

# CHALLENGING VIOLENCE NEGOTIATING EQUALITY



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CHALLENGING VIOLENCE  
NEGOTIATING EQUALITY

## JAGORI ('AWAKEN, WOMEN')

Is a women's documentation, training and communication centre with the aim of spreading feminist consciousness to a wider audience using creative media. Established in 1984 Jagori is rooted in the experiences of the Indian women's movement with a vision to help build a just society through feminist values. It defines its mandate as building feminist consciousness through identifying and addressing the capacity-building, information and networking needs of women, particularly those belonging to oppressed groups in rural and urban areas.

### OUR OBJECTIVES

- Action research and production of creative feminist materials
- Consciousness-raising and leadership development on women's rights and gender equality
- Supporting women's struggles against all forms of violence ensuring access to safety, dignity, justice and rights
- Creative campaigns and educational materials on key feminist concerns to respond to the programming and resource needs of women's groups, community and field organisations, media and development organisations
- Advocacy and Networking to enlarge and claim democratic spaces and strengthen women's movement building efforts

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# Abbreviations

CEDAW- Convention on the Elimination of all forms of Discrimination Against Women

VAW - Violence Against Women

F.I.R - First Information Report

Cr.PC - Code of Criminal Procedure

SC/ST Act - Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act

NRI - Non-Resident Indian

S.H.O - Station House Officer

CAW Cell - Crime Against Women Cell

DCP - Deputy Commissioner of Police

ACP - Assistant Commissioner of Police

IT - Information Technology

USA - United States of America

YWCA - Young Women's Christian Association





That women suffer human rights abuse is an open secret. Yet, both women and the issue continue to face neglect. Though state and societal recognition of the problem has increased, and legal aid, crisis intervention and support mechanisms are more easily available to women, violence against women is concurrently on the rise. The legal framework, influenced by CEDAW, clearly establishes that the primary duty bearer responsible for securing women's rights and entitlements is the state. It has been vested with the responsibility of prevention of and protection against domestic violence, as well as provision of appropriate services for all women, including the vulnerable and marginalized. Yet, despite amendments, laws meant to protect and empower women, law enforcement agencies and the legal system are still crippled by patriarchal values. The journey has been difficult but Jagori continues to challenge violence against women in all its varied forms. Through our counselling work, we have helped women challenge and subvert patriarchal controls and reclaim their rights to live with dignity and security, both inside and outside the family.

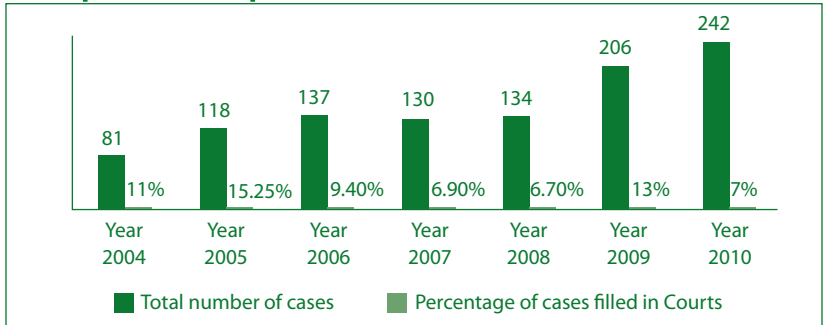
Since January 2004, Jagori counselling centre has been structured to provide direct support to women and increase their access to legal resources and justice. We have been constantly working towards ensuring that women survivors of violence undergo a learning process in their journey and realize that violence constitutes violations of their rights. Till date, we have been approached by a total of 1,048 individual women for support. Their issues ranged from dowry-related violence, sexual assault, domestic violence, rape, child sexual abuse, sexual harassment at public places, right to choice of partners and other forms of violence. Lately, there have been more women seeking to assert their legal and fundamental rights. Yet, a major challenge still remains--

women are conditioned to want the 'private' option of returning to the marriage and retaining social status even though violence may continue. The other 'public' option is that of leaving the family, facing social condemnation and material deprivation, even though the violence may stop.

The following graphs illustrate the increase in the numbers of women approaching Jagori for support. It is crucial to note that the percentage of women seeking legal redress is still low.

Violence against women - ranging from the visible to the invisible - continues to be perpetrated by families, communities and the

## Graphical representation of cases on VAW



## Kind of Cases



state. As a part of the women's movement, Jagori has continuously challenged the divide between the public and private. In our understanding, violence and discrimination are located within the private sphere of the family and is a political issue. Through direct interventions with women facing violence, we have tried to empower women and their understanding of their situation and its structural causes. Mainstream actors may have viewed our interventions with individual women with suspicion. These are people who see the family as the 'natural' and appropriate space for women. Their concern is to "restore family harmony", even at the cost of indignity, violence and discrimination against the woman. As a feminist organization, Jagori has tried to analyze and establish violence against women within a framework of structural and institutional bases of gender inequality.

This document has been conceptualized with the objective to a) share experiences of women facing violence, how they challenged existing patriarchal systems and evolved as 'survivors' and b) to provide information about rights and laws available to women in a trying circumstances.

