh decided to first speak to one of his board members who is also known to the head of X. He supported the initiative to take it up with her and so he called her and mentioned that one of the students has reported sexual

harassment. The first reaction of the head of X was of shock and conveyed that she would take up the matter and asked to call back as she was tied up and was not available for three days.

When Mr.Suresh called after three days, he found that the stance was completely changed. Mr.Suresh stated that instead of asking him to come down, she told him that they would be forming a committee who would look into the matter and deal with the complaint. Mr.Suresh felt that although the stance was changed, at least they were willing to follow due process. Head of X asked his suggestion for members of the committee and they agreed upon one leading activist from a neighboring state and another one from Gujarat itself and one of their Trustees.

When Mr.Suresh told the girl about this development, she told him that he was trying in vain as nothing would come out of it. She had no hope. Mr.Suresh continued to pursue the matter and kept the morale and confidence of the girl up.

Thus it became clear that the organization X did not really have a policy in place, but were willing to follow due procedure.

### **On the Process of filing complaint**

Mr.Suresh stated that the committee must have met or conferred over phone and they asked for a written complaint. Mr.Suresh once again spoke the girl and asked her approval to pass on the complaint she had submitted to him. Once again the girl told him that she did not expect much to come of it. She told him that her aunt with whom she lived in Ahmedabad – a teacher – had a similar experience and she too wasn't hopeful at all.

All along Mr.Suresh kept the board member updated about each and every step as he was conscious of his gender and how sensitive the matter was for her. After much persuasion the girl agreed to pass on the written complaint. The girl was hesitant as she felt that if her parents came to know of it they would stop her education and call her back to Rajkot.

It must have been a tough choice for the girl, the emotional turmoil she must have gone through – on the stakes were her education on one hand and on the other hand the violation she has experienced. Being a daughter from the Saurashtra region, it must not

have easily come to her to be allowed to pursue studies in a city 4 hours away from her home city. And hence she had to weigh the consequences of filing a complaint against the opportunity she had secured.

Nevertheless she did file the complaint and also wrote that she can come for a deposition if called but on days except her exam dates. However, the committee called her exactly on the day of the exams. She again wrote that she cannot come and asked for another date. She was never given another date.

Although Mr.Suresh later learnt that the accused person was removed from the organization, there was no mention of being removed for sexual harassment. More than that his observation was that due process was not followed and nothing was done to convey that the organization believed and stood up for women's rights. In fact Mr.Suresh felt that something transpired between the first three days after which the lady head of the organization completely distanced herself from the case and communicated that the male Trustee would be dealing with the matter as he was nominated on the committee. Mr.Suresh felt that his attitude was most non cooperative.

*Mr.Suresh states that we unable to figure out why or what were the circumstances where in the head was trying to protect the institution but was not willing the 'walk the talk' of women's rights.*

### **On whether the law promoted a feeling empowerment and justice done?**

Mr.Suresh shared that the girl was never hopeful that much would come out of it and although the person was removed, there was no link with the action he had done which was to violate a female at workplace.

The girl stopped all communication and extra-curricular activities and said all she wanted to do was to complete her studies.

Mr.Suresh felt that although there is a law, it will take a long time before it is implemented in spirit. He felt particularly strongly that as a civil society organization, X had the opportunity to set an example and send out a clear message. But they did not do it and he wonders what could have held them back.

## Observation

One can say that clearly because there is a law, it was possible for the Mr.Suresh to get the girl to even make a complaint. If there was a no law there was no chance that the matter would have even been addressed.

One can say with regard to empowerment, that there is a limit to how much laws can empower. There is a significant psychological component which is dependent on the age, experience and the life circumstances of the individual that determines the experience of empowerment. In this case Nitya had to make a difficult choice as she had multiple forms of patriarchy which were impinging on her capabilities. Thus while the sense of injustice and the pain of being violated and the thought of what she had escaped was evidently strong, she did not have faith in X organisation's ability to do anything.

Nitya gave priority to her studies and had no other support system to reinforce her efforts, and to be able to express herself her confusion her doubts. The college had no forum where these matters could be discussed.

For the girl it was a lonely journey and although Mr. Suresh did his best for the girl it was inadequate to instill faith in the law.

Name	Rajul (Name Changed)
Age	44 (when she approached the NGO)
Education	MSW
City	Ahmedabad
Law	SHW (PPR)
CSO	Individual

## The incident

This incident took place in December 2014, and initially Rajul was not willing to speak about the incident, It was only towards mid June 2016 that she agreed to speak about the case and how it was dealt with.

Rajul has been the head of the organization for four years and has been with the organization for over 15 years. The organization was holding a campaign to spread awareness around violence against women in the villages. So the entire team was in the villages holding events and meetings. The staff was divided into various teams and Rajul as the head of the organization would be part of different teams. One of her senior team members Vinod who has been in the organization for around 15 years was also part of one of the teams. Prior to the incident, there had been no reason for Rajul to expect anything like this. However, twice during the campaign, Rajul felt uncomfortable with some gestures of Vinod, but she ignored it thinking that it might not be deliberate. But the third time, he definitely touched her inappropriately and that is when Rajul decided to invoke the Sexual Harassment at Workplace – Prevention, Protection and Redressal Act. The first incident took place during a campaign event in Bhavnagar and the third once when the campaign moved to Rajkot.

## Existence of a well written policy – with rules and regulation

Rajul is a human rights activist and she had been following the Vishakha judgement and they had a policy for their organization. She had organized a workshop for the team to make them aware about the provisions of the Sexual Harassment – Prevention, Protection

and Redressal. However, the organization was in the process of finalizing the names for the committee when the incident occurred.

Rajul informed the Board members of her organization and the Chair of the Board immediately about the incident. They took a swift decision of immediately suspended Vinod. His defense was that it was an accident and not deliberate and felt that the suspension order was uncalled for.

### **Implications of using the Act**

*Rajul narrates, " What was most traumatic was the fact 14 of my colleagues of whom 6 were women, wrote a letter asking him to be reinstated."*

As a human rights organization, Rajul had least expected this. She stated, that she was constantly in touch with her Board Members. The Chair and the Board took the decision to suspend all 14 who were insisting that Vinod should be taken back."

The other challenge was that the campaign had been preplanned in various districts. Many of the 14 colleagues belonged to the district of Vinod. They decided to not hold any campaign meetings in their district. Rajul said, "I decided to go ahead with the campaign meetings in the neighbouring district where half the team members had been suspended."

Rajul showed great courage and went ahead with the campaign in the villages where Vinod's relatives were staying. In one of the villages, she even called Vinod's wife, indicating that she was clear that she had problems with the specific behavior of Vinod and she had no issues with his wife. Rajul says, "Many of the colleagues who had boycotted the campaign to support Vinod, came to the villages where I was holding meetings. They would watch from far, but did not have the guts to come in front of me."

Rajul's distress with the fact that her colleagues supported the male colleague is evident when she asks as question and also offers possible solutions,

*"I don't know why they were so influenced by Vinod or were afraid of him? I think it is because his brother works for the police and is posted in the same district."*

*"Such connections," Rajul shared, "points to the challenges that a woman, who is otherwise the head of an organization and who wielded considerable authority had to deal with". The male who assaulted her seemed to possess other kinds of power and influence which came into play – not on Rajul, but on the team members who acted against the common expectation that they would support the woman.*

This in turn added to the trauma that women like Rajul face and the matter that could have otherwise been easily settled dragged on.

### **On the Process of filing complaint**

Rajul says, "I did not want to initiate formal process if Vinod and the other colleagues would apologise orally. They were communicated this by the Chair of the organisation. But they were adamant and did not want to apologise. So then the committee was formalized with one external female who was also a lawyer. The committee consisted of 2 females and 1 male member." The committee was formalized in February 2015 and they began the process. Rajul shared that six people were to testify in front of the committee. The entire process took from morning to evening. Vinod had also testified.

**Rajul did not have difficulty in filing her case or initiating the proceedings, but she does brings out the factors that take place outside the formal set up which she had to deal with.**

*"Vinod knew the names of the people who were to testify and Rajul learnt that he had called each and everyone of them and tried to blackmail them and convey that they should testify against me. Later, he had posted ugly matters about me on his facebook page. This pointed out that he was trying to malign my character." Rajul thus conveys that such acts of his indicated that there was a motive behind his gesture which she experienced as sexual harassment and that it was not a mistake as he was trying to make it out.*

Rajul then shares more of the nuisance that Vinod and these two colleagues tried to create. They wrote letters to all the board members. They tried to file a case straight in the High Court against the organization, and got in touch with a lawyer who was the daughter of one

of the board members. Vinod filed a labour case against the organisation. They even tried to call a press conference. **“So what they were trying to do is to find various ways to bring pressure on me,”** says Rajul, “But no one came to the press conference as it requires credibility.” According to Rajul, Vinod filed an RTI to get access to the documents and information related to the proceedings of the Committee.

Rajul suspects that Vinod even tried to influence the lady lawyer on the committee and she just did the most minimal role. It was not damaging, but she did not sit through the entire proceedings. In order to confirm the role of the committee with regard to the definition of sexual harassment, Rajul said that whatever she said was acceptable to the committee and she did not have to give explicit descriptions.

Rajul states that it was rather draining to have the matter drag on. So she took the initiative to call for a meeting with senior second in line team members along with Vinod in their Khambat office. Several of her team members wanted her to compromise and settle the matter as they felt that the situation was leading to a lot of tension among all the team members which was not healthy for the organisation. Rajul put forward her condition that Vinod must give a written apology to her. Vinod said that he would think about it and let her know. He and his colleagues also put forward their concern that if they came back they may not be treated with respect by the others. Rajul concludes from such remarks that, “They were somewhere feeling bad and knew deep down that what they had done was not correct.”

Around April Rajul asked her board members to grant her a sabbatical as she wanted to think through the whole situation. The Board Members were supportive and they held two extraordinary meetings to work out the solution. **Rajul’s question was, “Why should she bear the humiliation and continue in an organization to which she has given 20 years ?”** She took a sabbatical for six months during which time Rajul found internal peace by following *Vipassana* a Buddhist form of meditation. This gave her strength and her own position changed and she now asked the question, “Why should she give importance to such a person and allow him to make her life miserable? She is an honest and upright person who doesn’t need the support of people whom she can’t trust.”

As the matter proceeded, of the 14 several of the colleagues tendered in their apologies and rejoined the organization. But they did not all join at the same time. Finally two men, and Vinod, still remained suspended.

Rajul called upon them in her office and spoke to them individually and asked each of them the question, "What did they gain from maligning her character?" They had no answer. Rajul then offered them once again that they can give a written apology and she was willing to take them back into the organization. But still they were not willing. This was around October 2015.

### **Use of Social Media**

One day Rajul says that in the month of December 2015, as she was going back to her house from the office, it occurred to her that she should come out to the world and share what had happened to her. She says she drew strength from the fact that the TERI case was being reported and she left that just as the women who were harassed had come out in the open, she too should bring out her own trauma in the open. So she decided to put up a post on her facebook.

A senior journalist who runs a blog picked it up and published it online. This triggered two different chain of reactions simultaneously. Vinod read the blog and sent a notice to the journalist for defamation for a sum of Rs. 50,00,000/- ( Rs. Fifty lakhs). The senior journalist approached Rajul and asked her help to settle the matter.

Another completely unexpected outcome was that Rajul got a call from the police who had read the blog and offered help to file a case and take action. Rajul was pleased that the police came forward to help her out. The ACP of Navranpura had first called Rajul's team member in Bhavnagar to verify the facts, and then called Rajul. The lady ACP came to see her in her office and asked her if wanted to submit an official complaint.

The Chair of the Board once again asked Vinod to submit a written apology. He came to meet Rajul in her office and wanted to know what the conditions would be for his rejoining. By now, he was also "suffering" as put in Rajul words – as he had no salary for a year, physically he had become weak with back pain and could not walk much. Rajul had

discussed the matter with the Chair and it was decided that they would pay him half his salary for the previous year.

However, Vinod remained undecided for a few days and in the meanwhile Rajul had submitted a written application to the police of the entire incident and the ACP wanted to convert it into an FIR. Rajul conveyed to the ACP that there was a possibility of a settlement.

Finally, Vinod submitted a written apology and it was agreed that he would go to the ACP's office where his apology would be accepted. In all 12 people from the organization went to the ACP's office. The researcher remarked, "The ACP must have been disappointed that you did not want to go ahead with the FIR!". Rajul stated, "The ACP told Vinod that he was lucky that Rajul has agreed not to press charges and go ahead with the case. " The matter came to a close in April 2016.

### **On whether the law promoted a feeling empowerment and justice done?**

Rajul's case is what she jokingly calls a "high profile case". The law was followed in her case, her organization was supportive. This case highlights, that even when the organization follows all the norms laid down as per the Act, there are other factors that emanate from a patriarchal society which cause mental and emotional stress. Rajul often makes references to her spiritual training that gave her strength and to look at the issue dispassionately. She took unusual steps such as reach out to her second line colleagues to open dialogue, even though some of them had initially supported Vinod. The researcher asked her, if Rajul felt that her case has created a greater sense of security for women in her organization. She is undecided of the impact, as she feels that as a woman head of the organization she had already taken steps in cases that came to her notice even when there was no law.

Rajul expresses pleasant surprise at the fact the police picked up with the matter based on a blog that appeared. She agrees to the conclusion being drawn by the researcher that the entire case got fast-tracked because she posted the matter on facebook which set off a chain of events, leading to the involvement of the police. However, she is unclear as to under what law or what provision did the police take cognizance of the incident and reached out to her.

This points out to an emerging role of social media in securing justice. However, such cases are not the norm where police take cognizance of a social media posting and act on it. In fact currently there are efforts on to create laws and procedures to ensure safety of women in cyberspace, as women are being attacked, maligned in social media for expressing themselves.

For Rajul "Justice was that Vinod should apologise – she was not interested in taking legal action"; She said, it would have meant her going to Bhavnagar, and to Rajkot as the incidents took place in those districts.

Rajul is extremely positive about the role senior police women played with regard to her case. Rajul has dealt with several police officials during the women's cases her organisation handle and is aware that sometimes the police can be rather insensitive and harsh; but in her own case she observed that the Police played a positive role which gave her strength and brought the matter to a conclusion.

## **Observation**

This case is of a strong woman leader who is subjected to sexual harassment by a colleague. It brings out the vulnerability of women of all class, education and position to fall prey to unwanted sexual touch by male colleagues. Rajul has been candid enough to share that she cant say it for sure, but wonders if it was her single status, if the resentment towards her becoming the head of an organization where several male members more senior than her were unable to make it to the top position; or the fact that she did not belong to the state but to UP was behind the incident.

In a situation like this where the accused is in a subordinate position, the question the organization is faced with is whether to take up the matter as 'disciplinary action" or to invoke the Sexual Harassment – Prevention Protection and Redressal Act. Initially, the Chair was of the opinion to treat it as disciplinary action and to swiftly end the matter. But Rajul was clear and insistent that she wanted to invoke the Act and wanted to follow the due process.

The narrative indicates that Rajul went through several phases and emotions- anger, pain a feeling of being let down by female colleagues, wanting to forgive. But one thing she held

on to steadfast was "justice meant that Vinod had to acknowledge his mistake and apologise for it". Having been in the field of human rights she was well aware that procedures can be painstakingly slow and time consuming. And yet despite all the support from her Board the matter took a year and 4 months to get resolved.

## **SUBSTANTIVE DISCUSSION ON SHW (PPR) AND LAW USERS**

Based on the two cases of women who have used the SHW (PPR) this section discusses general observations around the objectives of the study. It

### **OBJECTIVE 1: OUTCOMES OF ASSERTION - THE LEGAL PROVISIONS AND SUPPORT STRUCTURES OF THE STATE**

The law is rather recent and in both the cases, the procedure of formation of committees to address SHW was incomplete or not started. In the case of the young student, the organization where she was interning had a policy, but the place where she was sexually harassed was another one where she had been placed. This Organization referred to as X in the case study did not have a proper committee in place. The other organization had yet to appoint the external person on the committee though they had completed orientation of their staff on the law.

In the case of the older woman the state has shown an amazing sense of outreach on the basis of a blog which featured the case. Senior police officials contacted the law user and helped to bring a closure to the matter.

**On the basis on this case it can certainly be stated that the state provided excellent support to implement the law.**

### **OBJECTIVE 2: CHANGES IN THE WOMAN'S RELATIONSHIPS WITH HER FAMILY MEMBERS, MEN AND WOMEN IN THE COMMUNITY**

In the case of the college student, the girl chose not to disclose the incident to her immediate family as she felt that it would disrupt her studies. However she has shared the incident with her aunt who had had a similar experience. Her aunt was not very hopeful of the procedures and a dampening effect to the efforts being made by the organization head where she was interning. The organization of the offending person as stated above was not keen on following the procedures and seemed to protect the offender and its image.

In the case of the older lady, she had complete support of her family and the seniors in her organization. However, she grapples with the question of why the incident took place. This

is typical of all cases of sexual assault where women carry some guilt, even though it is blatant case of violence.

Sexual Harassment in comparison can be far more complicated as the society perpetuates the belief that 'women invite sexual advances through their dresses and behaviour.

The law is very clear that sexual harassment is to be defined by the woman and does not have a universal definition. As per the law "sexual harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely :-

- i) Physical contact and advance; or
- ii) A demand or request for sexual favours; or
- iii) Making sexually coloured remarks; or
- iv) Showing pornography; or
- v) Any other unwelcome physical verbal or non verbal conduct of sexual nature;

The operative part of the definition is the word "unwelcome" which is a subjective assessment for each woman.

Even after the application of the law in its spirit by the organization where the older woman law user works, she describes the entire process as painful and is dealing with the question of why it happened to her.

This indicates the long journey to substantive gender equality – which is a combination of effective use of laws and decisive shift in cultural norms and beliefs.

**OBJECTIVE 3: DIFFERENCES IN OUTCOMES WHEN A WOMAN IS PART OF A WOMEN'S COLLECTIVE OR SUPPORT GROUPS AND WHEN SHE SEEKS HELP AND GOES THROUGH THE JOURNEY ON HER OWN**

Both the cases can be said to have had support groups in the form of the CSO that they belonged to. Their CSOs offered the best possible support to them. However, in the case of the young student, the organization of the sexual offender dragged their feet and tried to subvert the process. The offender eventually left the organization but they did not make it

explicit that he was asked to leave due to his misconduct. Had they done so it would sent a much stronger message to promote a safe environment for women workers and students.

**OBJECTIVE 4:           WOMEN'S PERSPECTIVES ON MEANING OF EMPOWERMENT**

The older woman was articulate and unlike other women law users had heard the term and even used it. She too mentioned all outward elements of empowerment which are similar to the expressions of other women law users and those stated in the six domains.

**However she highlighted that there is big element of spirituality which is important to deal with the challenges that come with being a strong woman. Spirituality she said was important to be at peace with the contradictions that women like her have to deal with.**

## Section 4

### Right to Information Act 2005

The significance of the Right to Information Act lies in the fact that it is linked to good governance and assumes the need for transparency in public affairs. By making it right, the state confers upon its citizens the ability to ask questions about state functioning. As stated in Chapters 1 and 2 this Act is significant for women in this study of law users to understand how this law can empower women citizens in a democratic country.

In order to identify critical cases the researcher contacted Mahiti Adhikar Gujarat Pahal (MAGP) a CSO that specializes in popularizing the use of RTI as explained in the Methodology Chapter, under the section- Profile of CSOs. This CSO is located in Ahmedabad and was able to provide specific insights into the working of the Act in Gujarat. 4 of the 5 cases identified as relevant and critical were therefore from the Ahmedabad city and one case was from Mehsana district.

