

## Women and violence

By  
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### FOREWORD

As a student of History, I have repeatedly stumbled on situations of peculiar coincidences that appear frequently to take the form of an orchestrated concert - through events that affect me personally - sometimes in a direct, but far more often in an indirect manner. Not being a believer in such chance coincidences, I have found it more rational to explain such events through the concept of historical necessity. The arrival of Ila Pathak's manuscript, asking me to write a Foreword, coincided pretty sharply with a round of consultations across the country on gender and governance, that the Centre for Women's Development Studies (CWDS) had undertaken to prepare a Country Report on this theme for the UNDP. I was not present in all these Consultations, but going through the papers and the summary report of discussions - members of our Task Force for this project recorded in their Interim Report :

"the issue of dysfunctionality of the law enforcement and the justice delivery system. Its increasing inability to deal with the complexity of rising violence and crimes against women emerged as a core concern in assessing the gender and governance equation. It was felt that attempts at law reform and occasional progressive judgments by the Courts have been too feeble to make any significant impact on these systems - already beset by several other maladies".

One of the major causes for the failure of legislations identified by both representatives of government and various sections of civil society, including the women's movement - was the failure of the state to ensure "the interpretation and implementation of such legislations in a non - discriminatory manner... emanating from the 'inherited and unequal social order' and strengthening cultural norms which continued to contradict the formal equality promised by the Constitution".

In the discussions within the Task Force I was struck by the frequent use of the word **system** while referring to the functions of governance, by very senior and outstanding representatives of the Indian bureaucracy - distinguished by the concern that they have displayed - personally and professionally - about the deteriorating situation of women - ever since the Report of the Committee on the Status of Women in India recorded its grim findings in 1974. Yet when I sought for a clear definition of the 'system', I received fragmented responses. Bureaucrats with distinguished record as policy builders or 'doers' would talk about the crucial importance of the 'delivery' system, while those with equally distinguished records in promoting positive legislations (specifically in favour of women during the last two decades of the 20<sup>th</sup> century) would highlight the problems of the legal system or occasionally of the justice delivery system.

In the context of a study on domestic violence undertaken by the CWDS in the early 1990s, we had the privilege of advice from an equally distinguished retired officer of the Indian Police Service, with a record of introducing various experiments within the Delhi

Police administration - to strengthen its capacity to respond to the growing menace of violence against women, when he headed the Delhi Police establishment in the second half of 1980s. Confronted with the findings of our colleagues about the outcome of measures introduced by him a few years later, he was ready to explode:

"the first responsibility of the police force is investigation, not counseling!. Why don't you, as social scientists, help to identify causes within the social process for **deprofessionalisation** of the police force? I put women officers' incharge of this cell, in the hope that they will be able to make a difference by brining in more humane perspectives into the investigations - not to eschew their professional responsibility!".

Ten years later, a senior social scientist who had served as a member of the West Bengal Police Commission (also a man) went a step further in his statement before the Eastern Regional Consultation on Gender and Governance. "We need a far higher proportion of women in the police force to improve the efficiency of the law enforcement system". A young woman police officer in charge of the women's cell in Calcutta however pointed out that merely bringing more women into the force without dealing with the string of systemic inadequacies and maladies was not going to resolve the problem. "There are inadequacies of infrastructure, and inconsistencies within the laws which cannot be corrected merely by 'genderising' the police force" .

Prof. Ila Pathak's systematic exploration of the experience of Ahmedabad Women's Action Group of the Criminal Justice System in Gujarat provides ample evidence of the validity of the statements mentioned above. Prescribed procedures contain too many loopholes enabling investigating agencies to evade their professional responsibilities. The functioning of the legal profession - on the prosecuting as well as the opposite side - display neither legal ethics nor an adequate command over the plethora of laws (often contradicting each other) constitute another major systemic malady that we have to confront. Not all members of the judiciary can be held exempt from biases similar to those afflicting the police force, despite their privileged position - in having received far higher and prolonged education and training, as well as enormous social status.

I hope the results of this painful but professionally objective study by Prof. Pathak and her colleagues from AWAG will receive the appreciation that it deserves from all those who are concerned not only with the rising anomie of crimes against women, but with the increasing evidence of a systemic collapse of crucial elements of the governance systems in India. This is the major challenge facing the country and all its citizens, especially the adults in the 21<sup>st</sup> Century.

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