The five cases we highlight below once again reiterate that violence is inextricably woven into the everyday lives of these women. The agents of violence could well be located within families or outside in unfamiliar domains. Each one of the cases presented here is a testimony to the extraordinary courage of girls/women – survivors who fought for redressal and justice. These cases also endorse the need for an active and strong women's movement and organizations that can:

- act as catalysts/mediators at various levels
- engage with families, authorities such as the police
- and, most importantly, as consistent support for the survivor offering her safety, emotional sustenance and information for a safer, productive future.

Consequently these women have remained committed to recognizing and respecting their 'diversities' even as they seek justice for the inequities that result from them. With counselling and support, these women have fought for their rights to move out of inhuman situations of fear and violence towards safety and independence.

(All names and locations in the case histories have been changed for the purpose of confidentiality).

With the growing number of educated and professional women who adopt a career-oriented life, the demand for domestic workers has increased many folds during the last decade. On the other hand, increasing loss of forest land and rapid industrialization in tribal areas as well as Maoist and separatist activities, the situation for poor and illiterate adivasis in Assam, Chhattisgarh, Orissa, Jharkhand has worsened. A huge number of 'domestic workers agencies' have mushroomed in all major cities of the country. They lure the poor and gullible to send their daughters to cities for domestic household work and child care.

Young girls are sent with these agents with the promise of three meals a day and a decent amount of money. Instead, many girls land in the hands of traffickers who sell them to rich people for hefty fee and at their mercy. Due to lack of monitoring and surveillance, an very important profession which supports the women to grow economically independent turns up to be a source of exploitation and misery for poor tribal girls by the rich and scrupulous.

Brought from tribal areas to cities by agents, these young girls may work and/or live with insensitive, cruel or downright brutal employers who harass and torture them with impunity. The forms of abuse range from non-payment of wages, physical brutality to forcible incarceration within the four walls of home. The following narrative captures the shocking and unethical use of power even by educated city folks working with reputed media organizations and the collusion between media and the police in order to protect the rich and powerful.

# JOURNEY OF MITHILA

**T**wenty year old Mithila was brought to Delhi from Jharkhand in 2005 by Sarala, an agent working with an unauthorized agency. For a year she worked in a house on a monthly wage of Rs 2000. Sarala told Mithila that she will take her back home at the end of the year. Contrary to her assurances, Sarala entrusted the tribal girl to the care of a new employer, a senior editor with a reputed television channel and also a businessman. This man and his upper middle class family lived in a posh apartment in a metropolitan city.

Though initially Mithila could talk to her family over the phone, soon the atmosphere changed. Her employers started showing their true colour. For the next three years, Mithila was harassed, beaten and terrorized; her access to the outside world was totally barred. Let alone leaving the house, the girl was not allowed even to step out in the balcony. The employers locked her up inside the house whenever they went out. Mithila received no wages for three years. In the beginning, Sarala had taken Rupees 5,000 from the employers with the guarantee of sending that money to Mithila's parents. Much later she discovered that the money had never been handed over to them.

Perhaps the worst aspect of the abuse was the violence and the beatings. Both husband and wife used every instrument – a kitchen knife to a baseball bat - to hit Mithila. Though neighbours often heard her screaming but none of them wanted to get involved. One

**They would beat me with a base ball bat,  
give me only two chapattis a day. I was not  
allowed to eat rice as a punishment as I am  
an adivasi and we only eat rice.**

Sometimes they would burn me with a hot Tawa or wound me with a shard of broken glass.

day through the chink of the partition separating the balconies of the two flats, the neighbour's domestic help saw Mithila's face, scarred and wounded. She alerted her employers who contacted Jagori and conveyed to them the horror of the situation. After a particularly violent round of beatings, Mithila somehow escaped to her neighbour's house. The neighbours informed the Jagori team of their reluctance to keep Mithila at their house for a long time.

On a cold February night, Mithila was rescued from her employer's house by Jagori's Violence Intervention team (VIT) duly informing the police. She had bruises all over her body and a minor fracture in her skull bone. The police was non-cooperative through out till Jagori pressurized them to at least file an F.I.R which was finally done on the third day. Mithila was taken to the hospital for a medico-legal certificate (MLC) by Jagori staff where the police reluctantly followed

After her rescue, Mithila was placed with the Tribal Domestic Workers Association where she was given first-hand counselling and later placed with a family known to both the organizations. For the first two months, Mithila was unable to work. Her head would spin and joints would ache. She was provided proper food and medical care. Gradually, she gained her strength and was able to work.

The police did not help me. I want to punish my employers for the wrong they have done to me.

I was almost dead with no hope of seeing life again.....

Mithila's former employers pressurized her and Jagori's team to take back the case. Mithila was clear that not only did she want the money due to her, but she also wanted them to be punished for the wrongs they did to her.

Mithila's parents were traced by members of Jagori, the Tribal Domestic Worker's Association and her new employer. She was reunited with her sister who worked in the same city and a brother in a neighbouring state. Mithila is now a confident and happy girl earning for herself, working with the family who provided her the much-needed support.