Each of the case first gives a brief about their interface with a public authority or the case they were dealing with. Failure to get timely or appropriate responses led the women to use the RTI Act.

Out of the five cases, one woman was seeking information from the railway authorities to establish her maintenance from her estranged husband; two cases were about inheritance of property, and two disabled women were seeking support from the Ahmedabad Municipal Corporation.

Name	Bhartiben (Name Changed)
Age	(when she approached the NGO)
Education	12 <sup>th</sup> std
City	Ahmedabad
Law	RTI
CSO	Mahti Adhikar Gujarat Pahel (MAGP)

**Introduction :** When the researcher first contacted her over phone, to seek her permission for an interview, Bhartiben was a little hesitant and said she would call back when her son returns. She did return the call and her son spoke to the researcher who again explained the purpose of the interview and that the purpose was to hear from her the experiences she had in using the RTI –Act as a woman. They both came for the interview and right from the beginning it was Bhartiben who gave all the replies. She was no longer hesitant.

### **About the need to Use RTI**

Bhartiben has spent nearly a decade going to various courts in Bharuch, Ankleshwar, Ahmedabad and High Court in connection with her dispute with her in-laws. However, some significant breakthrough came about only when she used the RTI Act.

The basic issue according to her was that her husband had come under the influence of some of his relatives and had never called her back after the birth of their son. Today the son is 22 years.

Bhartiben was brought up in Ahmedabad and she studied upto 12<sup>th</sup> std. She was married into a family in Bharuch and her husband had a job in the railways. Soon trouble started but Bhartiben thought that it will all be fine if she tolerates and learns to make compromises. In a years' time she gave birth to a son and she had come to her parents home for delivery as in the custom in many Indian families. When her in-laws came to see her and the child, they would not talk to the adults in the family but instead addressed the 5 day old boy about the problems and issues they had with his mother. Bhartiben's parents asked them to speak to them instead as they are the one who would help in sorting out the matter. But, nothing came out of it and her husband soon filed for a divorce. Bhartiben was clear that she did not want to separate and was hopeful that the differences could be sorted out if her husband

agreed not be influenced by the relatives. So she opposed the divorce proceedings. She would have to travel from Ahmedabad to Bharuch where they filed the case for all the hearings. Later as they husband was staying in Ankleshwar, the case was transferred there and she had to travel to Amkleshwar for the hearings.

### **The first use of RTI**

Bhartiben says she must have gone at least 20-25 times; then someone suggested to her that even as the divorce related case was going on she can apply for maintenance. So she filed for maintenance and after several hearings the monthly maintenance was fixed at a pittance of Rs. 150/- per month. She was appalled by the amount and decided to go for appeal.

*It was during the appeal related case in the year 2011, in which she was asking for a raise in the maintenance case that she read about the RTI Act in the newspaper.*

She asked her lawyer for more details and realised that she can use it to get information about the actual salary of her husband, which in turn can help her to get the required raise in maintenance case

Today, she realises that actually her lawyer should have told her about the RTI act. Even then initially she started by going to the Ahmedabad railway station to find out about the procedure for seeking information.

*She says, "No one gave me a straight answer, they made go from one desk to another and from one office to another. Finally, one of the officers told me that I should go to Vadodara division office in Pratapnagar to get this information. So my son who was quite grown up by then also accompanied me. There too we were asked to go to several officers before one of the offices agreed that the RTI application seeking the details of my husband's salary could be submitted to him.*

We had no guidance, so I just wrote out the application on my own. The information was not given in the first round of submitting the application. She learnt that instead of giving

her the information, the application was sent to her husband. Her husband replied to the application saying that the information cannot be given as the person asking for the details is “third party”.

*The information officer forwarded the same letter to me. Bhartiben says, "I was at a loss, how can they call me third party? I am the wife of the person whose salary slip I am asking for! "*

Bhartiben was able to state during the interview that, “There was no need to send her application to her husband as her application was directed to the authority who make the payments.”

During this time, she came across the pamphlet being distributed by Mahiti Adhikar Gujarat Pahel – MAGP. Their van was stationed near the court and they were giving out information. So Bhartiben said, “We went there and came in contact with Panktiben and Harineshbhai. Here we got all the detailed information about the Act – how it works – what are the remedies – if we don’t get the information we ask for, whom should we approach? And all that,” said Bhartiben. “It was Panktiben who told us that we could submit our applications to the Ahmedabad railway office and that they would forward it to the relevant office. This really made our lives quite easy.”

*On being asked, if they were then able to get replies to their queries, Bhartibensays, "No not at all. Many times we have got covers/envelops addressed to me but there would no letter inside. They would always send it by registered post. This meant that we had to immediately write back to them saying there was no letter. This meant that we lost out on precious time."*

Bhartiben shared that they were guided by MAGP that an applicant could go for first appeal if applicant did not get satisfactory response. Bhartiben explained that going for a “first appeal” meant that it took at least 65 days. By law they get 30 days to respond. Invariably they would wait till the very last date to send in their reply. And they write in the letter that in case the applicant is not satisfied with the response he/she can send in the appeal at so and so address.”

Bhartiben shared that she had to invariably submit a first appeal to get an appropriate response. In her experience, when the first appeal is submitted, it took about 65 days to get the response that they wanted. Bhartiben acknowledges that only because of the use of RTI Act she has been able to secure maintenance of Rs. 4000/- per month. Although this is much lower than what she had asked for - a monthly maintenance of Rs. 7000/- of which Rs. 4000/- was for her son and Rs. 3000/- for herself. She had got the information that the monthly salary of her husband is Rs. 46,000/- through RTI. However, it was a long time before she got this information and due to the 30 day norm and the process of first appeal – she would have to let the hearing of her case pass by and ask for a subsequent hearing date.

She has also asked for details of his PF account and if he has ever withdrawn money from it and if so for what purpose. The responses of her applications are often incomplete and so she has had to go for second appeal for three of her applications. She informs that a second appeal takes at least one and a half years. She explains that, “ There is an RTI office in Ahmedabad which is hooked up for video conferencing with the railway authorities sitting in Delhi. So we have to go to this office near RTO.” One of her second appeals filed in 2014 is still awaiting a hearing.

Having understood the law, Bhartiben asked the researcher, - “So according to you when do the 30 days start? – from the date when I write the application? Or when they receive the letter? “ In order to move the discussion further, the researcher said it would be from the date that they receive the application.

*Bhartiben was expecting this reply, and put a counter question – “In that case the time for us to submit a second appeal should also be 30 days from the time we receive the response or the date when they dispatched the letter or the date that appears in their letter?”*

*This was a technical question and the researcher herself was unsure of how that particular rule was being interpreted. Almost as if she was reading the mind of the researcher, she said, “We have in-fact put a second appeal asking for this information and we have haven’t yet got a straight answer as yet.”*

Bhartiben then goes on to say that she has put in a RTI application regarding the details that have to be put out in the public domain by the railway authorities such as the salaries of the staff. She shared that she felt the need to ask this question as she had to go through a very tedious process every three months to get the salary details of her husband to be submitted in the family court. She says it was the MAGP team that explained to her about the provision of the proactive public disclosure of public information. "As the Railways are a public establishment, it is bound to put out the salary packages of its employees. However they only put out salaries of some of the officials at the top and not everyone." Bhartiben explained to me. She also narrated the processes and demands made by the second appellate authorities which are time consuming – for e.g. they would write back saying that they should send either English or Hindi translations of the orders passed or letters written by the local railway authorities which may be in Gujarati; sometimes she says they say they have misplaced the file and so they have to send all the papers once again. Now that her son is all grown up it he who goes out to send the letters and faxes and makes the follow up calls to support his mother.

While she is awaiting the response from the railway authorities on its own proactive public disclosure practice; Bhartiben has worked out a strategy that she would ask for three monthly salary statements of her husband instead of one month to save time. She has been asked by the family court to present the salary details. She says that although the details eventually comes it never comes on time and it is always a matter of worry as it has direct links with her court appearances and the costs involved in the travel and the prolongation of her hearing.

When the researcher queried, whether she felt the law has been of any use to her – Bhartiben stated in an emphatic yes – she stated that had it not been for the RTI Act she would not have got the increased maintenance amount. It was only when she presented the proof of her husband's salary that the court increased the maintenance amount.

### **How has the law been put to use**

Bhartiben states that in her long struggle knowing the law has been the most useful and strength giving.

*"The process is long but the law itself was easy to follow and understand", she said. She had read the printed booklet that MAGP had brought out and her son reminded her that she has also read the downloaded act from the internet.*

She suspected that the process has not been entirely fair. She narrated that in one of her cases in the high court, the judge has earlier served in a Bharuch court. Although she had never known this, when her husband's lawyer came to know, the lawyer stated that, " oh now it will be easy." Bhartiben suspected that there was some influence used and hence the order that was made was rather weak and not in her favour.

In another instance, she narrated a judge was putting pressure on her to agree to the conditions of the husband and not willing to consider her conditions. Bhartiben never wanted a divorce – she wanted to go back to her husband but had certain conditions, such as other relatives should not interfere in their matters.

*This particular judge had a record of disposing all cases appearing before him within 45 days. Bhartiben said, " He spoke to me badly asking me to accept the conditions so that he could "finish the case and maintain his track record." Bhartiben reflects for a moment and then stated, "But everyone has their own self respect. How can an esteemed judge speak like that?"*

Bhartiben also shared that during one of the video-conference hearing during the second appeal, the person from Delhi knew nothing about the provisions of the Act and what were the responsibilities of his office. **So Bhartiben stated that with the suggestion of MAGP, she started enclosing a copy of the Act with her letter so that the officer had easy access to the provisions of the Act.**

## **Role of Civil Society Organisation**

Bhartiben shared that initially she was all alone – for almost 15 years. Her family supported to the extent that she was staying with them, but on the legal aspects she was managing on her own. She had a job in the school and the principal and the staff was helpful in that she did not have to pay the fees for her son who also got admission in the same school. But later with the Right to Education Act, it became mandatory for the school to hire qualified teachers and so she was offered a job in a distant school for a non teaching job. She could

not have managed and so left the job and started doing tuitions to support herself and her son.

It was from 2011 that MAGP has guided her in her RTI applications – She said, “It was they who told me that I can submit my application to the Ahmedabad Railway office and it was their duty under the Act to forward the application to the relevant authority. This made my life much simpler.” It was they who explained to me about the proactive disclosure and have guided me through the procedures of first appeal and second appeal. I would not have known the minute details.” She adds, “Panktiben and Harineshbhai would always be ready to motivate me and give concrete inputs on how to make my application stronger.”

Bhartiben stated that during the first hearing of the second appeal with the Delhi railway authorities, the Judge did not hold any hearing – he directly gave an order. So with the help of MAGP – I wrote again asking for a hearing and by then the Judge had changed and he gave me hearing.” Such support was very critical to keep going.

Now Bhartiben states that she approached MAGP team only when she is stuck, otherwise she and her son are well versed with the procedures.

### **Impact of being a “law user”**

Bhartiben spoke as a law user for both her cases - the one in the family court as well as the RTI Act.

#### *Law user of the family laws*

She stated, “Had my husband and in –laws not done this case, I would not have had to take all the decisions about my life and my son by myself. I would have had the support of a family.” However, she quickly added, that “I am glad for my son who is actually out of the whole situation and did not have to be part of the troubled family relations and he was able to concentrate on his studies. Today he has a bright future ahead.”

*There was a sense of being let down by the lawyers as Bhartiben feels that they are ones who should guide her for a speedy outcome and to update her about the options and provisions under the act. She stated that only when she found*

*out some information she would check with the lawyer of the possibilities and sometimes new strategies were tried out in the case.*

### Law user of the RTI Act

In the case of Bhartiben none can say that it was her alertness that she came across this law and started using it initially with no help. Her experience points out that no one in the railway offices perhaps knew adequately about the law to guide her properly or they chose not to help her. Her experience also points out that the Public Information Officer broke the rules and instead of giving her a reply to her query, they sent her application to her husband!

*With the support of MAGP, Bhartiben has not only been able to seek information more systematically for her case, but she started using the knowledge gained to question the railway authorities and to make their systems more accountable as a citizen. Thus with the guidance of the civil society organisation, Bhartiben is now using the RTI act to serve not just her individual interest but also the larger interest of the citizens.*

**Her struggle for justice has been long drawn for over two and a half decades, but she was able to make significant progress only with the use of RTI act.**

The judges, had at times passed untoward remarks in the court or in their chamber when he called both parties for reconciliation. Bhartiben said that she would be quite shaken and would be on the verge of tears. But she would hold herself back. Only when she left the court, she would go aside and shed a few tears. But soon she would gather herself and get even more prepared for the next hearing – telling herself that the judge and the lawyers of her husband may ask all sorts of questions, she will not break down in front of them.

### **Views of Empowerment**

To the question what does she understand by the term empowerment - *sashaktikaran*?

Bhartiben's first response was I have heard of this term but never used it. "I think it means the ability to tolerate - "*sahan shakti*"; to use one's own *shakti*". She then pauses and asks, "am I right?".

*Then she adds, "It means to think positive....." and she elaborates on a point made earlier when the judge asked difficult questions and she felt her dignity was being hurt – she would not sleep the whole night and think of how she would respond the next time she was faced with a similar situation and not lose heart.*

On probing about how life has changed for her and if there are elements of empowerment as per the formal definitions and the JSI framework, she stated, "Initially the community elders tried to intervene but the in-laws did not heed to their advice – so I realised I was alone. My parents supported me till they were alive and my brothers are supportive too.

Initially, Bhartiben stated, that she was afraid to go out to family functions as her in-laws had threatened that they would take away her son. So she never went for any family events. She had been warned and threatened by her brother-in-law that they will take away the child.

Slowly she has gained strength and courage and is less afraid. But she says even now she asks her son to come straight to the house from his work and does not let him go out of station on his own.

Economically, she has gone through a tough time especially when she lost her school job. The case related expenses are also a drain but she believed that she is doing this to get justice.

In terms of her relationships with others she mentioned how most of the times her neighbours were all supportive and they would protect her son. However, there was one teacher who used to pass remarks about her son not having a father. When she got to know of this she went to the Principal and requested him to tell the teacher to speak to her and not her son if there was any issue he had about the father. Bhartiben said that after that he never troubled her son.

*As she spoke, Bhartiben brought up the issue of empowerment means to be able to keep yourself safe and secure. She narrated the incident that she was being helped by an acquaintance lawyer in her case. She always went to meet him at his office to discuss the matter and would return home after business. Once the same*

*lawyer told her that the next meeting would be at his home. Bhartiben was a little suspicious, and so instead of making an issue or not going at all – she simply asked her elder brother to accompany her to the lawyer’s house. On seeing the brother alongwith her the lawyer was embarrassed and said he would have come to their house. Therefore, the point Bhartiben was making that as a woman we have to be in control of ourselves and protect ourselves and being able to do that is ‘empowerment’.*

Despite the amazing amount of strength that Bhartiben has shown she also kept saying that it has all been possible due to everyone’s support and encouragement. While this is a manner of speaking in several Indian cultures – i.e. to downplay one’s achievements – it can be also interpreted as a reflection of what women have been taught – to not recognize or acknowledge one’s own inner strength and power.

### **Views about Justice**

To the question what would justice mean to her – Bhartiben stated that for her it would mean being able to stay with her husband and son as a family, without interference from other family members. She was not naive about this and was aware that it would be difficult for all the three of them to adjust to live together and each of them have led lives on their own and hence each of them will need to make adjustments.

*For Bhartiben, justice would be when the conditions are the same for both herself and her husband – if she was leaving behind her maternal family so should her husband be willing to stay separately from his family and stay only with his wife and son.*

**Bhartiben also has a strategy to ensure justice – she said that she would like to go to her husband’s house and ask the court to keep the final order pending till she has had some experience on going there and living with her husband. She and her husband would then come to the court after a few months to report and to add any specific conditions which were required and only then the final orders should be passed.**

Name	Umaben Dhavan (Name Changed)
Age	54 (when she approached the NGO)
Education	12 <sup>th</sup> std
City	Ahmedabad
Law	RTI
CSO	Mahti Adhikar Gujarat Pahel (MAGP)

Umaben Dhavan, 54 years old sits at a small cabin near a garden maintained by Ahmedabad Municipal Corporation situated near an upmarket locality. She gave an appointment over phone to see her at 4.00 p.m. and gave detailed instructions on how to reach her at her 'workplace'.

Umaben is disabled (has 80% disability in her right hand and 50% in her left hand) and therefore eligible to get a telephone booth from the Ahmedabad Municipal Corporation (AMC). Umaben says that her telephone has gone for repair. A few packets of snacks, and tobacco sachets hang on a line she has put across the front opening of the booth. She offers the researcher a stool to sit on, while she continues to sit in an old chair inside the booth.

Her father moved from Punjab to Ahmadabad in search of work and she was born and brought up in Ahmedabad. She has three sisters and two brothers and she is the youngest. After she was married her in laws started harassing her for dowry and were abusive. So she came back and resumed her studies. He mother used to be worried for her all the time. Umaben left behind a daughter and she filed for maintenance later on. She settled for very little maintenance as the in laws said they would look after the daughter, but she had visitation rights. Umaben said, it has been about 20- 22 years but never once she was allowed to meet her daughter. After Umaben appeared for her 12<sup>th</sup> std exams her mother had a heart attack and she passed away. Umaben never went back to get her results.

### **The need to Use RTI came up?**

Umaben had been allotted a telephone booth (which she refers to as "cabin" and hence the term cabin here refers to the telephone booth). She put up the cabin near Gurukul area of the city. The place for the cabin was given to her by the builder. However, when the building was handed over to the residents, the chairman of the residents association

wanted her to move the cabin. Umaben held on saying that the land had been given to her by the builder and that she was not coming in the way. The Chairperson began harassing her and would get others to throw stones at her cabin, throw garbage from the building, such that it landed on the roof of the cabin.

Umaben went to the court and through a lawyer she knew due to the maintenance and divorce case. Umaben states that her case was strong and she believes that the Chairperson gave a bribe and so the court is not handing over the stay order. She was then told that the Chairperson died and the new Chairperson has gone in appeal against the stay order. Hence she knows that she has got a favourable order, but the court is not giving her the order.

After that she was allotted a cabin by the Andhajan Mandal – Blind People’s Association (BPA) near the D.K. Patel Hall in Naranpura. She had joined a tailoring class at the BPA and they allotted a booth/cabin to her. According to Umaben earlier this cabin was allotted to a blind person who was not operating it as he got a better job. As it was lying idle BPA asked her to operate it. Umaben narrated that she put an application to AMC to get the cabin transferred to her name. She had even approached the local councillor and paid his right hand man a sum of Rs. 5000/- to get the task done. Umaben was waiting for the order from AMC, but things changed and she recounts, “When the Blind person to whom the cabin was allotted, got to know that I was running it and not a blind person, he complained to the AMC.” Umaben is even now indignant about the whole thing and says, “It was given to me by BPA, I was doing nothing wrong, but then some people came and broke my cabin and threw all my stuff on the road. **I felt as if my dignity was thrown on the road.**”

### **The first use of RTI**

Umaben remembers that she was very distraught and did not know what to do. Around that time she read an article in the news paper Divya Bhaskar which spoke about the RTI law and there were some phone numbers. “I called up and went to the camp that was being held in Kochrab Ashram. There I learnt of MAGP and there was one Rahul Saheb who was very helpful. I understood that through a law I could ask the government some questions. He helped to frame an RTI application to the AMC. I had had asked for three responses –

- i) What was the status of my application,
- ii) the reasons for the delay in replying to me and
- iii) Why my cabin was broken and things thrown around?"