It was a difficult task to mobilize the government machinery, especially the police. Only after her statement in the court did Mithila feel that she would get justice. At present, her case is pending in the trial court. At various stages of the case, her former employers have tried to strike a deal with her but she is clear that she wants justice through the court.

The Judge Sahib has told me that I would get my salary and they will go to jail but it would take time. I have faith in Judge Sahib.  
I will wait and fight



## What worked

- Alert and compassionate neighbours
- Intervention by Jagori and refusal to succumb to terror tactics
- Mithila's survival instinct
- Positive attitude of the judiciary
- Networking and alliances between tribal women's association, Jagori, the neighbours and Delhi Police

## What did not

- Government agencies set up to support tribal people
- Insensitive and non-cooperative state police

## Laws you can use

- Article 14 of the Indian Constitution - Right to equality before law
- Article 21 of the Indian Constitution - Right to live life with dignity and personal liberty
- Section 341 of Indian Penal Code- If an individual is confined or his/her movement restricted.
- Sections 307, 319 and 320 of Indian Penal Code - Criminal laws to deal with attempt to murder, simple and grievous hurt
- Section 3 (1) (vi) under SC/ST Act - If an individual is compelled into 'beggary' or bonded labour.
- Section 370 of Indian Penal Code - If an individual is 'bought' or disposed as a slave

This case history documents the transformational journey of Sheela, a victim of child marriage and marital violence, who took charge of her life by ending her violent and abusive marriage. Her subsequent involvement with Jagori as an activist rejuvenated and empowered her, besides changing her understanding of her own identity as a woman and a human.

The narrative reveals the hitches in the way laws are structured. It particularly shows the difficulties in the Hindu Marriage Act where the evidence required to prove a marriage, are kept in keeping Hindu upper caste marriages in mind. As a result, women from the marginalized section find it difficult to demand justice under the Act.

## JOURNEY OF SHEELA

Sheela was fourteen and a half when her parents got her married to a man 13 years older to her. Raised in Delhi Sheela had studied till the 8th standard. For three years after her marriage, Sheela lived with her parents. When she turned 17, she was sent to her in-laws' house. However, the sordid revelations that confronted Sheela at her in-laws were far worse than the trauma of her geographic and socio-cultural displacement. Her husband Akshay was mentally challenged. His parents had got him married in the hope that matrimony will cure their son. Akshay would hardly communicate with anyone, let alone talk to his wife but forcibly have sex with

“My family married me while I was still an adolescent. I had always lived in Delhi but was married in a remote village”

## I would fall ill after each intercourse.

her. The condition was serious enough for her to be admitted in a nursing home. Firmly by the side of their son, Akshay's parents put the onus of her illness upon her. They accused her of 'bringing her illness' from her parents' home.

The situation worsened with each passing day. Akshay's brother started making passes at her. Within a year of her marriage, Sheela was pregnant. Her labour pains were prolonged, lasting three full days. Even in this condition, she was not spared abuse or harassment by her in-laws. She delivered a girl child. "The entire atmosphere at home was one of gloom, as if someone had died. This despite the fact that Akshay had six sisters," says Sheela. "I always wanted a daughter," she adds.

Her harassment grew following the birth of Anisha. Sheela had to routinely ward off her brother-in-law who continued to make passes at her. "When Anisha was six months old, she requested her relatives to have her sent to her parents' house for sometime. For this reason, she was not only beaten up by her husband but her brother-in-law also abused her physically as well as sexually. Seeing her determination, they sent her to her grandmother's house in the village nearby. Once there, she refused to return back to her husband. The whole family threatened and pressurized her; they even tried to kidnap her daughter. Somehow, Sheela survived this

**He was very violent, and would even beat his own mother and sister**

My brother in law would pinch me, touch me and also tried to put his hand in my blouse many times

and returned to Delhi where she lived with her parents for two years.

Due to interventions from her relatives and promises by her husband to not abuse her any more, Sheela returned to her matrimonial home. On her return, she found no change. Instead, the abuses escalated. Soon enough, she managed to escape to her parents' house. Her in-laws kept pressurizing her to return and this time kidnapped Sheela's daughter. With the help of the local police, Sheela she got her daughter back.

After lot of deliberation, Sheela approached Jagori to initiate negotiations on the ground that if her husband is willing to join her in Delhi she would consider giving this marriage another chance.

Sheela's husband and in-laws did not accept her condition, and since then she has been living with her parents. Gradually, she became involved with Jagori's work, engaging and empowering the youth group in Khadar. The next seven/eight years were crucial in the journey of her empowerment. She began a new phase in her life at the threshold of an entirely different experience. She joined Jagori as a Field Animator and it is here, during many rights-based workshops and trainings, that she came to know about her rights

I realized I was not safe at my in-laws' house. They would constantly threaten to drown me in the village pond. I decided to leave the house,"

There was tremendous pressure to try and maintain this relationship. Even my parents wanted me to go back.

and decided to claim them. Her demand for divorce on mutual consent and maintenance resulted in her husband filing a case under Section 9 of Hindu Marriage Act asking her to join him. A stay order was procured for the case.