*Umaben recalls, " I got a call from the Estate Officer and he asked me to go meet him at his office. So I went to meet me thinking that I will find resolution to my problem. Instead he asked me why did I do the RTI and threatened me that I could be put in jail for doing RTI."*

The way Umaben says that she was threatened, indicates an anger, but also indicates that she is no longer surprised with the attitude of the government officials as she seems to have often encountered rejection and abuse which has led her to conclude, **"As a woman and as a disabled person, I have gone through a lot of hardships"**

## **Role of Civil Society Organisation**

After the hugely negative experience, Umaben did not lose heart and she went back to the CSO and shared what had happened. MAGP team – she speaks of Rahulbhai, Pankitben, Harineshbhai who explained to her how the law works. They helped her to draft the 1<sup>st</sup> Appeal and when there was not response, they helped her to draft the 2<sup>nd</sup> Appeal. Umaben shares that she went to Gandhinagar several times over a period of a year for the hearings. "There was a Mr. Das" she says, "who asked some tough questions to the AMC officials." (Mr. Das was the State Chief Information Commissioner – CIC ). Umaben recollects that he asked the AMC officials, why they were not providing her the information she wanted and to consider her status and give her justice. In response, the AMC official replied that they were not allotting cabins and space to the disabled any more and hence they could not provide Umaben with the cabin.

Following the hearing, Umaben and MAGP representatives discussed the strategy for the next hearing. Umaben knew that the AMC officials were not providing the correct picture. She offered to go around the city and find out the cabins that were recently allotted to disabled persons. She used her own network of friends and people she knew to find out the information and physically went to the places to identify the locations and the people. In

the following hearing with the CIC, she presented information of 10 cabins that AMC had recently issued to disabled persons. This led to the order being passed that the AMC should allot her a place and a cabin.

*Umaben says that the MAGP team was a great support as they helped her to draft the responses and gave her the confidence that what she was asking for was her right. When the officials and the communities around her would question her or harass her, MAGP team supported her in her struggles and showed her the correct way to get justice. In terms of strategies used, Umaben says, "The MAGP team showed us film clips, shared positive cases and thus we learnt from one another."*

## **Being a "law user"**

Umaben has used the services of two courts – the Civil Court and the RTI appellate authority. According to her she got victory, "*jeeti gayi*" in both courts. In the Civil Court she had filed a case regarding the land given to her by the builder and the Chairman of the society wanted her gone. Umaben says she knows she has won the case but hasn't been able to get the order. Hence, she says that first she would need to get hold of the order, after that she will have to deal with the powerful people of the society. She knows that they have built a wall around that space – so as to keep her from making any use of it even if she claims it.

*With regard to the RTI Umaben is very clear that she was able to get the cabin back only because she filed the RTI. And between the two laws she says that the RTI Act is much stronger as the orders were implemented.*

Here one can say that **Umaben got justice on paper through the court, she got substantive justice through the RTI Act.**

*Umaben states, " The RTI law has given me courage. I read the law from the booklets and material that MAGP provided. When I did not understand anything, they would explain. They came with me to Gandhinagar. I have now*

*understood that government also has to function within rules – they cannot act arbitrarily.”*

## **Views of Empowerment**

Umaben has had a tough life. She got married when very young but came back from her in-laws place. Her mother, she says was always worried for her and yet it was she who gave courage and words of hope which Umaben still finds strength in, “ Never lose courage.”

**Umaben does not acknowledge that she is an empowered woman – she instead keeps narrating various instances of how people trouble her.** The fact that she has braved it all and survived is not adequate as her struggles are not over even at the age of 54 years.

She narrated, “When I was allotted the cabin near Vasna, I used to sell cigarettes among other things, just like the other vendors next to me. But the AMC officials used to come and talk rudely with me and ask me to stop selling them.” Umaben says that she then approached the Commissioner of Persons with Disabilities. She explained the situation to him and this commissioner too was sympathetic to her situation and told the AMC officials that they have no right to harass her for selling things that are allowed by the law. In fact Umaben was being harassed by ruffians and goons at Vasna. She applied for a transfer and so she was allotted the current place.

*When the researcher asked Umaben, how would she explain, 'empowerment, she said, "it is **the ability to use one's own powers.**" She then goes on to say, that because she is disabled she is unable to use her powers fully and feels physically vulnerable.*

## **Economic factors in Empowerment**

Umaben's cabin had hardly any thing to sell – her phone was not operational when the researcher visited her and so when the researcher asked her if she manages to earn enough to survive the month. She replied, she manages somehow, she added that even the ration shop keeper does not give her adequate keGulab benne or grain, even though she has a BPL and an Antyoday card which makes her among the vulnerable people and therefore eligible for 35 kgs of grain at Rs. 2 and Rs. 3 per Kg. Once again when asked, if she is able to

survive or if her brothers and sister help her? She rues, that of the two brothers one is very well off but he only meets her twice in a year – during *rakhshabandhan* festival and during *Bhaibeej* – following Diwali. The other one keeps better relations, but his family is not that well off.

Her mother has left her a house in a low – income locality near Vasna, so she does not have to worry about shelter.

While it can be celebrated that Umaben has got her Cabin back through the RTI and it provides her a source of livelihood, this case points to a situation where she is alone in the sense that she does not have a collective of women in similar situation, with whom she can share regularly, she seems to be unable to sustain the gains made out of the use of RTI. Neither does she have a family that is supportive which adds to her marginalisation and feeling vulnerable.

## Changes in Relationships

**A recurrent theme in Umaben’s story is that of having to put up with a lot of stress because she is a single woman and disabled to top it.** She narrated two incidents to illustrate how people around her trouble her to the extent of becoming violent and causing grievous injury. In the first instance she narrated how some goons who live in the same society as hers, have been trying to scare her away. Umaben believes that they slipped snake into her house that bit her and she was found unconscious. She was taken to the V S Hospital and the entire treatment cost her about Rs. 50,000/- Her brothers paid for the treatment, but Umaben says that now they are asking her to pay back the amount. Her brother and sister in law tell her that it was a loan and they need the money now. Umaben is worried how she would be able to pay up such a huge amount.

*This event does seem rather tragic, where in it may be difficult to verify if the snake was actually slipped by the goons to either kill her or scare her away, but the reality is that it did cost her a lot of money and the feeling that Umaben carries is that as a single and disabled person she is very vulnerable.*

Talking about another incident, Umaben points to another vendor across the street located about 100 feet away. She says that the owner of the shop stays drunk most of the time.

Once he came to her shop and asked for a 'bidi' – when Umaben said that she did not have any 'bidis', he asked for 'Vimal' a brand of *gutkha* – (mixture of tobacco, areca nut, lime and other substances which is addictive). Umaben gave him a sachet and asked him to pay Rs. 3 – the price of the packet. He refused to pay and starting shouting at her. He went and got another drunken friend of his and together they created a ruckus and abused her and threatened her that they would burn down the cabin. Umaben explains, "I am only a woman, and my hands are not fully functional, I am afraid when I think of what will happen if they were to assault me?" The researcher was curious and asked her how did it end that day?

*Umaben says, "I called 181 – the women's help line. They came and took away the drunken men. But then I saw that the 181 team were at his stall and buying things from his stall. They are all in it together. They just make a show of protecting."* The researcher stated, that at least they came and took the men away from her stall and contained the drunken shouting. To that Umaben says, "What is the use of making such a show, the 181 team should not have gone to their stall – by going there they are given the message that it is ok to trouble me."

Both these incidents point out that Umaben remains rather vulnerable and with advancing years, her situation becomes that much more difficult. Even though she uses all the information she has to seek support, each day she wonders if she will have to face some untoward incident. When the researcher asked her how she came to know about 181 – she replied – she heard about it on TV. She says, that when she goes home – the TV is like her life line – she keeps herself updated about the state and national events.

Umaben shares that she is considering selling the house and buying a smaller place elsewhere, so that that she can pay off her medical expenses and live peacefully.

*In the case of Umaben, it is difficult to say if it is sheer need to survive that has made her a strong woman, or whether the use of laws has made her strong. MAGP team states that **Umaben has helped over 80 other women and men to file RTI to solve their problems. However, Umaben herself does not share this piece of information.***

The researcher believes that her day to day struggle occupy much of her mind space that she is unable to recollect and take strength in her knowledge and abilities.

When the researcher was interacting with Umaben, a man in his 50s came and parked his scooter near the cabin and kept sitting on it. As the researcher was worried for Umaben, she asked who the man was and She replied, he is like a brother who comes to look her up during the day and helps her out. It does look like Umaben has been able to develop some sort of support system for herself.

### **Views about Justice**

Umaben says, "When the correct thing takes place and it is in our favour that is justice." That she spoke of justice to mean substantive justice earlier is repeated again by her when she says, "**It is not just the order, but it is about being able to enjoy the outcomes/fruits due to the implementation of the order.**"

Name	Radhaben (Name Changed)
Age	46 (when she approached the NGO)
Education	7 <sup>th</sup> std
City	Ahmedabad
Law	RTI
CSO	Mahti Adhikar Gujarat Pahel (MAGP)

**Introduction :** Radhaben lives in a low income area – Girdharnagar chawls in Ahmedabad. She is well known in the area as the researcher was able to reach her house through the narrow lanes by simply saying her name. Her house consists of a room 9 ft by 7 ft in which there was one cot about 3 ft by 6 ft. In the remaining space she has installed various gods and goddesses in a temple, there are two keGulab benne stoves and two wall racks that store her clothes and papers and files. There is a room above of similar size where her brother lives and a toilet and bathroom in the little space that connects to the lane.

Radhaben was born and brought up in this place which belongs to her father and now she lives in this house. She was married for a while, but as the husband was an alcoholic, she decided to walk out and took a divorce.

Radhaben begins her introduction by sharing that she has been involved as a community worker for over 30 years. For the longest time she was working with Handicap International. She was offered a ticket from the Congress party in 1999 to stand for corporator seat. She completed her 5 year term.

She says now with advancing age, she does not do much community work but helps students from poor background with books and other educational material. She earns her livelihood through commissions earned from small time finance and insurance outfits.

### **About the need to Use RTI**

The Ahmedabad Municipal Corporation (AMC) had a scheme that they would allot land to the disabled to build a home or to set up an organisation. Radhaben had applied for this scheme many years ago. But had not heard anything regarding it. She had almost forgotten about it.

When she was working for Handicap International, there was a tie up their organisation did with MAGP where Radhaben and other community organisers like her would undertake awareness campaigns in rural area regarding the RTI Act. That is how she learnt of the Act.

It was during that phase that she thought that she could do an RTI application to find out the status of her application.

The first RTI application did not yield any information.

### **The first use of RTI**

Nothing had actually happened out of the RTI applications. But then a Mobile Court was held in Gujarat Vidyapeeth, at Ashram Road. There were officials from Delhi. In that court my case was heard and I got an order.

I was allotted land in Gota. However, after two or three months, Radhaben shared that she got a letter from the Talati, which said and I quote, "Sorry, the government needs this land and so you are requested to choose a plot from among Bavla, Dhandhuka, Dholka towns where the government will allot land to you." The tone Radhaben uses to say, "Sorry" while describing the above sentence gives the sense that she didn't think that the government was one bit sorry to issue to letter.

She then goes on to share that she chose Bavla as the location and submitted her reply. Radhaben says, " Not just me, we are about 50 applicants under this scheme – we all chose Bavla as what we wanted to do was to build a 'colony' so that we could all live close to each other and support one another.

### **Role of Civil Society Organisation**

Radhaben is very thankful to MAGP and Pandyabhai who used to train them and then went with all the team of disabled persons during the awareness campaigns. She states that they would draft the letter and guide her.

*Radhaben says, that when this law was new – there was a lot of promise. She says, "for the first time there was a law by which the government had to*

*become answerable.” However as not much has happened she now says that this law has also become toothless.*

Radhaben doesn't say it directly that she feels let down by the civil society organisation, but mentions that she has been to the 3<sup>rd</sup> floor office near Jivraj Park – referring to the CSO office, about three to four times and yet they too have said that we must have patience.

### **Impact of being a “law user”**

Radhaben says that she has met with several officials Collector, Mr.R. M. Patel the Commissioner for the Disabled persons – but one official she has never managed to meet is the Mamlatdar of Bavla – She says, “we would go and spend the whole day waiting for him.” Either he was not in his office or was in meetings. And everyone told us that he is the one who can help with the land allotment.

*Radhaben states categorically, “It was because of the RTI Act that I was allotted the piece of land.” However, she says that subsequently, she has gone innumerable times to various officials, all of them are very sweet, but they don't give a clear answer. They keep saying it will happen. Have patience.*

But how much patience can one have. She offers a connection of this government lethargy and asks, “What use is it for the mother to offer khichidi to her dead child while she never gave any food when the child kept asking for it?”

She says, “The 50 of us are now reaching the last few years of our life, how much more can we keep on waiting.”

The researcher tried to probe and asked her how she would describe her experience with the law.

*Radhaben says, “The law was good when it was new, but now the officials know how to get around it.”*

### **Views of Empowerment**

Radhaben is quite eloquent about what is the meaning of empowerment – although she too like most other women was unable to pronounce the word “sashaktikaran”.

*She says, "It is all about using you own powers, you own abilities. You should be able to do things on your own. It is about internal strength – to take out your internal voice and do work with courage."*

As Radhaben had earlier shared that she was a corporator for five years . During the second interaction, the researcher wanted to know her views on the difference between having official power and the power she spoke about while describing empowerment. Radhaben says, " It is true that you get to decide many things and I did several works of sewage, road, streetlights, but I didn't think it was for me. I was mentored by an Uncle of mine who was in politics. He took me to all the meetings and rallies he held. And that is how I was offered a ticket. But then I saw that for women to move ahead they were expected to do things that were not agreeable to me." The researcher asked her, "What kind of things?" Radhaben said, "These things are not so black and white." In order to probe further, the researcher asked, "Then how do you know for sure?" Radhaben then said, "There was this other corporator lady and I observed that one senior male corporator would keep asking her to travel with him whenever he had to make outstation visits. And slowly she started getting more and more positions and power within the party. I was uncomfortable with this sort of situation and decided it was better to be outside of such a system. Moreover my uncle passed away and I had no other political mentor. So I left it all".

**This narration brings out how formal spaces of power are not easily accessible for women. While it may not be true that all women in politics have to please men in the political parties, experiences such as these push women to make choices that perhaps men in similar situations are not expected to make. Thus opportunities for empowerment of women in formal spaces remain a gendered reality.**

### **Economic factors in Empowerment**

In this case Radhaben is quite disillusioned with the law and its possibilities – hence instead of exploring if the empowerment has led to any economic benefits, this issue was covered from the point of how much did it cost them to seek the orders regarding land allotment.

Radhaben shares that she and the other disabled persons went in groups to Bavla on their own vehicles – She calculated – “30 kms to go and 30 kms to return – calculate the petrol required – at least a total of Rs. 100/-; and we would have to eat something as we literally had to spend the whole day waiting for the Mamlatdar – that would be atleast another Rs.50/-. **The researcher asks if she has ever calculated the total cost of chasing the land related orders? Radhaben smiles and gives out a short laugh, “ Oh we have done so many rounds of offices – it must be a lot of money – but I have never calculated it.”**

### **Changes in Relationships**

Radhaben come across as strong willed person – so the researcher wanted to know where she got this strong will from. Radhaben says, “I was very young when my parents got me married. But it did not work out, so I was very upset with my parents that they got me married to a terrible person. We are Brahmins, there was a lot of pressure to reconcile and go back to my in laws. But I knew that there was no hope in the relationship. When I came back I did not speak to anyone. I would just go about doing my chores and the other family members did theirs. Then one day my father and I had a frank conversation and made an agreement – he would get me the divorce and I will not have any other man as my husband. He agreed and so that is how it happened 30 years ago.” Radhaben eyes became moist and voice faltered a bit while saying this, giving a hint of the pain she still carries about the whole affair. Patriarchal norms bear upon women so strongly that even after 30 years when she knew that the problems were with the in laws – she becomes emotional – either due to the pain or at the idea of ‘she being unable to make her marriage work.’ She does not wish to talk about that much and so the researcher left it at that observing the pain and the moist eyes.

In order to know more about how her relationships have changed – she shares that it was due to the support of one Mr. Kathi who was working with some group and doing the rounds of our area. She narrates, “I was sitting one day here at the doorstep and this stranger came looking for homes that had any persons with disability. People in the lane had directed him to our house. He spoke to my father and after a couple of visits he suggested to my father that he should consider if Radhaben could get involved in social activities as I was educated. My father felt that it was a good idea and so he suggested that I

go along with Mr. Kathi. Today he is the secretary of the NGO we have set up and he is like another father figure."

*In this case it is difficult to attribute the overall sense of confidence and strength that Radhaben conveys to being a law user. It is her other experiences as part of spreading awareness on RTI, being part of the Handicap International that seems to have more of a role. In fact that she had to make innumerable rounds of the government offices, made her lose hope in the law.*

## **Views about Justice**

The researcher tries to probe by asking if she has changed her views about the RTI Act and whether she feels she has got justice.

*Radhaben reiterates, "I will say that had it not been for the RTI Act, I would not have got the land – I have the papers with the 7/12 and all which has my name. But is after they took it back we haven't got anything. Now even RTI is not helping." She is also very clear that she has not got justice.*

Given that Radhaben has been a corporator, runs her own NGOs the researcher tries to probe what does she think is the relationship between laws and justice; whether the laws are effective; whether the attitude of people who implement the laws have any impact. **Radhaben says, "The problem is with the law itself. The law itself has to be strong so that there is no scope of any loopholes. When we as ordinary people approach the government or the court, if our work does not get done – it implies that the law itself is weak. They are not afraid of the law."**

In this explanation, Radhaben is conveying that formulating laws in not adequate, for ordinary people use of laws to secure what they want or in other term substantive justice, involves too many intricacies and the time taken is too long. This case indicates the unlikely case that despite CSO intervention and the woman herself being quite strong the RTI Act has not yielded her results in securing the land which the government has promised it will give her.

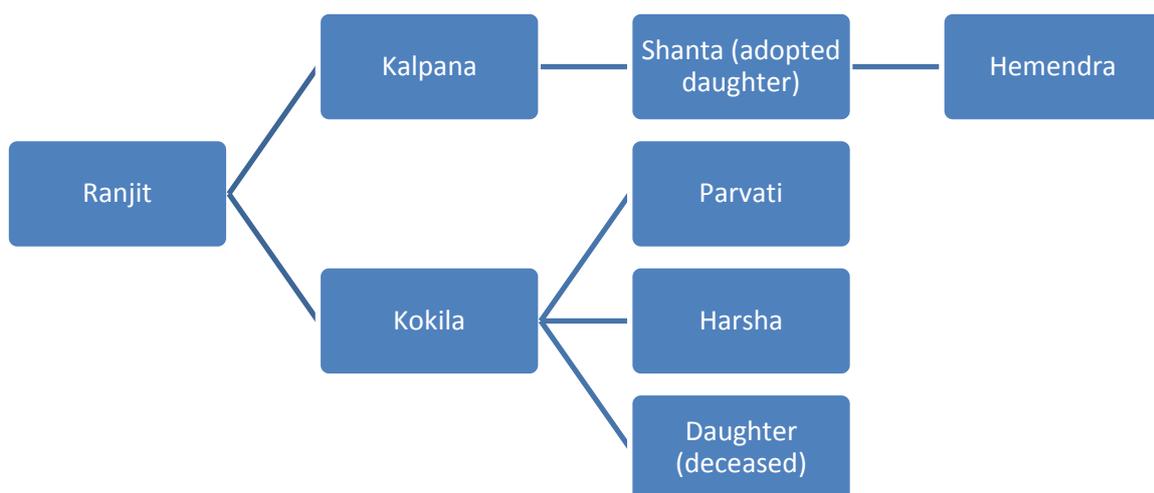
Name	Parvatiben (Name Changed)
Age	44 (when she approached the NGO)
Education	10 <sup>th</sup> std
Village	Amaliyasan Station
Block	Mehsana
District	Mehsana
Law	RTI
CSO	Mahti Adhikar Gujarat Pahel (MAGP)

Parvatiben (Name changed) chose to come to meet the researcher at MAGP. She came with her husband, who is employed at Nirma factory in Bhavnagar. Earlier the factory was located in Amaliyasan and when the larger operations of the Nirma company shifted to Bhavnagar, he chose to move there alone. Parvatiben, her children and Parvatiben’s mother stayed back in Amaliyasan.

Parvatiben belongs to the Thakor community that falls under the kshatriya community.

### About why the need to Use RTI came up?

The root of Parvatiben’s RTI case is dispute over property – agricultural land and 3 buildings.



Parvatiben’s father Ranjit Thakor (Name Changed) fell in love with Kalpanaben (name changed) and got her home in their village in Virmagam block. Kalpanaben was already

pregnant with a child. A few years later Kalpanaben died leaving behind her daughter Shantaben (name changed). Ranjit then married Kokilben and Shanta continued to grow up as Ranjit's adopted daughter. Kokilaben gave birth to three daughters – one of them being Parvatiben.

As years passed Shantaben started harassing Kokilaben and her daughters and drove them out of the house. Kokilaben took shelter in a Women's home and raised her daughters. One of the daughters is no more and Harsha (name changed) is married and lives in Patadi and Parvatiben who looks after her mother, now 80 years old.

Shantaben got married and had a son named Hemendra (name changed). She died in an accident and her son now lives in the ancestral home of Ranjit. According to Parvatiben, when her father was on his deathbed, Shantaben prepared a sales document and got him to sign it by which the house and the two shops her father owned was bought by her all for Rs. 4000/-.

There are three pieces of agricultural land amounting to 14 bighas.

Parvatiben's claim was that technically speaking Shantaben and her son have no claim over the land as she is not Ranjit's biological child. However, as Ranjit adopted her they are willing to give her the due share.

But Hemendra wants to give nothing. He has attacked Parvatiben and her mother when they went to claim their share of land and property. Parvatiben has since then kept track of the land records and knows that her mother's name along with her name have been added as legal inheritors of the agricultural land.

During one such visit to the Mamlatdar's office when Parvatiben got the 7/12 land record, she found that her name, her sister's name and her mother's name had been shown as deceased. Luckily, there was a notice period of 30 days during which objections could be raised before the Mamlatdar.

Parvatiben put in her objection. Hemendra never showed up for the hearings. Finally the Mamlatdar advised her to file a case of cheating as Hemendra had produced false evidence of their death.

Parvatiben found it hard to get a complaint registered against Hemendra as he had a reputation of being involved in illegal activities such as drugs and alcohol and known to bribe his way around or use violence to coerce officials to support him. Parvatiben shared that all officials would sympathise with her but not take any action – she met the Collector, the Police and even the Judge.

### **The first use of RTI**

Just as she was losing hope, she saw a TV show in which MAGP representative featured and was explaining how to use RTI. Parvatiben used the information to draft her first application and submitted it. Later, she called up the number given at the end of the show and reached out to MAGP for guidance.

Bhav nabhen of MAGP told her to first send her complaint as registered AD to the Police and then follow it up with an RTI.

***Parvatiben says, "RTI is a really powerful tool. Even senior officials are afraid of it."***

*She says, "The Ahmedabad Police first called me and then came to my house to take our statements. Earlier the police officers in Viramgam and Ahmedabad Rural Division just did not listen to me or pay any heed. And here they were at my door step to do their duty. "*

Parvatiben states that following the prompt action, the police arrested Hemendra and he was put behind bars for a month. It was huge blow to him. He was out on bail. He then offered a truce by offering us the poorest quality land out of the three land pieces. Parvatiben refused the offer and one of the land which touches the main road is likely to fetch nearly Rs. 20,00,000/- (Twenty Lakhs)

### **On How has the Civil Society Organisation helped?**

Parvatiben is able to clearly say that MAGP helped them to understand the law and the spirit behind it.

*"It is a law that was made to help the common man", she says now with familiarity and conviction.*

### **Impact of being a "law user"**

Parvatiben was dealing with a whole load of challenges – trying to get the rightful share for her mother – a hostile and violent nephew, having left the ancestral village they had little local support.

#### Law user of the HSAA

Parvatiben says that initially, she was only trying to get her mother her rightful share. Somewhere along her efforts she learnt that under HSAA she and her sister too would get an equal share in the land.

Her motivation to keep up the case is that, they want to get their rightful share and are very upset that her father's property is in the control of a person who is involved in all sorts of criminal activities.

However, Parvatiben is feeling that the case is not coming up for hearing fast enough and wants to know if she could do an RTI to expedite the matters .

#### Law user of the RTI Act

Parvatiben was most impressed with the impact of the RTI. She says, "It came as big boost to our efforts. My mother has a 30% disability and is so old. I would take her to all the offices to get her the rightful share in her husband's property. But nothing was coming out of it."

***Now, we all feel that we will get justice.***

Parvatiben says, she is seen as a very strong woman in her community, for single handedly going to various offices and fearlessly putting up her case.

## Views of Empowerment

Parvatiben has a powerful voice – a strong tone that conveys confidence. She has heard the word, 'Sashaktikaran'; but is not sure what it means. She takes a guess, " being able to use one's own strength."

Parvatiben then goes on to explain, "It is because that I have not given up and have knocked at so many doors that at least, we have access to our land. We asked the village elders and our community leaders to intervene and allow us to work on it."

*Although on the 7/12 land records, Kokilaben and her daughters appear as owners, they had to approach the village elders to present the unfair means by which Hemendra had usurped their share. **Thus for women securing formal titles is not adequate, they have to get the social sanction when there is a dispute.***

It was due to the 'panch process' that Kokila ben is able to give her land for sharecropping and earns an income from it.

From a positive point of view, this can be seen as validating what is being stated by the progressive HSA 2005. From a negative point of view it can be said that women's rights are not yet absolute – they are mediated by patriarchal society norms.

## Economic Implication of being a law user

Parvatiben has estimates that she must have spent about Rs. 3 lakhs in different ways to secure the right of her mother and herself. She states that she is lucky to have a supportive husband who never took it the wrong way when I would spend days out of the house leaving behind the kids.

Her husband adds, "She offers public performances – she is a singer and commands a fee of Rs. 20, to 25,000/- per show. It is through this income that we can afford these costs. Otherwise with just one salary and three children, there was no way we could afford the legal expenses.

## Changes in relationships

Parvatiben states that she always had a critical view of the customs that the community followed. She decided to go against those and invested in her children's education – One has completed BE Electrical, One is studying Masters in Accounting and their daughter is going for her graduation. She says, " In the Thakor community education is not valued for girls or boys. But I decided that all my children would be well educated."

Parvatiben also says that she is respected in her community and women do approach her once in a while to seek her advice.

### **Views about Justice**

Parvatiben replies in two parts to this question – She says, she certainly feels that part justice has been achieved, but until the entire land title is cleared justice cannot be said to be done.

Parvati is clearly pointing to substantive justice as her goal. She says that she is unable to strike a deal with any buyer for the land as it shows as disputed land.

Name	Gulab ben (Name Changed)
Age	56 (when she approached the NGO)
Education	7 <sup>th</sup> std
City	Ahmedabad
Law	RTI
CSO	Mahti Adhikar Gujarat Pahel (MAGP)

Gulab ben (Name changed), is a plump lady living in Ranip area of Ahmedabad. Her husband lost his earlier wife – Sheela (name changed) to illness, who left behind three daughters. Gulab ben looked after the three daughters, but they never fully accepted her as their mother. When the time came the daughters were married and settled in their own homes.

Gulab ben’s husband was a small contractor who leased land for sand mining around Chhota Udepur and was economically quite comfortably placed.

Gulab ben did not have any children of her own.

#### **About why the need to Use RTI came up?**

It was on January 14<sup>th</sup> that the three daughter’s had come to spend time with their parents. As one of their relatives passed away, Gulab ben had to go for a social obligation visit to Sheela’s village. Her husband had a sudden heart attack and passed away.

The daughter’s did not inform Gulab ben about his demise until she came back and Gulab ben says, “I was completely devastated when I came home!” In hind sight, Gulab ben states, that, “It was a double shock – that I had lost my husband so suddenly and that I was not informed for two days!” The daughters completed all the final rites without Gulab ben.

However, another piece was shocking news came to light in a few days. Gulab ben says, “I was always a home bound person, I never interfered with my husband’s business. So I knew very little about bank accounts or insurance until after my husband passed away.”

A close friend of Gulab ben's husband came to meet her and informed her that the 3 sisters had got their names put in all the property that their father owned and did not mention anywhere that Gulab ben was alive or the legal wife of their father. They simply had to produce death certificates of both their parents.

They had acted very swiftly in the two days after their father passed away. Gulab ben was suddenly facing the possibility of coming on the roads with no source of income and not even a house she could call her own.

### **The first use of RTI**

Gulab ben remembers, "When I shared what my daughters had done with a neighbor, she told me about MAGP saying that they might be of help." Her neighbor has seen TV programs about RTI and made a connection that they could help Gulab ben.

Gulab ben recollects, "I had hardly been to any offices, I requested the neighbor to come along with me. She took leave and came with me. We met Radhaben (name changed) of MAGP. She was really helpful. She explained to us everything about RTI. She said that I would have to collect all evidence that pointed out that I was married to my husband."

Gulab ben must have been quite disturbed about this as tears came to her eyes while saying this, indicating the pain of losing her husband and having to prove that she was married to him. However, she soon composes her self and says, "I decided that there was no point in being weak. I had no one to fall back on. Somehow God gave me strength."

Gulab ben then narrates how she went about collecting all bank records, called for all her husband income tax returns and pulled out photographs of two of them together at family and community functions. Gulab ben stated, "It took her almost three months to get it all together. I was still dealing with guests who would come to offer their condolences and the various rituals that have to be done after someone passes away."

Finally, she went back to MAGP with all the documents. They looked at all the papers and helped draft a letter which informed the corporation that she was alive and also the legal inheritor of the property of her husband and that she wanted her name to be added to his property as the legal inheritor.

Gulab ben was unable to clarify which exact offices or department the letters were written to – whether it was the land office, or tax department. She simply stated, “ I had never dealt with all these things. I would just do as Radhaben told me to. I would put my sign and give her the papers. They would send the letter by post. I did not even have to go to any offices.”

Although Gulab ben may not know the details, but she seemed to follow the instructions given to her quite well. Radhaben had told her to wait for two “When, there was no response to my letters for a about two months. I went back to MAGP.”

This time she drafted an application under RTI asking the same office to give an update on my application.

### **Role of Civil Society Organisation**

Gulab ben keeps repeating that had it not been for Radhaben, she would have been on the streets. To the question, how had the CSO helped, Gulab ben is able to state quite clearly, “The strategy adopted by MAGP was to write to the government as I did not know that the property had already been transferred. I would have never known these things though I am a bit educated.”

On further probing, Gulab ben shared that each time she had to come to MAGP she would be a bundle of nerves. She then continued, “Sadhanaben would just sit with me and first ask me about my family and what I had done in the past few days and make me feel at ease.”

To the question what was the most significant help that MAGP offered, Gulab ben shared, “Sometimes others from MAGP would also join and together we would discuss the steps to be taken. I felt as if for the first time I was important enough for all these ‘big’ people to discuss about. They would then go over all the papers and make me understand everything.

*This gave me a lot of confidence. They were very patient with me and sometimes explained the same thing several times as I would be lost or become emotional”*

Apart from providing the technical support, MAGP seems to be quite sensitive to the challenges that women like Gulab ben face due to the long standing years of socialization that makes women feel incapable and under confident.

### **Impact of being a “law user”**

Gulab ben was a regular urban middle class home maker. She had never imagined that she would be knocking at the government doors for her survival. She was in fact quite nervous at the beginning.

Unlike most other cases of law user, Gulab ben was unusual as she had not faced basic survival issues until she was way past her 50 years. Her life can be said to be quite protected and confined to her family and community with no contact with the public sphere.

*The incident whereby her adopted daughters took away all her rights of being the inheritor shook her up. She was suddenly faced with a lot of uncertainties. And yet one can say that even Gulab ben showed a fair amount of “agency” – first in reaching out the CSO and then following up till she got her share of the property.*

### Law user of HSAA – Hindu Succession Act Amendment

Gulab ben came across as a humble and straight forward person who genuinely cared for the daughters. She did not want to keep everything that her husband left behind for herself. She actually wanted to also give each of the daughters’ their share. To the question if she had heard of the HSAA, Gulab ben replied, “No not before I went to MAGP.”

### Law user of the RTI Act

Gulab ben speaks softly, but clearly, “RTI is a huge tool for women like me. With just my letters, the officials were willing to make changes.”

*To the question, in what ways does she think RTI is a strong tool, Gulab ben replies, “It is a law that asks government to follow the rules. They cannot do as they please.”*

Gulab ben recollects, “Radhaben would rehearse with me what the RTI act says and taught me what to say if the officials asked me any questions. – This taught me that if one knows the law, the officials do not try to delay or avoid the matter.”

In between, Gulab ben kept repeating, “I used to feel scared each time I entered those big building and had to sit across those big tables and speak to the officials. I would then recollect all that Radhaben had told me and get my work done.”

To check if she now promotes the use of this law, or recommends its use to others, she says, she does tell those who come to ask her.

### **Views of Empowerment**

Gulab ben had never heard of the term ‘sashaktikaran’. It was such a tough word to pronounce, she first said, but then she recollected, having seen the Chief Minister of Gujarat on a huge hoarding near her house which mentioned the “Empowerment Fortnight.” She then builds on that and says, “It means women have to be strong, it means women can achieve that they want. They should not be afraid like me.”

The researcher conveys to her that she now comes across as a strong woman and she had inner strength which had not used to deal with government offices. To that Gulab ben agreed and smiled.

### **Economic Empowerment**

Gulab ben states that she had to spend a little money for the postage and the travel to the various office. Some people had cautioned her that taking on any legal matter was very expensive. To her surprise, it was hardly any expense for her.

In fact, having used the RTI, she is much more economically secure as she is now the owner of the house she is staying in. She shared that she feel much more confident now. Earlier, she would feel weak in the knees and sometimes her hands would shake. But now that had become much less.

### **Change in Relationships**

The researcher wanted to understand how the relationships had changed for after she used the laws to secure her rights. Gulab ben says with mixed feeling, " My daughters are upset with me – but so am I – how could they do this. What they did was wrong. I did all I could to raise them as my daughter. But they never accepted me. Their uncles and aunts would put all sorts of ideas in their head. They started keeping a distance as they grew older. There was nothing I could do."

To the specific question if the daughters still interact with her, Gulab ben says, " No they have stopped talking to me completely after I fought for my rights." Gulab ben feel sad about it as she says, " They at least used to come once in a while to meet their father."

To the question of relationships with others in her extended family as she has no one else, Gulab ben stated that, "Not all are the same - some are sweet to me but talk behind my back and then there are others who believe that what I did was right and support me."

Gulab ben offers, "The greatest help came from the family who were business friends of my husband. They knew about his bank accounts and investments to some extent and helped a lot with all the paperwork that had to be done in banks, and the policies. They are also helping with how to manage the finances so that I can get a regular income."

In her the society of 12 houses, Gulab ben participates in the evening bhajan singing group. Gulab ben shared that those women were curious to know about how I managed and they gave me a lot of support. Many of these women are much older than me but like me never did anything without their husbands or children. They never thought of themselves as women who can go to offices and do things on their own."

There was an element of reflection of how women are tied to their gendered roles and the limitations that it places.

Taking ahead the idea to explore if Gulab ben has also thought of whether the situation has changed and if the RTI law helped her, the researcher asked her if she thought the RTI has any special meaning for women. Gulab ben replied, " I did not know about any laws, or anything before, but I do know now that when I just put an application I did not get any response, but when I did the RTI, there was immediate action." To probe further about the

specific relevance for women, Gulab ben stated, "Yes if women like me who are not that educated can also use this law, it is certainly good for women."

### **Views on Justice**

Through out the interaction, Gulab ben focused on how going out to the offices was a very new and often intimidating experience. Her primary concern was ensuring that she should be able to live the rest of life peacefully. She had a general idea that her husband earned enough and had shared with her that they would have enough from the investments to support them in their old age.

Do the question if she thinks she has got justice, Gulab ben gives a philosophical response, "Who are we to judge, there is God above who is watching us all and ultimately he decides what is right and wrong." But to push her to reflect on her current circumstances, the researcher pressed and asked, "But before that we all have to do our karma and if she believes that she has got the fruit of her karma of getting what was her right." To that Gulab ben says, "Yes I do think I have got what I wanted."

## **SUBSTANTIVE DISCUSSION ON RTI AND LAW USERS**

Based on the five cases of women who have used the RTI, this section discusses and analyzes the data around the objectives of the study.

### **OBJECTIVE 1 : OUTCOMES OF ASSERTION - THE LEGAL PROVISIONS AND SUPPORT STRUCTURES OF THE STATE**

#### **The first use of RTI**

By the time each of the women learnt about the RTI, they had already been law users and were conversant with complications and procedures involved in using the law. In fact it was the undue delay in these primary cases that led them to use the RTI.

Each of the five women law users stated that they came to know of the law through the media – either the TV, the radio, the newspaper or a pamphlet. Interaction with Ms. Pankti of MAGP explains that they had taken up huge drives and had tie –up with the radio and TV to do regular shows giving information about the law. They had also run a series of newspaper articles on the subject of Right to Information written by different people.

These seem to be effective strategies which did reach the law user and in fact Parvatiben had filed her first RTI application on own. Most of the other law users then approached MAGP through the given address.

**All the five law users unequivocally state that they found the law effective in getting them information that they otherwise did not have access to.**

Parvatiben and Bharatiben who are 10<sup>th</sup> and 12<sup>th</sup> std pass respectively state that all responses under the RTI Act also provide information about whom to approach in case they are not satisfied with the information. This indicates that there are effective provisions in the law which are being implemented and can be used by citizens with basic literacy.

**Having stated that three law users state that initially they received prompt replies, but in the recent years, they have either not got appropriate responses or there is undue delay and they have to go for second appeals to get the requisite information.**

These experiences tie in with the fact that there has been an increase in the number of RTI applications being filed as stated in the review of literature section. This could be due to the growing awareness and as well as the general positive experiences of the RTI applicants.

**OBJECTIVE 2: CHANGES IN THE WOMAN'S RELATIONSHIPS WITH HER FAMILY MEMBERS, MEN AND WOMEN IN THE COMMUNITY**

**There is no clear pattern emerging from the five cases about the changes in relationships with family members.**

Out of five cases two women with disabilities went through separation soon after their marriage and were living on their own with limited support from their natal families. Of these two, one of them has had a particularly bad set of experiences with her brothers and the men in her neighbourhood. Although as a law user she feels strong it is her disability and that she is single, that creates a vulnerable feeling. This suggests that single women with disabilities need additional support to feel empowered.

Three of the law user, Bharatiben, Parvatiben and Gulab ben have certainly become stronger in their family relationships and even command a certain respect. Bharatiben and Gulab ben particularly speak about leaving behind insecurities and leading more confident lives.

However, with the exception of Radhaben who has set up her own NGO, most of the other women lead pretty much private lives and not too many people around them are aware that they have used these laws. Radhaben is well known and respected in her locality due to the social service activities she is engaged in.