Sheela filed a case to retrieve her streedhan. Lack of evidence of violence made it very difficult for her to file a complaint under section 498A. Her struggle to secure a divorce began around this time. Given the structure of the Hindu Marriage Act, she was required to furnish evidence of her marriage, provide photographs, marriage invitation cards and so on. She had none of the required legal documents. In fact, the only document that established her marriage was the petition filed by her husband under Section 9 of the Hindu Marriage Act. Sheela was forced to undergo several counselling sessions in the police station even though she was very clear that she wanted a divorce, and her streedhan back. Sheela is a strong woman today and has control over her life, even though she has faced a lot of resistance from her own family members, especially her brothers.

The idea of being with him was unbearable but I succumbed to family pressure

I felt very insecure to go to my village and therefore I filed an application before Delhi High Court to get the case transferred to Delhi.

Even if I was very clear that I wanted to get a divorce, every legal authority forced me into counselling

### What worked

- Sheela's grit
- Her close association and subsequent involvement with Jagori
- Supportive parents and relatives such as her grandmother and uncle

### What did not

- Sheela's repeated efforts to preserve an abusive marriage
- The Hindu Marriage Act and its legal requirements for securing divorce
- Processes of law enforcement agencies

### Laws you can use

- Section 498A of Indian Penal Code: If a woman is subjected to cruelty by the husband or his family for dowry or any other reason.
- Section 406 of Indian Penal Code: For recovery of streedhan from the husband or in-laws.
- The Protection of Women from Domestic Violence Act 2005

A proliferation of marriage websites and an increasing number of Non-Resident Indian (NRI) marriages has created a newer complication for women trapped in abusive marriages. Living abroad, far away from their loved ones and support systems, women in NRI marriages are particularly vulnerable to abuse. An additional legal complication arises from their status as NRIs, and therefore their inability to access Indian laws. Legal complications like mandatory counselling by the Crime against Women Cell before filling a F.I.R, presence of the girl on every 'date' and the issue of jurisdiction are a few among many hurdles faced by women facing violence in NRI marriages.

The following case study highlights many of the difficulties faced by women who settle for matrimony with NRI partners, particularly through the mushrooming marriage websites.

## JOURNEY OF MALA

Manjula, who had lost her husband early in her marriage, had raised her daughter Mala by herself. When Mala got a job in Australia and settled there, Manjula and her younger son also joined her. Manjula arranged a match for Mala through a matrimonial advertisement placed on Shaadi.com, one of the many Indian match-making websites. Mala's husband was an NRI living in Australia with his parents and siblings. Since the extended families of both Mala and the groom were in India, they got married in India. Soon after her marriage, Mala followed her husband to Australia where her ill treatment and abuse began.

Soon after the marriage, Manjula received a distress call from her daughter who shared her harassment at the hands of her

**“I got suspicious and contacted Jagori. I hoped that they would be able to reach my daughter,” says Manjula**

husband. It turned out that besides abusing her, Mala’s husband was also in a relationship with another woman. For the next few days, each time Mala’s mother tried to call her daughter, the phone was answered by Mala’s in-laws who would say she was unavailable at home, had gone out to the market, the doctor and so on.

Mala’s mother contacted Jagori and asked us to establish contact with Mala. Even Jagori’s team was told by her mother-in-law that Mala was at a medical centre getting her throat examined! Suspecting foul play and concerned about Mala’s well-being, the team took the help of a Melbourne-based women’s organization asking them to support Mala. On establishing contact, the women’s organization found out that Mala had been thrown out of home. Mala had however not lodged a complaint with the police. The women’s organization in Melbourne took up the matter with the Australian federal police who got her the custody of her passport, visa and bank cards. The police also informed the Indian Embassy about the case.

Mala had moved out of her husband’s house and was staying with a friend. Under the Australian law, a woman can move the court for divorce after she has lived separately for one year. Mala however decided to fight the case in India. On her visit to India, Mala met the Jagori team for consultations. Manjula shared that she had given jewellery, cash and plenty of gifts in dowry to her daughter.

**“It was evident that Mala’s husband and his influential family had used their clout with the investigating cell,” said Manjula.**



## The CAW, which is supposed to be empathetic toward women treats them shabbily, and instead cares only for the men," says Manjula

Mala wanted it all back as well as punishment for her husband and her in-laws for the physical and mental abuse meted out to her.

Mala returned to Australia after giving her mother the power of attorney, so Manjula could take appropriate legal measures on her behalf. The Crime against Women (CAW) Cell however refused to lodge an FIR on the grounds that it was a 'love marriage' in which no dowry had been given. Since Mala had not launched any complaint of violence against her husband, this made her case weaker!

Undeterred, she kept up her uphill task to register the FIR. The CAW Cell had temporarily closed its investigation. The women officers at the Cell said that either Mala or her husband had to be present for the case to continue. Manjula had moved the court under section 156 (3) of the Cr. PC to seek an order from the court directing the police to investigate the matter. As a result, the police finally registered the F.I.R.

This however has not affected Mala's husband and his family. They have once again put an advertisement on Shaadi.com seeking a match for Mala's husband. Not only this, they have also got their younger son married with great pomp and show. Their lives are going on as usual. The victims have been left stranded.

Notwithstanding innumerable hurdles in her way, the mother is determined not to give up till her daughter gets justice. It will soon be one year since Manjula has been running from pillar to post, trying to secure justice for her daughter.

## What worked

- Intervention by Jagori, their timely call to Mala's in-laws which set into motion the chain of efforts to secure Mala's safety
- Solidarity of women's organizations; intervention by a women's organization in Melbourne which intervened.
- Prompt redressal actions by the Australian Federal police.
- Manjula's determination to keep the pressure on the police and the CAW Cell.

## What did not

- Geographical distance between India and Australia
- Non-cooperation and hostile attitude on the part of CAW

## Laws you can use

- Section 498A of Indian Penal Code - If a woman is subjected to cruelty by the husband or his family for dowry or any other reason.
- Section 406 of Indian Penal Code – For recovery of streedhan from the husband or in-laws.

The right to choose a partner can be a fraught issue, with opposition from many levels and quarters, including one's family, community and society. Since social 'honour' is deeply associated with marriages and the right caste, religion, class and region, any transgression can invite severe punishment, sometimes even death.

The use of violence to prevent couples from choosing partners of their choice is a tool used not only to oppose inter-caste marriages, but also those that flout 'norms' of class, religion and even of state and region. Besides, prejudice against certain communities and identities leads parents to inflict violence on their own daughters and sons. However, often enough boys from upper caste families are 'allowed' a match from a lower caste. The 'generosity', it is argued, stems from existing patriarchal values and the common belief that a woman has no identity of her own--she assumes the identity of the family she is married into.

It is also common to find that while certain families send their daughters away from home - to unfamiliar places - for higher studies, they are dead against her right to live with a partner of her choice. Clearly, the educational degree is often regarded more important; after all, it is that which will find her a qualified groom.

Jagori has recently been inundated with countless reports of killings of young girls and boys, all done to protect the family and community's 'honour'. Even ostensibly 'modern' urban families have killed their own for 'honour'.

The one story narrated here deserves particular attention, for it highlights different aspects of violence and societal pressures that women as well as men often have to grapple with to defend the right to choose their partner--patriarchy,

perceived caste/community based notions of honour, familial and societal pressures, conservative, patriarchal mindset of the police and the administration, use of intimidation, terror and so on. In the backdrop of recent killings (of both women and men) in the name of caste/community honour, this particular case corroborates the stranglehold these prejudices have over families and communities. It should be noticed that prejudices thrive even in 'modern' metropolitan cities.

Meena and Mohit had to fight a hard battle with Meena's family and the community at large to defend their inter-caste marriage before the couple could eventually find acceptance with Meena's parents. In the backdrop of the recent killings of both women and men in the name of caste/community honour, this particular case further corroborates the stranglehold these prejudices have over families and communities. Worth mentioning is these prejudices exist not just in the rural countryside, as is often believed, but also in modern metropolitan cities.

The ordeals faced by Meena and Mohit underline multiple factors – patriarchy, perceived caste/community based notions of honour, familial and societal pressures, conservative, patriarchal mindset of the police and the administration - use of intimidation, terror as well as interventions by women's organizations – all of which often play a part in influencing the right to choose partners.

## JOURNEY OF MEENA

Meena and Mohit (both 24 years old) belonged to different caste backgrounds—Meena is an upper caste from Haryana and Mohit, a backward caste from Andhra Pradesh. Yet at another level however, the young couple have shared a common geographic home. Both have lived in Delhi since their childhood. Meena's father served in

**“This course exposed me to a lot of influences and I tried to engage in a conversation with my family on these issues,”**

the army while Mohit’s father is an employee with Prasar Bharati. Their respective mothers are homemakers.

A graduate in Social Work from Delhi University and a good student, Meena was the first girl in her family to have a higher degree. Her links with her family in Rohtak, Haryana though not very regular, still had considerable influence over her parents. Soon after she cleared her 10<sup>th</sup> standard examination, she was subjected to pressure to marry. “My father objected then because I was a good student,” she recalls.

In fact, her parents had allowed her to stay in a hostel and complete her Masters from Kurukshetra University. In 2008, Meena took up a job in Delhi as Project Manager with an organization. During the course of her work, she met Mohit who also worked as a Project Manager in another organization. “We became friends”, says Meena.

Mohit’s family was liberal. His parents wanted him to marry a partner of his choice. As friendship between the two deepened, Mohit proposed marriage to Meena. While she was willing, her parents refused an inter-caste marriage. This was the first time Meena recognized how her uncle and grandparents influenced and pressurized her parents not to accept this proposal.

**This made me a sort of role model for my family and community**

**This was the first time I felt that I had a false impression about my parents—that they are very open minded--- Meena**

Her parents and larger family in Haryana started looking for a husband for her. When she tried to resist these efforts, no body even cared to listen to her. Not even when she was physically abused by her brother. Under this pressure, Meena left home and secretly married Mohit in a temple. Frightened of repercussions from Meena's family, the newly wedded couple left for Rajasthan, where they stayed in a hostel run by a Trust.