It so emerged that four out of the five women were single – three due to martial conflict and one due to the death of her husband. This itself posed economic challenges and women had find various means to support themselves. Each of them also had to take care of the expenses to fight the cases. Umaben in that respect comes across as the most vulnerable as she is past 50, lives in a hostile neighbourhood, brothers who do not support her. The telephone booth hardly yields any income as there is no use of public telephone in these days of mobile phones.

**OBJECTIVE 3: DIFFERENCES IN OUTCOMES WHEN A WOMAN IS PART OF A WOMEN'S COLLECTIVE OR SUPPORT GROUPS AND WHEN SHE SEEKS HELP AND GOES THROUGH THE JOURNEY ON HER OWN**

As stated in the previous section all the women except Radhaben have not been part of any regular support group and they have all gone through the journey on their own.

The guidance they receive from the CSO has been critical for each of them in getting the information they needed. The CSO was recognized as technical support on the RTI Act and to help them strategize on how to use various provisions to get their work done.

**OBJECTIVE 4: WOMEN'S PERSPECTIVES ON MEANING OF EMPOWERMENT**

**None of these women had heard of the Gujarati word, "sashaktikaran", but on a little probing their responses reveal the strong link between justice and empowerment.**

The women law users state that the orders passed by the State Information Commissioner led to officials who were otherwise misguiding the women, to give them appropriate responses. Getting responses from the government to support women's rightful claims has a direct link with the feeling of justice and empowerment.

However, Umaben goes a step further that justice is done not just when the orders are passed but when the orders are actually implemented.

**This group of women showed a far greater understanding of substantive justice.**

## SECTION.B FOCUS GROUP DISCUSSION

### MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE ACT

This is another act that was passed in 2005. It was considered a huge step in the direction of a rights approach as it spoke of a guarantee of wages for 100 days at minimum wages for all who were willing to work. The work was to be provided on demand at a location not more than 5 kms away from where the villagers were living. If not then transportation was to be provided to the place fo work by the government.

With amendments to the act there has been increasing focus on building rural infrastructure through convergence between other programs and MGNREGA. There has been much skepticism about the usefulness of such a law and there have been several studies that indicate the usefulness of this law.

In Gujarat women form a significant part of the wage workers under MGNREGA. Instead of viewing women as mere wage workers, this study considers women as 'law users. There is a assumption based on the researcher's field experience that women are not passive beneficiaries of this law but are engaging with it as active citizens to make it work for them.

As explained earlier in this chapter as well as the methodology chapter, the data is presented in the form of reports of Focus Group Discussions with three sets of women. These women are from three villages located in three different blocks of Gujarat viz;

- ✓ Nandarva of Shehera block,
- ✓ Bariafali of Ghogamba block and
- ✓ Mota Dahisara of Maliya Miyana block.

Name (All Names Changed)	Age (At the time of Interview)	Education
Urmila	38	7 <sup>th</sup> Std
Sangitaben	32	Non Literate
Alkaben	45	Non Literate
Reenaben	42	Non Literate
Kiranben	32	Non Literate
Kamlaben	48	Non Literate
Village	Nandarva	
Block	Shehera	
District	Panchmahaals	
Law	MGNREGA	
CSO	Panam Mahila Sangathan (PMS)	

Nandarva is about 32 kms from Shehera block of Panchmahaals district. At the juncture where the road takes a right turn at the Khodiyar Mata temple near a large lake is the beginning of the village which is spread over several (*falias*) hamlets. Women from Dangaria Falia, the Rawat falia have gathered at the house of a Panam Mahila Sangathan (PMS) member. The women from this village have been working on the MGNREGA since it was announced and implemented in Gujarat. However, the journey has not been easy for them.

Of the six women that took part in the discussion 4 of the women belong to the families that had been displaced due to the Panam irrigation dam built on the Panam river in the late 1960s. These families were rehabilitated in these villages. The village has regularly had about 50-100 women and men working each year on MGNREGA sites.

Urmila, the most literate with education upto 7<sup>th</sup> std called in the more active leaders for the interview.

## **On how was life before they learnt of the MGNREGA**

Sangita and Alkaben spoke up simultaneously and immediately to the question, “We women never went out work. After the agriculture season, the men of our families had to go out to work to other cities like Surat, Vadodara and Ahemdabad. Alkaben added, “Women just stayed back home and went if some farmer who had irrigation facility called us. But that was hardly anything.”

The need for work was quite clear, Reenaban stated that, “when we were rehabilitated we had got very little land against what we had in our original village and we are still trying to rebuild our lives.”

There was a strong aspiration that this group of women which played an important role in keeping up the tempo to seek and get work under MGNREGA.

## **On How did they learn of the MGNREGA**

Sangitaben said that we would go for meetings and this our “madam” – referring to Urmila would come and share things with us. Sangitaben states that she has been a leader of the PMS.

*Reenaben then said that we used to gather for our savings and credit meetings every month and there we learnt about- the law. In the very first one or two years there were no radio or TV ads - those started much later. So PMS was the only source of information about- the law and its provisions. Since none of them were literate, the only way they learnt about the law was through word of mouth.*

## **On What they thought was the relevance of the Act**

*Alkaben stated, “This law is for women because the men can go out and work. So with this law, women can stay back at home look after the children, and the elders and still earn money by going to the worksites at the village itself.”*

To the query, that can women do all the hard work that is involved? And to purposely pose a leading question, the researcher asked them – “Isn’t it common practice that men do the

digging and the women carry head-loads of the mud/*murrum* (local name for hard and soft stone) to a nearby levelling place?" Reenaben replied rather indignantly, "Who said women can't do the digging? We do it all the time." Kiranben added that there are some men who also come to the site to work, so it is not just for women.

### **On the Process of accessing the provisions of the law**

The women were able to give very graphic details of what happened when they went to find out and ask for work the first time.

Urmilaben narrated that after they learnt about the MGNREGA, they initially went in twos and three's to the panchayat office to ask for work and the responses they got from the Talati – village panchayat secretary cum revenue Official were like this,

"So you think you are special – no body is asking for work – why have you come to ask for work?"

"Where have you learnt these things?"

"Go away we are very busy and we have many things to do."

Sangitaben, then added that, many of us were afraid in any case of going to the Panchayat and talking to the Sarpanch and the Talati. When we didn't get proper answers we decided to go as a much larger group. 20 women from the Adivasi faliya and 30 women from the Dangariya falia decided to go to the Panchayat office on the day that was Talati's turn to be in office. Somehow he got know that we were coming and so he went early to the office, started collecting papers and was about to leave for the block office. The adivasi women reached before us and we were still on our way. We had all the papers – work demand applications with us. The talati started giving excuses that he had to leave, our sisters from the Adivasi faliya tried to tell him to wait for just a little more time and tried to stall him as much as they could. But then he left.

Urmila then continued, "On our way we met the Taluka President who lives in this village and on seeing so many of us he asked us where we were going? And we started to tell him that we were going to the panchayat office to submit our work demand applications. **Just then the Talati reached our gathering followed by our Adivasi faliya sisters. So the**

**Talati was kind of surrounded by about 50 women and he had no choice but to accept our application. The Taluka President also told him to do the work of the women.”**

*So this was the first instance where the women realised the power of collective action and they were able to move from fear of the Talati to being able to get him to work to fulfil their demands.*

The women narrated another instance where they realised that the Sarpanch had got a JCB – earthmover to complete a road.

Sangitaben said, “We learnt that the sarpanch has been calling the JCB at night to make the road. We went to him and told him to give us the work instead. Initially the Sarpanch’s response was “women don’t want to do any hard work in any villages, so I thought you won’t be interested.” Reenaben then told him “We have always done the work, you know it – so why are you giving this reason?” When he realised that he was cornered he thought of another excuse – he said that there are many families who have encroached on the common land and will not give way for the road – if you want to work then it is your headache to deal with them and convince them, I will not be involved. To this condition also we all agreed immediately because we really wanted the work and decided to take it up as challenge.” Urmila explained that when he gets the JCB in the night everyone is sleeping and the JCB does its work in one night and finishes the whole work – there is no scope for any resistance from the residents. “But when we do physical labour the work is slow and the residents whose houses are nearby will come to stop the work and won’t give way.” So when we told him that we will deal with the residents, we were really taking on a tough challenge. But Sangitaben says we managed to do it – we would tell the residents, “It is for the good of the children who will have better access to go to school” or for the women who have to walk longer to fetch water and slowly they would relent.”

*The women it can be seen have connected their need with that of the larger good of the village and moved from merely seeking individual benefit to seeking the well being of the larger rural citizens. The women who were afraid to speak to the Talati and got fazed with a few questions had gained the strength to deal with village level conflicts and developed the confidence that they had the power of conviction that they could arbitrate with the villagers.*

In fact, Kiranben pointed out that it was a strange situation where in members of the family that were opposing the road would also come do the labour work to earn wages but will resist because they were asked to vacate the encroachment.

### **On dealing with new hurdles**

In yet another instance, the women shared that not just the village sarpanch and talati created hurdles, even the Block level officials tried to scare us away from the work. Sangitaben shared that during one of the years there had been undue delay in payments and the Sarpanch told them that the delay was at the block office. But when the block officials did not move our application, we approached the district office. The officer there directed the block officials to issue the payments. The women were able to explain that due to the pressure from the district office the block officers had to report on the ground situation. So the officials decided to make parallel teams and came to each of the villages at the same time. They had not expected to find women at all the villages where the sangathan had been active. But to their surprise at each and every site women were present and working on the site.

*"When these officials came to our village and held a meeting, the block officer said that the next work sanctioned is that of well deepening". He then asked, "Have any of you done that kind of hard work?" Sangitaben said, "We remained unfazed and told him we can do any kind of work."*

When the block officials found no fault they had no choice but to release the payments.

**Thus the women's struggles do not end even after they have shown courage and ability but the patriarchal forces create hurdles for women at every level and in different arenas.**

### **Technology creating new Barriers**

It is generally believed that technology reduces human errors and can bring in transparency and efficiency. While the women acknowledged that due to their persistent struggles, they have established a good track record within the village with the GRS – Gram Rojgar Sevak, the Sarpanch and the Talati. They said "They may not like or support what the women were

doing but they have come to accept that the women will raise their voices if they do anything wrong."

But the latest hurdle that they were facing was to do with technology. Last year they stated that at least 10 women had issues with the erroneous computer entries for which they had to do a lot of back and forth. One such case was that of Reenaben who said that she had not received any payments for the previous two rounds of work each amounting to approximately Rs. 6000/- . Urmila who is literate and goes to the block more often than the others in her sangthan leadership role explains that they have traced the problem by going to the various desks that handle different operations of the MGNREGA at the block office. For the first round the computer operator had told them that her bank account record in the entry have gone missing. So although they have put her days of work against her job card ID, there are no bank account records and even the computer operator doesn't know how that has come about. She then went to the Bank to ask if they have done some changes to their records and to her surprise, she was told that there is some error and they cannot locate her account number in their records. So then Reenaben states that she paid Rs. 500 and got a new bank account opened in another Bank and submitted a new account number to the block office before starting the next round of work under MGNREGA. She had been assured that the process of conveying the bank account number has been initiated and her payment will come through. She will need to have patience. So she went ahead and completed the work in the second round as well. At the end of the second round everyone else got their payments, but not she. So once again she had to begin the process of finding out why her payment has not come through. This time she discovered that the computer operator had changed at the block level and they suspect that he has just taken the old bank records and processed the payment. He has not updated her record with her application to change the bank account details. So her money has not been paid for the second round.

Reenaben is so dejected that she says she is not going to enrol for the third time as she says, "I put in all these days of hard work and what is the point if I get no wages." Urmilaben encourages her and says we are all here to ensure that you get all your money. So don't give up hope – you must join the work this time when we are going to demand for it. The other women too join in to encourage her. But Reenaben is not sure.

*The women feel that the hand written records are much better – Sangitaben says, "At least we can see them and verify – here when they tell us it is a computer mistake – we don't know whom to catch – what can we do with a machine who makes errors?"*

### **On the new skills and abilities they have gathered**

The women who had gathered for the meeting were obviously among those who had taken lead in many aspects and were able to answer several questions posed by the researcher regarding the method of taking measurement, the payment schedule, number of persons who should be on a job card and so on.

Sangitaben said that initially the government people just replicated the ration card members on the job-card. She said, "But we had learnt that for MGNREGA the family means an adult husband –wife and their adult unmarried children or relative. Married adult children should have separate job cards – so that per job card they can get 100 days of wage work." Soon we went around first making our sisters aware and then went several times to the panchayat office with them to get the changes made."

The Talati and Sarpanch never liked that we were going to the office so many times – it meant more work for them and they also knew that they cannot ask for any bribes for doing the work. Alkaben the older and more mature among the women said, "They were constantly cursing us or talking rudely to us. We would answer them wherever required and often had to remind them that it is their job to do this work."

*From being afraid to even go the Panchayat these women have come a long way where they are now telling the govt officials how they need to conduct their business. They are exercising agency and creating the ground for an accountable government machinery and promoting rule of law.*

### **On changing Gender Relations , Investing to reduce drudgery and in girls education**

The women were able to see changes not just in the way they deal with government officials but also in their homes. Several established gender norms have been altered with the women becoming more assertive and confident.

Alkaben responded to the question – “What has changed at your home? Have your roles changed?”; by saying, “Yes, there are many times when they look after the children, give them a bath.” Sangitaben, chuckled and added, “ They even cook sometimes and keep the food ready for us when we go for meetings.” There was much laughter at this and Reenaben broke into a song, “*Javaani Javaani Hun to Meeting ma javaani...*” (Go, I will ; Go I will, I will go for the meeting). This is one of the songs that the women have learnt from the sangathan which goes on the say in the voice of an aware and confident woman who says that she will go for the meeting despite her husband, her in-laws telling her not to.

To the question of the researcher if the women spent the money they earned for themselves such as buying something to **reduce their drudgery**, or something that they wanted to do.

*Reenaben stated, " I got the area where we tie the buffaloes plastered with cement – so that the floor can be cleaned easily, Otherwise, it would get messy with their dung, urine, water, fodder and the mud beaneath. Now, I spend much less time cleaning it. There is an added benefit of the place remaining clean – there are less flies and less odour."*

On hearing this Alkaben nodded her head and was appreciating that one of her sisters had taken a wise decision.

*After a little thought she said, "Hmm... It is like the song we sing ... "Kon naame khetar ne kona naame dhora? Kone banaavya aava niyam re? Beheno kare kaam ane bhai na name khetar - samaaje banaavya aava niyam re?" (In whose names are the farms and animals? Who has made the norms? Women do the work and the farms are in the names of the men – The society has made such norms."*

So then Kiranben picks up the cue and says, "Yes we have change this? Who said that girls and boys are different? We have to treat them equally." Sangitaben says, "Yes when we are old and if our son is away for work with his wife in some other village, it is our daughter who will come running to take care of us."

Hearing this the researcher asked, "Has anyone of you invested more in your daughter's education with the MGNREGA money you had earned?" For a while there was silence as they had never thought of it in that manner and one or two of them said that they always spent it on household items and for the family. Then Urmila said, "Yes, I have and perhaps Kiranben has forgotten but we both have invested in our daughter's education."

"We had read in the news paper that there is a two year computer course for girls in Vadodara a large city which is about 100 kms from our village. They were offering an assured job after the training. So we took our daughters and went to Institute. They told us the fees was Rs. 30,000/-/ At that time we had just received our MGNREGA wages of Rs. 5000/- each in our bank accounts. We explained our situation to the teachers there and they said, they will accept the girls with an initial fee of Rs. 5000/- and if they are good they will help with a part time job so that they can pay their fees as they progress.

Urmila's daughter got a job in two months time and she started paying her own fees. Then she still had time so she joined college to complete her TYBA. So now she supports her education and is getting trained in a skill – all by herself. She is living with other girls like her. She has got a job in a news channel – to do computer work.

**There is definite shift here where in the women who have experienced changes in their own self image, in their relationships with the powerful of the village and within their family in terms of work sharing. They are now able to see how the next generation needs to move towards greater gender equality.**

## On what is Empowerment

All the women except Urmila said they had not heard the word. Urmila also became a bit hesitant when a pointed question was asked, but then she spoke up and said it means being courageous. She uses the gujrati word "*sangrah'* karvo pade" – meaning to say "*sangharsh'* karvo pade" – translated to mean – **"have to take up stuggles and challenges"** .

As she explains the women nod in agreement and then add one by one

"Empowerment is when we get our rights and in order to get rights we need courage."

"Empowerment is when Single women get property rights."

"When we support one another it gives strength and we can take risks."

"We have to be first aware then everything else follows."

"For Empowerment we have to educate our daughters."

"Empowerment requires that we use our abilities."

Name (All Name Changed)	Age (At the time of Interview)	Education
Galiben	55	Non Literate
Pauben	40	Non Literate
Jatanben	35	Non Literate
These three members were present right from the beginning and about four other women joined almost halfway into the FGD. Sonaben (name changed) the leader of DMS, from another village who had accompanied the researcher as the local guide also joins the discussion		
Village	Baria Fali	
Block	Ghogamba	
District	Panchmahaals	
Law	MGNREGA	
CSO	Devgadh Mahila Sangathan (DMS)	

Bairafali is a village off the Devgadhi Baria – Pavagadh Road. Most of the people of the villages around stretch of road are marginal and landless farmers.

Bariafali is part of a group gram panchayat of Simaliya, located about 15 kms from the Ghogamba block headquarters. Sonaben one of the senior leaders of Devgadhi Mahila Sangathan accompanies the researcher and they walk for about 10 minutes through farms and fields to reach the house of Galiben. It is a house typical of the area – a long house made partially of mud bricks, regular kiln bricks and roof made of log frame and tiles. The verandah has several cots and Galiben spreads out two cots for the guests. The children gather around us even as Galiben send off a couple of them to call for other women staying nearby. The house conveys that the family is of modest means.

### **On how was life before they learnt of the MGNREGA**

Galiben explained that like most people in that area, men and women migrated out as construction workers to various cities like Vadodara and Surat. Most of the men had learnt mason work from the elders on the job. Those who were of somewhat better means took up the specialized work of “centering.” She becomes a bit sad and says, “Although centring

work earns more money there is risk involved and some even die. My husband and at least two or three members from our village have died doing this work.”

This significant piece of information points out that for Galiben and several others like her going out for work is fraught with severe risks and that they do it only because there were no options of work available at the village.

In this situation MGNREGA becomes an important source of wage work for these communities. The specific significance for women is taken up later during the FGD.

### **On How did they learn of the MGNREGA**

Galiben states that for almost a year she used to go to attend all the meetings that ANANDI called for in her village or even in the nearby villages. She says she just went because she felt that these people keep coming again and again and there must something useful about it and she says, She says, “I understood that these people are coming to tell us how we can apply for work and get paid for it in our own villages. Thus I became aware that we have to make application for job card, fill in the form for work demand, that we have to make and application, fill in the work demand form, to go to panchayat and ask for a receipt for the work and if things don’t move then go to the taluka.”

The researcher asked Galiben what she did after she became aware and she replied, “Even in my village there are so many of us who do not have food and need work, they face so many difficulties. So then I asked Chandubhai to come to my village to come and help up write the application. I told him I will gather the women.”

*Here we can see how a non literate woman is making use of the information and using her own 'agency' to connect her problem with that of other women, and taking a lead to seek help. Having gone to several meetings signifies that she has churned the information over and over again in her mind till she is clear. Then she is able to assert herself and approach the CSO person to come to her village and share the information with other villagers as well.*

By this time two other women Jatanben and Paruben join the conversation. The researcher recaps the conversation and the purpose of the discussion to them and they are quick to join in the conversation.

### **On What they thought was the relevance of the Act**

The researcher asked Galiben, "What was the women's response after the meeting?" To this the Jatanben says, "A few months after the rains, the grain in our house would be over, we had no work and no food. If we borrowed money from the money lender, they can ask upto Rs. 25-30 for every 100 Rs borrowed." Thinking that this was too high, the researcher asked about the time period, Galiben says that this was the situation few years ago when there were consecutive drought years. She continued, " So we would go hungry – for the children we would bring leaves from the jungles and make a soup and add a little flour to make it little thick. The whole family got this brew to drink once a day. "

**Paruben add, we would get neem leaves and use the flour made of 'kodra and banti' (These are minor millets traditionally grown in these areas and have high nutritive value.) We would grind the millets on on grinding stone and then add it to the brew. Such was our poverty.**

Galiben says that at that time we had dug the village lake and they paid us in money for two weeks work and for the other two weeks they gave us wheat. Realizing that Galiben had travelled much further back in time, the researcher once again asked to confirm how long ago was this? Then Sonaben said this must be at least 20-25 years back. She also added that at that time there was no Sangathan and no sanstha. And Paroben adds , " No meetings either."

*It is pertinent to note that having faced extreme form of hunger has created a deep impact and therefore has acted as an important factor to motivate the women to take up the new MGNREGA law as it offers wages work. They know it will shield them from such forms of hunger again.*

### **Process of accessing the provisions of the law**

The researcher brought the focus back to the implementation of the law, and asked the group to share what happened after they held the meeting in their village?

Jatanben who did not speak much said , “We agreed to put in our applications and Chandubhai helped to write our applications as most of us are non literate.” Galiben added “We wanted to construct the road to the crematorium. During the agricultural seasons we would have to walk through the fields to reach the crematorium as there was no access road. The farmers did not like it as their crop was stepped upon causing them damage. Hence, we demanded that first we wanted a road to be constructed. “

The researcher probed about the process they had to undertake to get the work started, “ Galiben narrated that it was not easy at all. They had to go twice to the Group Panchayat office at Simalya which is about 6 kms away. Paruben says, “Each time they told us that the Talati was not there and without the Talati they would not accept our application.” Galiben takes over the story and says, “The Talati was a lady and we had decided the third time that in case she was not there we would go straight to the block office.”

**The determination that Galiben demonstrated that day, is linked to how she perceives the meaning of awareness – *jagruti*** which is explained later in the case narrative.

When the women went to Panchayat office a third time, they were told that the Talati had gone into the forest area in connection with some work. Instead of waiting for her to return, the women decided to go to the forest office. There they met the Talati and asked her to accept the work applications. “The Talati did not know what to do and she tried to give excuses like she did not have the stamp, and wanted us to come another day. We replied that if she did not accept the applications, we will go straight to the block office “, said Galiben. Jatanben then added, “She stepped aside and then made a call to the Block office and informed the officer that the women were asking her to accept the applications and if she did not then they were planning to go to the block office. The officer must have told her to accept the applications and announce that the work will start in 15 days.”

Galiben says that on the 1<sup>st</sup> day 50 women reached the site and the talati came with others from the block and gave us measurements to dig. The next day there were more than 100 workers showed up for work.”

*Paruben says, "We got two rounds of payment and everyone was very happy. The villagers said that it was the women who helped to get the work and we felt good."*

**One can see the link between the women becoming aware, making use of the law, breaking barriers of hierarchy and patriarchy and thus leading to changed gender roles. The women are recognized not just as those who do wage work but also those who can get work and wages for the whole community.**

### **Dealing with new hurdles**

After this early success, Galiben stated that the third round of payments just did not come.

Galiben and Sonaben then recounted the entire process of about 10-15 women going to the block office. Galiben knew whom they had to meet – she knew that there was a separate office and an officer who was responsible for the MGNREGA related work. She narrated that she had to "Pull out the bill." Seeking to find out more the researcher innocently asked what is a 'bill'?

At this point Sonaben recollects the situation and says, "They first came to the Lok Adhikar Kendra (LAK) at Ghogamba block." Although the researcher knew about the LAK, she wanted to hear how she explains the role and work of the Lok Adhikar Kendra, and so asked, **"What is a LAK?"** Sonaben replied without batting an eyelid and very proudly she said, **"It is a place where people's work gets done, it is meant to help people. They can get their rights. We fill up forms for widows, the elderly, and for ration cards and such works we do."** The researcher checked with Sonaben, "But you said you were non literate, so how do you fill up the forms?" She replied, "I may not know how to read, but I get everything read out to me by the other literate members at the LAK. And now having seen so many forms, I know which details are entered where."

*Interesting to note that Sonaben is herself illiterate but uses the collective noun to say, "We" fill up forms. To the researcher this is a sign of empowerment and use of collective strength to get work done.*

Galiben too responded, "So what if we can't read, we know how to speak. We went to the Mamlatdar and first asked him what the rule for payment was. After he gave his response, we told him about the delay they were facing which was beyond the stipulated time period as stated by the Mamlatdar himself. The Mamlatdar said he had still not received the bill for approval to make the payment."

**Galiben's response indicates, that she knew all about the Act and procedures before hand and was not going to be taken in by the evasive replies the Mamlatdar was giving them.** "I told the Mamlatdar, 'If you don't have the bill, please call for the muster roll as all the worker's presence is marked on it and make a new bill and release the payment.' The Mamlatdar and the NREGA officer realized that they had no other choice and so they released the payment".

In order to probe further what meaning if any do the women ascribe to such instances, the researcher asked why they thought there was a delay ?

*Jatanben replied, "So that they can eat it away, and they think they can harass us." Paruben added, "They thought we will never step out the villages and go to the block office get."*

**Here again we can see that when women's capabilities are developed through information and working as a collective they are able to participate in making the schemes and programs work – which can be seen as 'substantive participation in democracy' – beyond the 'ballot democracy.'** They are also cognizant of the fact that men in government have stereotypical image of rural women workers, but **they have broken the mould and exhibiting how they have become empowered and making the state accountable.**

Galiben elaborated, " We had to be vigilant not just about payments, but also about the measurements and the rate that they marked. We know that there are two types of soil – soft *murrum* and hard *murrum* and the rate for each of them is different. It takes more time and effort to dig if the soil is hard. Often the clerk would mark all as soft soil but later will go and convert it to hard and take away the extra money. Similarly for measurements, they will come when no one is there and show much less amount of work. So we had to ask them

to take the measurements in our presence and found that actually we had done much more work.”

### **Impact of the MGNREGA on their lives**

Galiben stated that with the kind of work they have done under the law, they have better infrastructure in their village – access roads, women do not have to migrate out to do wage work, they don't have to lock their homes and leave their animals behind. In many families even the men don't migrate out now as they get adequate work under MGNREGA.

Paruben added, “When there was no MGNREGA the wages were as low as Rs. 50 or Rs. 60 per day depending on the season. Now the wages we get in the village for different types of agricultural operations ranges from Rs. 100/- to Rs. 150/-.”

Jatanben says, “ Many of us are now not afraid to speak up with the government officials. Galiben goes for many meetings so she speaks up. And we have also gone to government offices several times and hence feel confident.”

**These responses indicate that along with the physical changes in the village infrastructure and the very concrete changes in their economic status, the women are able to easily articulate the changes in their own confidence levels.**

### **The new skills and abilities**

It is this confidence level that has led the women to become active citizens and participate in the gram sabha – village council. As the researcher kept asking the women to narrate the changes that have come about due to the work they did in getting MGNREGA implemented, **Galiben says, “ We now regularly go for the gram sabha meetings to put forward our issues.** Once, I was returning to the village and a young boy asked me if I was going to the Gram Sabha? I had not been intimated of the gram sabha in advance, so I checked with some more women and all said they had no knowledge of the meeting. So we decided to go to the venue. On reaching there we found the Talati, the Sarpanch who is a lady, and few handful of men. They were all surprised to see us. I asked them what was the nature of the meeting and the Talati said, it was a gram sabha and asked us to join the meeting. I said no, first let us know have you informed the whole village? No one in our

hamlet knew of this meeting. It is a rule that all villagers must be present in this meeting and the gram sabha is meant to take decisions on people's issues!"

Paruben added, " Both the Talati and Sarpanch started blaming each other about why all the villagers had not been called. But we just told them to cancel that day's meeting and to hold it another day." Galiben said, "They were all just putting up a show, they wanted to pass resolutions without informing us, but were caught and so they had no option but to call off the meeting and fixed it for the next day."

Having gone to the block office to seek their wages and interacted with the Block officials, these women gained confidence to speak up in front of the powerful villagers and the government official (Talati). **There is a transference of empowerment that seems to take place when women who use the knowledge of MGNREGA law at the block office are also able to use the constitutional laws and it's 73<sup>rd</sup> Amendment and the significance of gram sabha to confront malpractices.**

## **Changing Gender Relations**

In order to hear more from the women on this aspect of changing gender relations, the researcher referred to the incident of non payment of wages and asked Galiben to describe the events. She said, " So we had several meetings first at the village level. The men told us, "You women must go and get this sorted out." The researcher asked if this was from the point of blaming women for the non payment or something else. To This Baliben said, "Yes some had that attitude but several older men said, you have made all the effort to get the work, you know all about offices and the officials so you must go."

**Once again this points out that overcoming patriarchal mould is not a linear journey – some tried to blame women but many realized the change that the women were bringing in wanted them to go ahead.**

It is apparent that women have started moving forward in asserting themselves as citizens and in doing so they are setting an example in their own communities on what can women do? They are going to the gram sabha, they are raising issues, they are holding the government officials to account. One can say that having heard about the laws and the

information provided in meetings and rallies, these women have taken up new roles from the point of justice and fairness. In this process they have transformed gender relations.

## What is Empowerment

Towards the end of FGD the researcher asked the women, what was the most crucial element that aided the changes. Galiben, responds with one word "Jagruti" Awareness. The researcher asked her to elaborate on the word and she very interestingly stated,

*"I used to roam about (rakhadva jati) for all the meetings that they called. I used to pay my own money (maara paisa khoi ne jati) for the travel. Many would tell me why do I wander here and there. At that time I was not able to answer them. But as we started working in our village, I was able to relate many aspects with what I had heard".*

**This statement of Galiben is significant as it brings out the act of "mobility" which is a crucial parameter for empowerment according to several authors.** This mobility is different from the mobility involved in going to the block or district office to get one's work done. Here she speaks about going to different villages where meetings were being held or where some events like a public hearing or a rally was being held. "These events are critical", Sonaben tells, "because here government officials come, senior leaders from Ahmedabad, Delhi come and listen to what women have to say. These events establish that the poor and the women have a right to be heard. It builds their confidence that they got up and spoke in front of a gathering of 300 – 400 -500 people."

*Sonaben further adds, "When you go to so many places, it increases women's confidence."*

Probing further the researcher asked, what exactly did you learn, The Galiben says, **"We learn that there are laws that apply to everyone – even to the police and even if someone beats us we can go the police and ask them to file the complaint.** But more than anything else we have the support of other women in our villages and women whom we meet in other villages."

*Paruben then added, "Earlier when we saw the police, we would just run away or not want to look them in the eye. But now we stop the police from doing things as per their wishes and tell them to follow the law."*

Sonaben gave an example of how she intervened with the police in a woman's case, even though the woman was not known to her. The Police was not registering the woman's complaint against her husband even though he had broken her hand. Sonaben said, "On seeing me the police just started saying loudly – 'These women's groups are going around instigating women and bent on breaking homes.' I replied, saying that there is no law that allows a woman to be beaten up – this woman here now will have to live with an injured hand all her life. We don't break homes – but make them better places for women to live in."

What the women have stated in this FGD therefore clearly establishes the classic empowerment spiral where they became aware, they applied for and got MGNREGA work, overcame hurdles and now participate in gram sabhas and ensure that as women citizens they have a voice in how their village is governed. They use this to support other women and make state institutions such as the police department more responsive to violence against women.

Name (All Changed)	Name	Age (At the time of Interview)	Education
	Sharifa	37	Non Literate
	Karina	45	Non Literate
	Rehmat	30	Non Literate
	Zohra	32	Non Literate
	Rubina	50	Non Literate
	Anchal	40	Non Literate
Village	Vavaniya		
Block	Maliya Miyana		
District	Morbi		
Law	MGNREGA		
CSO	Maliya Mahila Shakti Sangathan (MMSS)		

Vavaniya is a village that is 34 kms away from the block headquarters of Maliya (Miyana) that falls within the newly carved out Morbi district. It lies close to the Navlakhi port which is being reconstructed following damage in the cyclone of 1998 and the earthquake of 2001.

The farmlands are slowly turning saline due to the salt farming being done in the nearby area. The major crop grown is cotton which is entirely dependent on rain.

The village has a sizeable population of Miyana community categorized as DNT – De notified Tribe and they follow Islam.

One has to cross the entire village to reach the Miyana houses. On that day is an Urs festival and all the Miayana community is gathered to listen to a Maulvi.

The CSO team member Naresh spots some of the women he is familiar with and checks if the women who had done work on the MGNREGA could come for a small meeting. Within 10 minutes, 6 women gather and decide to sit in the house of Sharifa.

## **Life before they learnt of the MGNREGA**

Sharifa the most articulate among the group responds by saying, "After the rains and harvesting of cotton in the winter season there as no work for women. We just looked after our homes and children. The men went out to work. Some went to work on salt pans and some to the factories around Morbi and Rajkot.

Rubinaben an older woman states, "The sun is so hot, you city type people would fall ill in a day if you came in the summer." And the other women all break out into a laughter. The researcher too agreed so as to convey a comfort with them joking with her.

## **How they learnt about MGNREGA**

This time Karina took the lead to state, "Sakina our group leader, who is not here today, called us to Noorbibi's house and asked if we wanted to work for 100 days and get Rs. 100/- per day?; We all agreed." Sharifa added that, there were other members from the Maliya who had come. On asking who were they, they were unable to say the name of the CSO – Maliya Mahila Shakti Sangathan, but nodded when Naresh said the name of the CSO.

This pointed out that the CSO did not have regular contact with this village and the women were not regularly participating in the CSO events. It could be that Sakina the leader who was absent that day was the leader who was active with the CSO.

The researcher asked them to recollect which year it was and describe what they were told. After a little talking among themselves, Zohra stated that, it was in 2011 that they had the meeting. One of them got up and offered to get her job card.

The researcher confirmed if they had heard about the act from the radio or the news paper or any other source. To that Rubina stated, "There was no information on TV or radio, but some of our relatives had told us about this sort of work in their villages near Rajkot."

It may be noted that six years after the law had been passed, the women of this village had not hear about this law from any official sources.

Sharifa continued, "These people told us that, we could get 100 days of work per family and the daily wages would be Rs. 100/-. So that meant that each family could earn upto Rs. 10,000/-. Who would not be interested? We all agreed."

### **Relevance of the Act**

To this question, the group in different ways stated that they needed the work to support their families; there was no work in the summer months and that Rs. 10,000/- was a attractive amount of money.

The sense that their responses gave was that they believed that the law would provide for additional income to help make ends meet. This group did not relate it to migration like the previous two groups.

### **Process of accessing the provisions of the law**

Rehmat recollected that first the CSO team came and gave them the information and once they agreed to do the work, they gave them forms to apply for a job card. They took the forms and submitted them to the Maliya office. In a few days time they sent an official who came to verify if we really wanted to work. We all stated once again that we wanted to work.

So our job cards were issued and this person Dilip from the Panchayat informed us that we could start the work.

The researcher probed if apart from the work, there were any other provisions that the MGNREGA provided for. To that Anchal who was quiet until then replied, "Yes, they had told us that the government will put up a shade to take rest for short periods of time, there will drinking water available on the site and that there would be someone to take care of the young children." At once all the other women said, "Other than water, there was nothing ever provided at the site other than water."

### **Dealing with new hurdles**

The researcher wanted to know what were the hurdles faced and taking the cue from the fact that they knew what was to be provided, asked them, "Did that stop some women from coming to work?"

To that Sharifa replied, "We cannot say for sure, Some came with older children to look after the younger ones. As for shade we would just sit under the scattered wild brushes (*prosopis julifera – gando baval*)."

To find out if they ever spoke about it to any of the officials, Zohra stated, "Yes when the TDO came for a visit, we pointed out that there were no facilities." Sharifa added, "He simply stated that he had put up the request at the District level and once he gets the approval, he would put up the facilities.

Rubina began speaking even before Sharifa completed, "That was a minor part, there was a big problem when none of us got our second round of payment." Everyone joined in together and the researcher had to ask them to speak one at time.

Rubina continued, "In the first round many of the women had got Rs.3000 – Rs. 4000 /- and many of the women were motivated to continue to work. Many other women and men joined the work. But the payments for the second round were held up for more than 2 months."

Sharifa added, "Sakina went and shared this with the CSO leaders and they came for a meeting. They told us to first speak to the panchayat person – Dilip, he had taken our job cards to make entries. He told us he was only a muster clerk and that payments were issued from the block office."

Zohra recollected, "You know Sakina and I went to Dilip's house and he just washed his hands of any responsibility. In any case he was not a government official, he was privately appointed."

The researcher was surprised to hear this and probed further and **the women were clearly able to explain that he was not a full time government employee but hired on contract for 11 months.**

*It is noteworthy that women keep track and make linkages about whom they can make accountable. In their minds, a person who is hired on a contract basis is referred to as "privately appointed" – cannot have too many powers.*

Sharifa continued, "So then Sakina called for a meeting and we all decided that we will hire two large rickshaw's and go to Maliya. The next day we all gathered in the morning and two rickshaws full of women reached Maliya." We all waited outside the building. Everyone was surprised to see so many women at the office compound. After sometime the TDO called for two of our leaders in his office. Sakina and I went inside. We told him about the two month delay and he simply said, "Please go home, your payment will reach you in a week's time."

The women came back and in a week's time their payments were cleared.

The whole episode seemed quite full of energy and assumed to have led to furthering of the collective spirit.

The women said they continued to work for a third round. In the third round the women found that they were paid in time, but their wages were really low – as low as Rs. 1200 to Rs. 1400/- for similar kind of work done earlier. They were very upset about this and decided to stop going to work.

### **The new skills and abilities they have gathered**

The researcher assumed that having gone to the Maliya once, the women would have realized the power of collective action. However, in a most unusual way the women said that they pointed out to Dilip that their wages were too low. He said his job was to measure and the rest was with the block.

The women said they took photos of the hard soil which was piled up on one side and the soft soil which was piled up on another side. Dilip took their job cards to Maliya and returned them after two months. But there was no change in the payment.

After much probing, the women hinted that they suspected that the rich farmers did not want them to get higher wages. But the articulation was not clear. When the researcher tried to state it upfront they denied it.

## **Changing Gender Relations, Investing to reduce drudgery and in girls education**

This group of women were unable to relate any significant changes in gender relations at home or at the community level. They stated that the money they earned went into the general household expenses.

### **What is Empowerment**

This group of women was very vocal, but they had never heard the term "sashaktikaran". But with some suggestions to take a guess, their responses were recorded as

"It is about power"

"It is about strength"

There was much laughter and they said if Sakina their leader was around she would have responded to this correctly. They excused themselves as they were all non literate.

## **SUBSTANTIVE DISCUSSION ON MGNREGA AND LAW USERS**

Based on the three FGDs covering 15 women this section discusses and analyzes the data around the objectives of the study

### **OBJECTIVE 1 - OUTCOMES OF ASSERTION - THE LEGAL PROVISIONS AND SUPPORT STRUCTURES OF THE STATE**

#### **On How did they learn of the MGNREGA**

As this is an act that comes from the affirmative action from the state, it is unlike the PWDVA and the SHW (PPR) where the immediate trigger for the use of the law is denial or violation of an established right. This law is similar to the RTI Act and the HSAA where the state has made provisions or made it possible for the citizens to avail of various measures once they come to know about it.