When Meena called up her family and told them about her marriage with Mohit, they threatened to kill themselves. She was emotionally blackmailed to return home with the lie that her mother had a heart attack and badly wanted to meet her daughter. Under this pressure, the couple returned to Delhi after consulting a lawyer who drew up a legal undertaking by Meena's father ensuring that Meena would return to Mohit.

At first, Meena's parents said that they would accept the marriage, but soon pressurized her to file for a divorce. The entire family threatened to take Meena to the village. They curbed her movement, took away her mobile and did not allow her any communication with Mohit.

On the other hand, Mohit had no idea about all this as there was no communication between them. Luck was on Meena's side and

**I realized later how important it is to get the right legal information -----Meena**

I was very worried. I knew some thing very bad was going to happen--- Meena

when she got hold of a mobile and sent Mohit an SMS expressing fear for her life. Worried, Mohit got in touch with Jagori.

The Jagori team approached the local police station to support the rescue operation. Though the SHO did not refuse help ( he was aware that the DCP and the ACP were aware of the case), he told the Jagori team that he personally did not approve such relationships. After considerable persuasion and pressure from the Jagori team, a police contingent was sent for a search-and-rescue operation to Meena's village. Once there, the villagers stonewalled the police team and refused to identify Meena's parents' house. By a mere stroke of luck, the team could manage to find the house. When they entered the house, they found her tucked in a room and emotionally disturbed. The team talked to her and she expressed her desire to leave her matrimonial residence. Meena was taken to the local police station where her entire family turned up. An emotional drama unfolded at the police station with her brothers falling on her feet, a wailing mother and non-cooperative and almost hostile police. Meena was caught in an emotional web and consented to give one more chance to her parents. It was only after repeated interventions and persistent pressure from Jagori that the family relented and eventually got Mohit and Meena married, as per their customs and traditions. Meena's extended family from

If my sister had done this, I would have chopped her body and thrown it into a canal. But bound as I am by law now, I have no choice other than to follow your instruction. — SHO

I was confused--on one side was my wailing mother, on the other side was a life of my choice. I could not think and I decided to give my parents a chance.--Meena

the village attended the wedding though they were not told that the groom belonged to a different caste.

The couple has settled in another city. Meena has a good job now. They are constantly in touch with Jagori and are active in the campaign against honour killing.

### What worked

- Courage of the couple, particularly Meena's
- Intervention by Jagori
- Positive support by senior police officials
- Swift and planned moves made to rescue the girl
- Continued pressure on local police and family

### What did not

- Meena's dilemma, which put her at risk to violence from the family
- Insensitivity of the police which led to emotional trauma
- Patriarchal mindset of legal fraternity
- Lack of legal knowledge among youth



## Laws you can use

- Article 14 of Indian Constitution – Right to equality before law
- Article 21 of Indian Constitution – Right to live life with dignity and personal liberty.
- Section 341 of Indian Penal Code- If an individual is confined or his/her movement restricted
- Sections 307, 319 and 320 of Indian Penal Code – Criminal laws to deal with attempt to murder, simple and grievous hurt.
- Special Marriage Act 1954 - Solemnizes inter-religious marriages.
- Hindu Marriage Act 1956- An adult Hindu man and a woman - of any caste - can marry in a registered Arya Samaj temple and register the marriage under Section 18 of the Special Marriage Act.
- Dissolution of Muslim Marriage Act 1939 –An adult Muslim man and woman can have a nikah by any registered Quazi and they can get their marriage registered under section 18 of the Special Marriage Act

Though significant for more than one reason, this narrative perhaps is most remarkable in capturing the transformation of young Ayesha. From gender-based violence and harassment (both in private and public spaces) to the trauma women face while negotiating with government agencies, especially the police, this account highlights the dominant hold of patriarchy. It underscores the stifling notions of masculinity and morality, as well as the need to challenge these, at home and outside.

Ayesha's father's unwavering support to his daughter in the face of abuse from her partner, insensitivity from the police and employers at workplace is truly inspiring and heroic. All through the account, there are innumerable instances of how father and daughter, with support from Jagori, fought structures of power (social and administrative) grounded in patriarchy.

Significantly, this experience lies at the intersection of different layers of prejudices that stems from difference of religion, region and 'accepted' notions of morality, marriage, sexuality and love. The story underlines that women, for myriad reasons such as societal norms and pressures to conform to patriarchal values— often put up with abuse and abusive partners before they can break free.

## JOURNEY OF AYESHA

In their late twenties, Ayesha and Raman worked as colleagues in a Delhi-based I.T. company where they developed an intimate relationship. While Ayesha's father was a government employee, Raman came from a wealthy land-owning family. The couple belonged to different regions, religions and

**“He told me he cannot live without me. But the irony was that when the company made an offer to him to go to the US – he readily accepted,”**

castes. Raman had assured his partner that their relationship would lead to marriage. Given the prevailing social attitudes, this assurance was important for Ayesha since she had developed a sexual relationship with him.