In all three villages, the women pointed out that they learnt about the MGNREGA from the CSO. Women of Bariafali and Nandarva learnt about it by attending meetings in other village or attending meetings called by the CSO. The CSO held specific meetings in the village itself with the Self Help Group women to orientation them about the law. They say that at that time there were no TV ads or radio programs about this new law.

In fact one can see that the village officials themselves did not know what to do with the applications as seen in the FGD of Bariafali and the Talati of Nandarva actually chided the women for coming and asking him about the law when no one else was asking for it in other villages.

Women had to be persistent, and use their collective strength to get the MGNREGA started. Thus one can say that for MGNREGA, assertion started right at the beginning when women had to find out about the procedures and to submit forms at the village panchayat.

#### **Relevance of the Act**

Two of the study groups which are located in the eastern part of the state very clearly stated that the law clearly addressed their livelihood needs. The women spoke of the tough times they had to face when the rains fail and there is no work. Having experienced these hardships, they were immediately able to see the opportunity this law provided.

For the group at Vavaniya, located in the western part of the Saurashtra region, where the women did not sustain the work beyond two years, it can be said getting wage work in the village itself was not a very big priority. For, men in the family could find work in nearby cities of Morbi and Rajkot and return to their homes each day. The women also spoke of the fact that they have to look after their children which takes away a lot of their time. The Miyana community do not adopt family planning measures. Girls are married off at the age of 16-18 years and continue to bear children as late as 40 years. Thus the burden of child care and family care and engaging in labour was the reason they gave up the struggle.

Thus one sees that in Vavaniya, even though the women had success in getting their payments when they went to the block office to get their payments, they did not do it the second time and lost interest in the work saying that despite working they did not get the wages.

While comparing the three groups one can say that the Vavaniya group of women did not persist as much as the Nandarva or Bariafali women. However, the key question to ask is why the state officials do not streamline the processes to make sure, that a law passed through a democratic mechanism, is not properly implemented?

Assertion provides the circumstances for women to experience empowerment and to understand the state machinery, but it cannot remain a constant feature for the poor and marginalized who have to struggle to make two ends meet. The state machinery need to become more response.

In later section of Key stake holder interviews, it can be seen that government officials speak about their limitations and the political leaders make promises, but the situation for women is fraught with newer challenges.

## Process of accessing the provisions of the law

This law provides for direct engagement with the state machinery and the democratic apparatus of the nation. All the three groups took up the opportunity to engage with the gram panchayat official and the elected representatives. This process gave them courage and they moved from being afraid to even go to the panchayat office or the block office to seeking accountability from the officials.

Nandarva women in particular have shown that after the initial years of getting inputs from the CSO, they are able to follow up with the various desks at the block office for matters that are stuck. They find solutions on their own and support one another.

All the groups have understood the nitty-gritty's of the law in terms of differential payment for different kind of soil, they are aware of the changing minimum wages and the importance of taking correct measurements of the work done. This has enabled them to argue their case forcefully with officials and to get their work done. **Having full information about the law and all its provisions not just the benefits but information about grievance redressal procedure, payment procedures and so on is an important aspect.** Only because the women of Bariafali knew the procedure for payments they were able to corner the block official by suggesting alternatives to him. This in turn ensured that the official had to commit to make the payment soon.

## Technology creating new Barriers

It is generally believed that use of computers and technology reduces human errors and increases efficiency. While this would be true in some instances, but they are operated by human beings and computer records too can be corrupted. The study groups, which comprises of largely non literate people, whose payments are now linked to computers, find that these are new hurdles with which they are completely unfamiliar. In fact, as Sangitaben states, "We don't know whom to catch when a computer makes an error – we don't know whom to catch and ask."

These observations point to the limitations of technology but more importantly to the new challenges that rural poor women have to deal with as the society moves towards

technological advances. Even as literacy standards improve and as these women have got better and higher education for their daughters, the lag is likely to remain.

A single window system to deal with such problems needs to be developed so that even where there are no CSO's people with similar problems can get solutions and regular payments.

However, the biggest challenge remains that of intent and corruption. All the women have clearly hinted that men and even women in powerful positions do not do their jobs, instead find out ways and means to subvert to law, tweak the entries and gang up to take away what rightfully belongs to the poor citizens.

**OBJECTIVE 2 :           CHANGES IN THE WOMAN'S RELATIONSHIPS WITH HER FAMILY MEMBERS, MEN AND WOMEN IN THE COMMUNITY**

**Life before they learnt of the MGNREGA**

By dwelling on question of how life was before they learnt of MGNREGA, the researcher wanted to understand the context and position from which women speak about the changes.

Out of the three groups, two groups elaborate in great detail the challenges posed by poverty and migration especially for women. The women from Ghogamba particularly speak about the near starvation experience for their children and themselves. Women did not like to leave their homes and migrate to the cities. It was much more unsafe both in the cities and for their homes in the villages. These incident though not of the immediate past, they had a deep impact on their minds. Therefore when the opportunity presented itself in the form of MGNREGA, they took up several new roles to make sure that they get wages to support their families.

Women from displaced communities of Shehera too had seen better days and their struggle to regain the same economic standard for their families provides a strong motivation to challenge gender roles and power inequalities.

## Changing Gender Relations , Investing to reduce drudgery and in girls education

The **shift in the gender relations at the home front is not linear or clear cut** when one looks at the patterns emerging from the narratives of the Focus groups Discussions.

The Vavaniya women themselves did not acknowledge any significant change as they had not pursued the works after the second year. They kept emphasizing that the **women of the Miyana community in Vavaniya blindly trusted anybody and did not use their judgment**. Here one can see that they are merely reinforcing the stereotypes held for women.

In Nandarva women are playing a proactive role in deciding how to spend the money they have earned. They are clearly deciding to invest their incomes to reduce their drudgery. It was obvious that the CSO had not planted this idea, but the women were taking independent decisions. **They are critically assessing their reality and seeking to change it. They may not put it across as altering gender relations, but the impact is that families members are seeing a changing decision making patterns.**

In Bariafali the women are relieved that they do not have to migrate out for work with the men and are saved the hardships and vulnerabilities that come with staying in cities. However, this does means that they are staying back in their homes and play the gendered role of the care taker. Galiben had lost her husband a few years ago and she was the head of the household. This inadvertently put her in decision making role at the home front. But she does mention that **she spends on her own travel to attend meetings implying that she values going out and learning from events organized by the CSO.**

Therefore on the home front it is difficult to state whether there is an automatic positive change in gender relations when women use the MGNREA.

The change in gender relations at the community level are far more pronounced and clear with the use of MGNREGA.

In Bariafali, men openly acknowledged that it was due to the women that they had regularly got work at the village for the past 4- 5 year. Women clearly stated that there was more respect in the eyes of most men.

In Nandarva, it was the women who convinced the family members to vacate the encroachments so that a road could be built to access the crematorium ground and the school.

In Vavaniya too, the Muslim women made a significant stir by showing up in large numbers at the block office to get their payments expedited. Muslim women stepping out of their villages and travel 20 kms to the block place was unheard of.

Subsequently these women are also playing a key role in village development by participating in gram sabhas.

Thus the MGNREGA has offered more opportunities to women to participate in the public sphere and change the gendered roles played by women and men.

**OBJECTIVE 3:           DIFFERENCES IN OUTCOMES WHEN A WOMAN IS PART OF A WOMEN'S COLLECTIVE OR SUPPORT GROUPS AND WHEN SHE SEEKS HELP AND GOES THROUGH THE JOURNEY ON HER OWN**

In the case of MGNREGA, all the women were part of a support group and the worksite labour arrangement lent itself to collective action. This was reflected also in the fact that the women preferred to talk about their journey in a group and not as individuals.

It is evident that by working in a group these women have experienced empowerment in different spheres.

**OBJECTIVE 4:           WOMEN'S PERSPECTIVES ON MEANING OF EMPOWERMENT**

In this group too only the women who had been to training programs organised by the CSO had heard the gujarati term for empowerment – "*sashaktikaran*". On probing further however, they are able to narrate the various elements of empowerment.

All the aspects mentioned in JSI domains of empowerment are reflected in the way women have articulated empowerment. Mobility is seen as important to empowerment. For instance, Galiben clearly links her empowerment with awareness, which in turn comes from her mobility and ability to go to various meetings and events where she listens to the senior government officials and leaders from other organizations.

They are all planning for a better future and for economic security and are participating in public spheres of decision making.

The link between justice and the working of the law can be seen in the fact that women have stood up to the officials when they believed that they were holding up their payments.

The nuances being added by this group of women to the concept of empowerment is that they are saying that the experience of empowerment emerges out of the struggle and challenges faced successfully. They are also linking the ability to work together to face risks.

There is a clear articulation on how empowerment gets operationalised from these narratives.

## SECTION 3 – KEY STAKE HOLDER INTERVIEWS

This section is divided into five parts to cover the interviews, FGD with the following stakeholders

- i. Lawyers
- ii. Government Officials – at Shelter Homes, Block and District Level Officials, Help Line Managers
- iii. Community Leaders
- iv. Family members in some cases
- v. Women leaders of the Organisations

These interactions have helped to provide depth to the qualitative narrative that gives a context in which change is occurring and the limitations posed.

### **i. Lawyers**

The researcher met with district level and high court level lawyers in connection with the subject.

Maliniben and Ratiben were the District lawyers at Godhra and Aminaben was the lawyer at Shihor court that have been involved with various cases that the Civil Society Organisation (CSO) deals with. They were interviewed mostly on their experiences of PWDVA as they were called in at times for the court appearances. A high court lawyer shared his experience regarding land related cases.

### **Lawyers on PWDVA**

#### **Significance of the Law**

All the three lawyers agreed that the PWDVA was a much needed law. It does bring into the ambit a wide range of harassment that women face but were not treated adequately.

Maliniben stated, "Earlier when we argued for mental harassment, the lawyer of the opposing party would make counter allegation. Now the law provides for a detailed description of what comprises, mental and emotional harassment."

## Efficiency of the Legal Proceedings

All the three lawyers stated that it was the organization ANANDI that got the first few cases under PWDVA to them. They read up on the law and filed the cases. Maliniben said "Initially the government appointed the Social Defence Officer as "Protection Officer" by giving them additional charge. There was resistance initially to file a DIR, there were no preprinted forms available so ANANDI here would get photocopies and give it to them."

*Aminaben from Shihor stated, "When we would file a case under PWDVA in Shihor, we would call the Protection Officer in Bhavnagar and inform them in advance. She would then depute someone from her office or come herself to meet the women and file her report." The researcher noted that this was a positive case of the government official who was holding charge being proactive.*

Ritaben states, "In Godhra initially there was no clarity about who would go to issue the summons. At times the police went but reported that they did not find the person, which meant undue delay. Hence in the initial cases, the women and ANANDI offered to go and issue the summons."

The researcher sought to understand if the outcomes of cases that ANANDI or the Sangathan got were better because of the follow up. All the three lawyers stated that invariably the formal orders came much later than the 90 days limit. Even the interim orders were not easily passed. In many cases the parties would arrive at a settlement outside the court and the judge would record that it has been settled outside.

The lawyers admitted that most other lawyers do not use the PWDVA but still rely on the 498 A for violence against women and on section 125 for the filing maintenance. Maliniben stated that initially she too thought by filing cases under these two and under PWDVA meant that the women had to come for multiple hearings. So she too used only PWDVA, until she was informed by the organization that she could submit an application to court to make sure that all the cases were heard in conjunction and in the same court.

Maliniben recalls that in the case of Senthliben, the ANANDI team had made several calls to the Protection Officer to get him to make a visit to her house so that he could independently report to the judge during the hearing.

She also recalls that in the case of Heera the judge had shown a great deal of understanding and sensitivity to the situation of Heera.

Aminaben too recalled that in the case of Komal the judge had set up hearing dates quite soon and had issued orders which were immediately acted upon.

**From the experiences of the Lawyers, it is apparent that the experiences of the use of law is not uniform. It is dependent on the initiative being taken by the specific individual be it the judge or the Protection Officer.**

**All of them also pointed out the proactive role played by the CSO to ensure proper application of the law.**

## **ii. Government Officials – at Shelter Homes, Block and District Level Officials, Help Line Managers**

### **Shelter home officials and PWDVA**

The researcher interacted with social workers posted at shelter home in Godhra, twice. Once soon after the interviews with Senthliben and Simiben. The purpose was to understand the quality of shelter being provided and as three of the cases had reported that they had stayed at the Shelter home when their case under PWDVA was going on. And second time as part of a review committee.

Following a Public Interest Litigation filed by two social activists in Vadodara and in Ahmedabad the high court had ordered a review of 8 shelter homes. The researcher was one of the review committee members appointed by the High Court. This gave an opportunity to interact with the women's shelter home much more closely. Table No. gives an overview of the physical status of the shelter homes in three out of the eight shelter homes that were in the districts of study or close to it.

**The table indicates that there is much that can be done to improve the conditions. And yet Senthliben and Simiben shared that they had enough to eat and were well looked after.**

Point to be noted is that for women who come from very impoverished backgrounds and live in very rudimentary homes, the shelter homes appear as a huge improvement in terms of infrastructure. Their own expectations come from a very different perspective. Another relevant point could be that as the women needed to move out of abusive and violent homes, the shelter homes were better in comparison.

The social workers there shared their difficulties regarding shortage of staff and having to appear in multiple offices, courts, police station to follow up on paper work and procedures. The Godhra and the Palitana Shelter home had orphan girls as well as minor girls, mentally challenged women and women who had been ordered by the court under PWDVA to stay in the shelter home for a short period of time. Each of these categories of women required different kinds of paper work. Ideally even the social workers wanted that separate homes or spaces need to be made available to the women and young girls as per their situation.

**Table No: Physical Status of three Shelter Homes**

Shelter home location	Building	Staff	Food	Education/Training	Facilities	Recreation	Care and nurturing
Palitana; Bhavnagar	The building was located in a secluded area of society. In need lot of renovation	The craft teacher was given responsibility as Superintendent.	Food chart was maintained, but the time table needs to be reorganized	Craft teacher got job work for the inmates, but it's monotonous.	Very large building but room where girls staying was very dark	Inmates were taken out to watch movies	There were only five inmates and they were not from the local areas. None of them wanted to stay there and were not happy.
Godhra, Panchamhaals	The building was being renovated.	Social justice Officer was given appointment as superintendent	Food chart was maintained, but the time table needs to be reorganized	A teacher was appointed to impart education to the inmates. But there were no planned activity for those who are non literate.	Upper floor was still under renovation. Kitchen was spacious	No recreational activities were conducted	Inmates did not seem to be happy.
Rajkot Nearest large district to Morbi.	This Centre was renovated from it earlier being a girls hostel for the Denotified tribes. Very good location.			However as no grant was approved it was not operational.	The Social Defense Officer shared that they had tied up with a trust run shelter home to place women who stay away from homes for a short while.		

The observation relevant to the present study is that even as much can be done to improve the shelter homes – they are an important institution that can provide respite to women who need to move out of violent situations for a short period.

### **Meeting with Gender Resource Centre Officials**

Gender Resource Centre (GRC), was established in July 2003, by the Department of Women and Child Development, Government of Gujarat to provide support to incorporate gender equity and equality in overall development process and plans of the State.

GRC has been holding regular gender sensitization workshops for the police personnel of the entire state. Ms. Jaya a senior official of GRC stated that they often invite faculty from civil society groups to take sessions. After the passing of the PWDVA Act, GRC has been responsible for training of Protection Officers appointed by the government.

The purpose to meet the GRC officials was to understand their perceptions and shifts that are taking place. Ms. Jaya stated that, "There have been pros and cons in having the Social Defense Officer as Protection Officer and having full time personnel on contract basis as Protection Officers. In the former case they were conversant with the basic government machinery and needed inputs on the new law, their experience often helped in making sound judgments. But they were overworked and could not meet the legal requirements. In the latter case, the full time personnel came with very little experience and were quite young themselves and hence they needed much more orientation and inputs about their roles. Moreover being on annual or bi-annual contracts affected the continuity and many of them left for better opportunities."

GRC is also responsible for training of the organizations that have been enlisted as service providers.

*On the condition of anonymity, another GRC official stated, "Only a few of the service providers had a genuine interest in women's rights, most of them were from the welfare era and looked upon women as victims, helpless and their aim was to save the marriage. Hence their counseling was about the woman accepting a compromise. Many of these NGOs have*

*politically affiliated heads and hence women's rights are not really their priorities."*

The conclusion that one could draw from the conversation with the GRC officials was that government has put into place laws and mechanisms for training and capacity building. **However, by not appointing full time staff on government scale, giving primacy to political interest and not actual capability to address women's problems in a the spirit of the law, it will take much longer for the law to achieve gender equality.**

To the question if the women are getting empowered through the use of the law, Ms. Jaya stated, " The reports are showing that the number of cases being reported is increasing, however, the number of interim orders or final orders are not increasing adequately."

She further stated, "While with time government will regularize the posts of Protection Officer, the challenge will be to bring about changes in the judiciary and to promote the culture of interim orders. Good interim orders will convey the message that the court is watching and it will give the violators a chance to change their behavior." According to her CGRC needs to hold more regular forums and interaction with Judges at the district level regarding the law as they are the ones who will be hearing the cases."

### **Block and District Level Officials responsible for MGNREGA**

The researcher interviewed two officials from Devgadhi Baria, one from Godhra and Maliya each. The Devgadhi Baria block level officials - Mr. Bhamaniya and Mr. Patel posted with the MNREGA department, were attending a public hearing organized by Devgadhi Mahila Sangathan in the month of February 2015. While conducting participant observation for the Campaign and the strategies used by the organization, the researcher also took the opportunity to interview them after the event.

During the public hearing several women and men had already stated that they had put in work demands and yet the work had not started. Using that as a starting point for further interviewing the officials, the researcher asked them if it was unusual for works to be so delayed. The officials did their best to give a response to the people present. It was notable that Mr. Patel and Mr. Bhamaniya who had very little decision making role in the

government hierarchy as they were from the block office actually even came and listened to all the problems that were being stated.

Mr. Patel replied that previous year there were several scams that had been unearthed and hence the block had not received any approvals from the district for starting any new works. He acknowledged that poor people who genuinely wanted to work were put into a lot of difficulty. Mr. Bamaniya gave a very typical government reply, "We do not have all the powers and we can only do as much as we are told to do."

The researcher then queried about timely payments. The response that the officials stated that they have got orders to make all payments would be made directly into the bank accounts by the district office. Referring to the earlier testimony where one of the MGNREGA worker had said that the Sarpanch and the Bank manager gave him only part of his wages, Mr. Patel stated that, as government officials they have limited control on what happens at each and every village.

*He did acknowledge, "Only when people become aware and vigilant about what are their entitlements are they will be able to fight such mal practices."*

*To the question if they believed that MGNREGA was an important scheme for women, both Mr Patel and Mr. Bamaniya replied to gether, " We had never looked at it differently for women. This is scheme is meant for all who want to work."*

*To ascertain if this was a **gender neutral or a gender blind statement**, the researcher asked them if they monitored whether crèches and water points are maintained at each site? Mr. Bamaniya the older official realized the link and admitted, "We make sure that there is person who fills water and offers it to the worker. But **we just assume that children are left behind at home**"*

Senior block level officials of Ghoghamba or Devgadh Baria – such as the Mamlatdar and the NREGA officials were not available despite several calls and appointments made. They would have urgent meetings or were called away for some crisis in some villages and thus meeting them was not possible.