A topper in her college, Ayesha was considered a good performer by her colleagues and employers. In fact, she was nominated to go to the United States of America for a job-related training. Raman though dissuaded her from taking up the offer. Ironically, when the same offer came his way, he readily accepted it citing financial stability before their marriage as a reason. Meanwhile, Ayesha found she was pregnant. Raman asked her to abort the fetus, despite the contrary advice of the doctor. Ayesha had no choice; she went all alone to get an abortion done. While her health deteriorated following the abortion, Raman insisted that she make a trip to the United States of America and stay with him. For Ayesha the three odd months’ stay in Washington was nothing short of hell. The abuse continued. One cold night in January, when Washington was covered in snow, he threw her out of the house. Ayesha stood there shivering; he let her in only when she collapsed. Raman kept Ayesha’s passport with him and threatened to burn it if she dared to complain to any one about him. Her ordeal ended when their project ended and the company asked them to come back to India.

**“The doctors asked me not to have sex because of my bleeding. But he forcibly fed me contraceptive pills and had sex.”**

## My father's unconditional support is my source of strength — Ayesha

Soon after their return to India, when Ayesha raised the marriage issue, Raman started avoiding Ayesha. When pressure from her family rose, she told her father about her relationship with Raman.

Though greatly taken aback, Ayesha's father agreed to meet Raman. When the meeting took place, Raman informed Ayesha's father about his 'inability' to marry Ayesha because of opposition from his parents on the ground of her religion. Both the shell-shocked father and daughter threatened to lodge a complaint with the police. After a night of bitter acrimony, Raman locked Ayesha and her father inside the house and left! Worse was to follow. Raman's parents accused Ayesha of kidnapping him.

From here began Ayesha's traumatic experience with the police. Every effort to lodge an F.I.R was met with humiliating remarks, insulting jibes and a refusal to comply. She ran from pillar to post to lodge a complaint against Raman but everywhere she faced prejudice about her being a girl from the North east and a certain community. All doors slammed, Ayesha then approached Jagori for intervention. The Jagori team requested the intervention of the DCP and after a lot of pressure, they finally lodged the complaint.

“Every trip to the police station was a trauma. They would pass remarks about my 'character'”

I am so lucky to have a team of the best available lawyers at my disposal. I am enjoying this battle!

With the services of a private lawyer and Jagori Ayesha worked on her case. This proved to be a turning point in her journey, when she pulled herself back from the brink and reinvented herself. When the pressure on police increased, Raman applied for bail in the district court. Ayesha got it rejected with the help of a team of young lawyers supporting her pro bono. He went to the High Court; there, Ayesha was supported gratis by one of India's best criminal lawyer. Raman is still absconding and the police is yet to file a charge sheet in her case.

Yet another issue cropped up when the I.T. organization Ayesha worked with sacked her on the ground of absence and asked her to deposit Rupees 3 lakh as 'bond money'. She approached Jagori for advise and support; we wrote a polite email to the company's seniors in the United States of America and India, stating that their behavior towards Ayesha was tantamount to sexual harassment. The charge had its desired effect. A manager from the company met the Jagori team and reinstated Ayesha, though only after demoting her from her earlier position. Not only that, the organization also held back Ayesha's salary and the work incentives due to her.

Ayesha wrote a mail to her senior accusing the Indian management of acting in cohorts with Raman. Asking Ayesha to sever her links

"Somebody recently contacted me and said that Raman was ready to marry me. I said, tell him that he is not worth me."

with Jagori, the company told her that she will be reverted to her former position if she was found 'up to the mark' in her work in the next three months. Ayesha passed the test through sheer grit, patience and endurance. The company reinstated her in her former position of seniority.

The case against Raman still continues in court but Ayesha today is a transformed person, determined to see the case through, if only to get justice.

### What worked

- Ayesha's father's remarkable support to his daughter; his willingness and determination to take on the 'pillars' of society – police, court, workplace, community – to get his daughter justice.
- Ayesha's transformation from a vulnerable girl dependent on her partner to marry her and on society for its approval, to a person charting out her own path. No longer is she regarding 'marriage' as the only acceptable eventuality for women. She is now entirely her own person.
- Jagori's intervention and sustained support to Ayesha and her father who have developed a close bond with the Jagori team that worked on the case.

### What did not

- Lack of information related to women's rights
- Biased mindset of law enforcing agencies against certain religion and communities

## Laws you can use

- Section 375 and 376 of Indian Penal Code - Consent for sexual relation drawn based on promise of marriage is no consent if the promise of marriage is broken and is a punishable offence.
- Section 503 and 506 of Indian Penal Code – To intimidate or threaten a person or his/her reputation with intent to cause alarm is a punishable offence.
- Vishakha Guidelines – For discrimination against women and creation of an insecure environment for women at work place.

**F**eminist counselling is a process of working with women facing violence by recognising that violence against women is a consequence of patriarchal institutions and structures. It is unique in its politics and ideology as it believes that social institutions, including the family, are key sites and perpetrators of this violence. It is a value system that recognises the agency of the woman as central to the process and works to enable her to use this agency to end violence.

## Principles of Feminist Counselling

- Feminist counselling is articulated within a rights-based framework.
- The objective of feminist counselling is to support the woman seeking help as she moves from being a victim to becoming a survivor to developing into a change agent in her own right.
- The process underscores the ability of a woman facing violence to support other women in distress. It also provides a doorway for collective action.
- The process of feminist counselling recognizes a woman's agency, helps her discard her guilt and tries to enable and empower her to make independent decisions and take control of her life.
- The feminist space where the woman seeks help gives her an opportunity to articulate, reflect, analyze and find life-affirming solutions.
- There is an acceptance and validation of the woman's experiences; she has the autonomy to make decisions as well as to rethink and change her mind.
- Self-determination and informed choice are important components of feminist counselling.
- The woman's confidentiality will be maintained; however it will be preserved keeping in mind the politics of silence that forces a woman to stay silent in the face of violence.



- The caseworker should have an implicit belief in the woman's version regarding the violence she has faced/is facing, and looks at the situation from her point of view.
- The caseworker should be empathetic and have a non-judgmental attitude towards the woman seeking help.
- The caseworker should be objective and will maintain boundaries with the woman seeking help. Her emotional involvement will be controlled.
- The caseworker should recognize a woman's multiple social identities. Every woman should be treated as specific and unique and not try to "homogenize" her or generalize her needs.
- There is recognition about the unequal power relations between a caseworker and survivor. The feminist counsellor works towards minimising this hierarchy.
- The over-arching vision of feminist counselling may be said to be the politicization and conscientisation of the woman seeking help.

# List of Service Providers (New Delhi)

## Legal Support

- Lawyers Collective  
(Women's Rights Initiative) 011-24373993/24372923
- Human Rights Law Network 011-24374501/24376922
- Delhi Legal Service Authorities 011-23383014  
(details at <http://dlsa.nic.in/contactus.html>)

## Helplines for Women in Distress

- Police 100/1091
- Saheli (Wednesday & Saturday) 011-24616485
- Delhi Commission for Women 011-23379181/23074344  
1800-11-9292
- All India Women's Conference 10921/23234918
- National Commission for Women 011-23237166/23234918
- North East Helpline 1800-11-4000

## Shelter Homes

- All India Women's Conference (Bapnughar) 011-23381377
- Mahila Dakshata Samiti (Snehalaya) 011-22375113/24102067
- YWCA 011-23362779/975

## Sexual Health/Sexuality Issues

- SANGINI TRUST 011-65676450
- Naz Foundation 011-26910499
- TARSHI 011-26474022/26472229

## Mental Health Trauma

- Manas 011-41708517/41707590
- Sanjeevani 011-26862222/24318883
- Institute of Human Behaviour  
& Allied Science 011-22583322/22114021

# List of Protection Officers (New Delhi)

- 1) Ms. Binita Bahuguna, 20/21, Gulabi Bagh Shopping Complex. District-North. Phone - 23652304
- 2) Ms. Kavita Sharma, Nirmal Chaya Complex, Jail Road. District-West Delhi Phone - 25547952
- 3) Ms. Anjali Choudhary, Nirmal Chaya Complex, Jail Road. District-West Delhi Phone - 25547952
- 4) Parmesh Tokas, Udyog Sadan, Qutub Insttl. Area, Near Qutub Hotel. District- South West Delhi. Phone - 26529019
- 5) Ms. Kiran Sharma Kasturba Niketan, Lajpat Nagar. District-South Delhi Phone - 29819812
- 6) Ms. Priti Mudgal, Block No.10, Geeta Colony, Opp. Shamshan Ghat. District- East Delhi. Phone - 22450147 22792102
- 7) Ms. Ranjana Singh, Block No.10, Geeta Colony, Opp. Shamshan Ghat. District-East Delhi. Phone - 22450147 22792102
- 8) Ms. Diksha, Sanskar Ashram for Girls, Dilshad Garden, Opp. GTB Hospital. District-North East Delhi. Phone - 22133765
- 9) Ms. Neha Walia, Sanskar Ashram for Girls, Dilshad Garden, Opp. GTB Hospital. District-North East Delhi. Phone- 22133765
- 10) Ms. Madhu Manavi, 12/1, Jamnagar House, Shahjahan Road. District-Central Delhi. Phone- 23071093
- 11) Ms. Preeti Saxena, GLNS Complex, Delhi Gate. District-Central Delhi. Phone- 23318323
- 12) Ms. Kirti Dhaka N.P. School for deaf, Sector 4, Near Vishram Chowk, Rohini. District- North West Delhi I. Phone- 27933961/24371697
- 13) Ms. Sneh Yadav, N.P. School for deaf, Sector 4, Near Vishram Chowk, Rohini District- North West Delhi I. Phone- 27933961/24371697
- 14) Ms. Kiran, N.P. School for deaf, Sector 4, Near Vishram Chowk, Rohini. District- North West Delhi I. Phone- 27933961/24371697
- 15) Ms. Jyoti Sirohi, K-5/3, Model Town III. District-North West Delhi II. Phone-  
16) 27410018
- 17) Ms. Neelam, K-5/3, Model Town III. District-North West Delhi II. Phone-27410018
- 18) Ms. Neeraj Chauhan, K-5/3, Model Town-III. District-North West Delhi II. Phone-27410018



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