The Collector of Panchamhaals during the period 2013-2014 was keenly involved in the MGNREGA works and the women from Shehera had positive things to say about him. The researcher was able to secure a very brief interview with him. The key points he made

- The women from Shehera who are part of the Sangathan are very active and they are very keen to get work.
- They come here often and are not afraid to speak up their problems.
- "These women set good examples of how MGNREGA can help rural families out of poverty."

*To a more pointed query about the special provisions for women at the worksite, his response was , "If we get any proposals from the block level officials we can certainly make the arrangement as there are enough funds for this."*

His response points out that unlike the block officials he was fully aware of the crèche facility, but he cites that his job is to approve the proposals that come to him.

**It may be noted how 'gender blindness' at the block level combined with a hierarchal structure leads to a well meaning scheme that is unable to support women in their gendered role as care giver.**

To the question if he believed that the MGNREGA had the potential to empower women, the Collector categorically stated, "We in the government cannot be talking of empowerment, our job is to implement schemes and programs in the best possible way. It is NGOs who work on empowerment." He then stated, "These days women are quite articulate and they know everything from TV and news papers. It is not like earlier when women did not know anything. "

It needs to be noted that while the government of India has been a signatory to the Millennium Development Goals and the Sustainable Development Goals which clearly mentions empowerment of women, a senior most government official at the district level states that it is not the job of government to empower women.

In Maliya too meeting any official related to the MGNREGA was a big challenge. The block office of Maliya on the 19<sup>th</sup> of May 2014 - a Monday morning has a busy look around it as it is the official day for all public dealings. Mostly it was men with a few women and some elderly men. However, that day the Mamlatdar was called away for an urgent meeting to plan for the upcoming visit of a Minister and the MGNREGA official had been transferred out and the new official was yet to come.

The Maliya Mahila Shakti Sangathan leader Jashuben who was with us summarized the situation as follows,

*"We are living on the edge of the land and the people living here make salt out of the sea, it is very hard work, families of the Miyana community go to live in shacks near the creek for three months to catch fish with. Making two ends meet is a challenge. The women and men who need to get some official documents have to take a day off – lose the day's wage and come to the office only to find that they are not there. So then they think of paying some money to a middle man or a lower official to get their work done – just so that they don't lose their wages again."*

It was indeed a very frustrating experience even for the researcher and it gave a first hand experience of the challenges citizens especially the poor and marginalized face to simply access their entitlements.

Under the MGNREGA, the password for the electronic online entries is with the Mamlatdar. If he does not come to office the MGNREGA data entry person Mr. Bariya revealed that he would not be able to make any entries or update any records which in turn will lead to issuing of a wage bill that has to be approved for payment. He said, "My hands are tied, now I have nothing to do till the system is unlocked."

Once again the limitations of the government which is expected to secure its citizens' welfare were highlighted.

### iii. Community Leaders

**Name:** Devdaanbhai Lokil - Husband of Sarpanch: Kamuben - Mota Dahinsara

**Village**

**Related Case :** Gangaben (PWDVA)

Met him at the Dahinsara bus stand.

( Researcher was unaware before she went that he is sarpanch "pati".)

[ It is noteworthy that Rajiben a nyay samiti member who lives in Mota Dahinsara and in whose house the reseacher stayed, Ratanben also CSO member – both have been vocal supporters of women’s rights both in domestic sphere as well as the public sphere – failed to tell me before hand that he is **husband of Kamuben]**

Rajiben’s husband (Hamirbhai) was the one who came and shared that the “Sarpanch is at the bus-stand” in the morning. As the researcher had indicated that she would like to meet the sarpanch in connection with the Saraswatiben case.”

Devadaanbhai is always at the Busstand in the morning. The Bus stand is on the road that connects Morbi with Vavaniya one of the last villages of Maliya block before the coastline starts. There is a tea stall to mark the bustand and no shade or a stand for the passengers to wait. Hamirbhai took the researcher on his bike to meet the sarpanch and Ratanben came along walking. It was 8.30 a.m.

Initially there were only three people at the tea stall and when Hamir bhai told Devdaanbhai that the researcher wanted to meet him, she introduced herself as a student who is doing research/Abhyas on women’s laws and women who have used these laws. He motioned the researcher to sit on a plank that was perched on two stones to form a bench. On asking his permission to record him he emphatically refused – he agreed to speak – but no recording ( on hindsight it is clear that he denied this as he knew quite well that he is not the sarpanch and is not supposed to pose as one.)

Highlights from the Transcript of the Interview is produced below

J – Yesterday I met Saraswatiben of your village and she is leading a tough life. I came to know of her through Ratanben who is part of a women’s organization her and the mahila mandal that she is part of. During her interview she mentioned that she had approached the gram sabha and you to seek support. Is it common in your village to have such cases being discussed in the gram sabha?

D – Such cases and instances are rare. Actually he had no memory of the incident regarding Saraswati.

And since he was bit lost Hamirbhai Husband of Rajiben helps him to recollect whose sister she was. Even though he nodded his head – the memory remained vague.

J- So then how come you helped in this case?

D – It was more as an individual and yes that if issues do come up they need to be solved. Women can bring such issues to the gram-sabha. Most of the people, especially women are illiterate – where will they go? So if we give them some support their lives will improve.

*In this part of the conversation D acknowledges that domestic violence cases can be brought to the Gram Sabha a move that was initiated by the CSO Mahila Swaraj Manch in the case of Gangaben*

J- So what do you think of law that support women?

D- We believe in compromise. It is a sin to ask a couple to live separately. What is the guarantee that the next marriage will be better? And how do decide where should the children go?

In any case you are a woman do you will only see the woman’s side – how would you know that the wife is not beating the husband.

Looks at the other men and they all start laughing.

Another man realizing the inappropriateness – said – the fault is on both sides – it is never one sided.

*This part points to the two extreme ways of looking at the marriage – something linked to divine and so not to interfere or treat it with a frivolous attitude. Only one man acknowledged that the fault could be on both sides*

J- So what do you think is the cause of violence?

D – There is always a reason – Anger, alcohol. Anger comes because the man is not able to control or keep in check ('ankush'). Actually control comes by giving love. There is no religion which supports violence.

J- So then what is the advice you would give a daughter who may be facing abuse from her husband?

D – We will tell her to deal with love and patience. But still if there is no change then there is a limit to everyone's patience and the daughter may give it back. But in the end both have to let go.

**Observation:**

The Sarpanch's husband wields de facto power, to the extent that even CSO leaders who otherwise challenge the position of "sarpanch pati" forgot to point out this fact to the researcher.

There is a hint of being open, but overall this interaction pointed out strong embodiment of patriarchy when marriage is seen as part of a divine arrangement and any attempts at separation is seen as a sin. At the end there is an acknowledgement that women cannot be endlessly patient and expected to compromise. He also acknowledges that family conflict can be brought to the panchayat and can be resolved because he sees the people as "illiterate and ignorant" - a very patronizing position.

#### **iv. Women leaders of the Organisations**

One of the key support other than emotional support and providing a counter argument from a feminist perspective, the CSO's stated that they even support the travel costs of those women who have n means of support. They would in any case have lost the day's wages to attend the court proceedings, the least we can do is to offer their travel.

Members of DMS, and MMSS have made presentations to Minister women and Child on how the implementation of the Law needs to be speeded up by appointing full time personnel.

## **SECTION 4 PARTICIPANT OBSERVATION**

### **LEADERSHIP TRAINING**

**DATE: 3/6/2013**

**LOCATION: ASHRAM SHALA**

**GHOGRAMBA**

**TRAINERS – FOUNDER MEMBERS OF ANANDI AND SENIOR  
TEAM MEMBERS OF ANANDI**

Participants – Leaders of Devgadh Mahila Sangathan and Panam Mahila Sangathan – some of the leaders were new i.e. since two years and some were seasoned leaders of over 10 years.

The session was to understand the various forms of violence they see around them. The training had started from 1<sup>st</sup> of June and the researcher attended three sessions on the 3<sup>rd</sup> of June.

#### **Session One**

The facilitator conducted a recap of the groups discussions they had the previous day. One group had listed the society's norms for "good woman" and for "bad woman". Another group had listed the qualities of a "good leader for women's groups" and "bad leader for women's groups". They had compared the two lists and they realised that both the lists could easily be swapped i.e. mostly the qualities of a "good woman leader" were the qualities that the society labelled as "bad woman" and vice-versa.

*For instance, two qualities of a good woman leader was listed as 'able to go other villages to spread awareness' and 'able to speak without fear in public.*

*Two qualities of bad woman were 'one who doesn't stay at home and goes wandering' and 'one who speaks loudly'.*

**For the new leaders this exercise which provided a new way of seeing their reality or in other words critically looking at their own reality was like a sudden discovery of how they could break out of the pressure they were dealing with from family members. Many of them said that now we know what to say when someone stops us.**

The facilitator concluded the session by saying that the society has many ways of keeping women in check – under the garb of culture, tradition when women are not allowed to speak or which actually can be quite extreme women are sexually harassed or assaulted. She asked what do you feel when you see or hear about a woman being beaten up? Many women said – “we feel angry” Some said, “We will get up and stop it.” The facilitator took the conversation ahead and said, “Yes we feel angry, instead we are socialised to normalize violence and to not speak about it. As leaders we need to change this – we need to speak up and speak out. Seek help – offer help.”

## **Session Two**

The co facilitator then shared data of the previous year of the Lok Adhikar Kendra – Gender Justice Centre for the two districts from where the leaders came.

**Table No: Data from the Gender Justice Centre on Cases regarding Violence Against women**

No	Types of cases	Apr- Mar 2013 Dahod -Panchmahaals			
		New Cases	Old cases	Total	Cases solved
1	<b>DV Alternative mechanism</b>	<b>92</b>	<b>3</b>	<b>95</b>	<b>64</b>
2	<b>PWDVA</b>	<b>5</b>	<b>2</b>	<b>7</b>	<b>4</b>
3	Maintenance	2	1	3	0
4	Maintenance recovery	0	3	3	0
5	Un natural Death	0	4	4	2
6	Rape	4	2	6	1
7	Witch Hunting	17	2	19	18
8	Sexual Harassment	0	0	0	0
9	FIR IPC 323,504,114	7	0	7	4
10	498 A	1	2	3	2

11	Abduction	2	1	3	3
12	Labour cases	0	0	0	0
13	Violence by Forest Officers	0	5	5	0
14	Sexual Exploitation	1	0	1	1
15	<b>Land &amp; property</b>	<b>131</b>	<b>25</b>	<b>156</b>	<b>99</b>
	<b>Total</b>	<b>166</b>	<b>200</b>	<b>366</b>	<b>287</b>

The facilitator had to read out the figures as more than 50% of the women were non literate. The data showed that between the three blocks the number of cases that came to the centre indicated that they were dealing with one case each day. She highlighted that these figures are only for the blocks where the Sangathan is active and spreading awareness.

*She established the link between the skills and abilities and role of Sangathan and the work that was being done to deal with the cases of violence against women.*

**The researcher could see that the women were nodding in agreement and making the connection regarding the significant role they play.**

Later the researcher sought clarification on the data and it was informed that the data indicated a large number under the heading DV Alternative which was explained as the number of cases being dealt with by the Nyay Samiti of the Sangathans – these are alternative legal redressal mechanisms that have the sanction of the community and are followed by the families who are involved in the conflict. The cases they deal with are of civil nature.

The table also indicated cases that would fall under the criminal category and here the role of the Nyay Samiti members is to assist the victim to file the proper case, to follow up with the police to ensure that due procedure is followed, to provide legal aid for the court cases and to ensure that during the hearing the victim and the witnesses are adequately conversant with the procedures.

### **Session Three**

**The facilitators had invited the Deputy Superintendent of Police (Dy. S.P.) Ms. Kanan Desai as Resource Person.**

After welcome by the facilitators, the Dy.S.P shared her own journey and the challenges she had faced when she decided to choose the unusual career. She mentioned that her parents and her husband were supportive and encouraged her to do her best. Her husband takes part in the household activities and together they are seen as a progressive and modern couple. She did mention that her parents had to deal with a lot of criticism initially by the community members, but now they all are proud of that she had achieved.

The facilitators made links between the narration of the Ms. Desai and what they had learnt on Day one about role of family in perpetuating stereotypes and in breaking them.

Next the facilitators asked the participants to share their experiences of the training and also invited them to speak of the cases they see of violence against women in their villages.

The participants shared several cases and two cases as presented below were of particularly serious nature

- In Shehera village the headmaster was sexually abusing girls and the woman from the village said that she knew of at least four cases. In one case the headmaster has followed a girl and boy who left the school together. After some time he made them stop and asked to boy to leave and threatened to inform their parents . After the boy left he raped the girl. The parents of the girl have taken the girl and left for wage work.
- In another case a young boy and girl had eloped, they were both underage. The family and village elders managed to trace them and bring them back. The elder demanded that they boys family pay a huge sum of Rs. 3 lakhs as “daavo” so that they could solemnize the marriage. The boys family could not pay for the amount. So in a few days the village elders called for prospective grooms and whoever bid the highest amount was “married” to the girl.

The woman narrating the case would not reveal the village name, but pointed out that there is no guarantee that the girl is married or is sold and whether she will end up in sex work.

Ms. Kanan responded to the more regular cases with information and assurance of support. For the above two cases, she said she would follow up.

The Researcher follow up after a few months and learnt that the headmaster had been suspended. In the case of the auction of the girl, the update was very disheartening as the girls family had migrated out – they got hardly any money and lost their daughter. Most of the money was divided among the elders of the village who conducted the auction.

### **Observations**

Here one could see the empowerment spiral depicted on page no      in action. In ANANDI's training methodology one could see the application of how empowerment of women can be facilitated. The key points of the training strategy to be noted are

- a) The facilitator started from the experiences of the participants which ensured a high level of engagement of the participants
- b) The facilitators followed a non judgmental and open approach
- c) The facilitators made connections between the work through concrete presentation of data and using it to motivate the women to carry on their work though it was challenging.
- d) By inviting the a lady Dy. S.P. the facilitators further drove home the point of women making unusual choices and how if they allowed their daughters to study they too could reach such levels.
- e) The Dy.S.P communicated that simply because they wear the khakhi dress, they need to be feared, they are human too and have a duty to do.
- f) Due to shortage of time, some of the cases that women wanted to share could not be addressed. Many of the women thought that they could tell all their problems in this forum and that by merely orally stating their case, action will be take. They had to be explained that they must follow the due procedure for appropriate action.

**Taken together the steps of information, action and reflection are evident in these steps as an effective strategy of empowerment.**

## **PARTICIPANT OBSERVATION OF NYAY SAMITI**

**DATE : 14/11/2014**

**LOCATION: DEVGADH BARIA**

**PARTICIPANTS : NYAY SAMITI MEMBERS OF DEVGADH MAHILA SANGATHAN (DMS)**

It is a large room of 20 by 20 ft. The six members of the Nyay Samiti are sitting in the center and to their left are the girls side and to the right are the boys side. In all about 35 people were present.

The president of DMS – a strong erect woman with a clear voice welcomed everyone and introduced the members of the Nyay Samiti present on that day. She said, “We are a sangathan of 5000 women. We have been holding Nyay Samiti sittings for the past 15-16 years. We will listen one by one to both the parties. It is the right of the woman to speak up just as it is the right of the man; and as far as possible it is they who will speak and not the relatives accompanying them. At the end when a mutual understanding is arrived at, it will be written up and signed by both parties and the witnesses.

Our Nyay Samiti members and sangatham members will visit the house from time to time to ensure that all is ok.”

### **THE CASE :**

Surta and Pavan have been married for 10-12 years and have three children. There has been series of violent incidents and Surta has come away to her parent’s home. The youngest daughter of about 3 and a half years has accompanied the mother. Both Surta and Pavan are present with their respective.

The President of DMS invited Surta to speak first. Surta stated in a clear voice, “ I had gone to the farm to work and there Pavan suddenly attacked me and began strangulating me. I

was shocked and I shouted out for help. Then I managed to push him and I ran away as fast as I could. I then called my mother to come and take me away.”

The President of DMS then invited Pavan to speak, “ Every now and then she says bad words and I get angry. Ask her if she ever listens to me. Women have to stay under the control of men. But ask her she is always quarelling with me.”

After this the President asked family members of each side to speak up. When others who had accompanied the families began speaking out of turn the Nyay Samiti members reminded them to speak one at a time so that every can hear properly and to maintain order.

In general everyone was of the opinion that the problem was not of that serious a nature – but girls family wanted an assurance for the safety of their daughter. The boy’s family was a little miffed that the girl boldly speaks in front of everyone.

Kusumben of the Nyay Samiti intervned and categorically stated that in a marriage both husband and wife need to understand each other and support each other – the woman does not have to obey everything blindly as she has a mind of her own. She needs to feel respected. To this some of the elder nodded their heads.

Another Nyay Samiti member offered Surta and Pavan to go to the next room talk out the matter in private. She pointed out like some of the elders had that the couple needs to behave maturely as they have been married for 10 years and that they have to think of the children and what kind of example they are setting for the children.

The couple took the offer and Kusumben and the President accompanied them. They returned after about 30-40 minutes and agreed that Pavan will not physically abuse her and Surta agreed that she will not say bad words; that in case of differences they will talk it out among themselves and not become violent.

*Kusumben then shared that it was well that the couple has agreed to keep the past aside and then spoke about the PWDVA and the provisions whereby a woman is protected by law from domestic violence.*

The President then summed up the case and asked the literate member of the Nyay Samiti to record the agreement reached. While it was being written, Kusumben asked the boys family if they would like to offer jaggery to all to celebrate the fact that Surta has agreed to return to their home. Pavan asked his daughter to go along with him to get the jiggery and bought her some sweets as well.

The elders were seen speaking to each other – “This writing down is a good practice. It seals the matter.”

When the agreement was written up it was read out aloud and the President who is non literate asked if anyone wanted to add something. One of the elders stated, that they should add a line that the couple have joint responsibility towards their children and must behave properly in front of them. Several other voices from both the families agreed and hence that line was added.

After that first Surta and Pavan signed and then 5 witnesses from both sides signed. The signed agreement was sent out for photocopying and one copy was given to both parties and one copy was kept in the Nyay Samiti records.

## **OBSERVATION**

This case was an uncomplicated case and was effectively resolved in one sitting of about three hours. Some of the positive elements observed

- The Nyay Samiti President provided an introduction of their work and laid down in simple terms that they would treat the girl and the boy at an equal footing and that both have the same rights. This is important as although the courts and constitution of the country lay this down, in many instances the practice remains gendered and women are discriminated. The Nyay Samiti follows what the constitution states and demonstrates substantive equality.
- By allowing the girl to speak first, the Nyay Samiti is upturning the customary “panch” process where although a tribal woman has the right to call for the local elders who comprise the “panch” to solve a dispute she does not have the right to speak publicly.

- During the proceedings, sharing about the PWDVA - a formal law strengthened the position of the Nyay Samiti and highlighted the need to shun patriarchal norms. It gave a message that times are changing.
- The Nyay Samiti became the channel to reach out information about new laws to remote villages and families that have the least access to formal legal systems or any sort of information.
- Further by putting the agreement in writing and reading it aloud, offering to make additions adds to the credibility of their process and also points out to a participatory and transparent process.

The researcher spoke to the Nyay Samiti members after both the parties left and they too agreed that this was among the more straightforward cases, the more complicated cases of land disputes, repeated violence take up to two to three sittings. They also shared that often they have to build the confidence of the young women to speak up and convey to them that they have constitutional rights and that there are laws that support their claims.