

The latest National Family Health Survey data (NFHS-4 (2015-16)) shows that 28.8 percent of ever-married women in India have experienced spousal violence.¹ Though this is an improvement from NFHS-3 (2004-05), where 37.2 percent women faced spousal violence, yet nearly one in every three in the country women continue to face violence and this calls for immediate action.² (See Box 1: How Oxfam India States Fared).

Oxfam India,³ in six states,⁴ works towards reducing the social acceptance of violence against women and girls (VAWG) which is one of the most pervasive and least recognised human rights violations across the world. Like India, global data too shows that one in three women experience physical or sexual violence, mostly by intimate partner.⁵

Violence against women and girls⁶ is a complex and multifaceted social problem and it requires intervention at multiple levels and access to different services. Grassroots evidence shows that women continue to live in abusive relationships because of lack of availability of last mile interventions and support. For instance, a survivor of domestic violence needs counselling, support from the police, shelter, medical assistance, legal aid, and economic stability to be able to stay out of an abusive relationship. This requires coordinated action of multiple specialised agencies.

The Protection of Women from Domestic Violence Act (PWDVA), 2005 came into force in 2006; it aims to provide for effective protection of the rights of women, guaranteed under the Constitution, who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto.⁷ The Act mandates Protection Officers (PO) and Service Providers (SP)⁹ who should facilitate access to support services such as medical facility, shelter homes, and legal aid.








What the Act has in intent, it lacks in resources and mechanism. There are not enough independent, dedicated POs in the states; in most states, government functionaries like the District Social Welfare Officer (DSWO) or the Child Development Project Officer (CDPO) hold additional charge of a PO. According to 2014 data, only nine states and one union territory had dedicated PO.⁹ Further, the lack of knowledge or infrastructure affects the coordination between different stakeholders, a necessary criterion for the proper implementation of the Act.

Through its Gender Justice programme, Oxfam India works towards enhancing women's access to formal and informal justice systems to end violence in their lives. Oxfam India has been advocating for a better implementation of the PWDVA, at the state as well as national level. Women's support centres serve both as an advocacy initiative and a service provision, providing essential counselling and legal advice to survivors on one hand, while developing alliance with police for support and justice in cases of domestic violence on the other.

Hence Oxfam India, in collaboration with the Department of Police and local women's rights organizations, has facilitated a total of seven support centres in different districts of Odisha. These support centres provide a range of services like counselling, legal advice, referral for shelter, medical assistance, and livelihood training to women and girls who are survivors of domestic violence.¹⁰

In Odisha's Dhenkanal district, Oxfam India has been supporting Indira Social Welfare Organisation (ISWO) since 2009 to end violence against women and girls. Though it started with the Women Support Centre (WSC) in the district police headquarter, it has over the years stepped up to facilitate last mile interventions to ensure justice and support to survivors of domestic violence. This has been especially useful since Odisha doesn't have a dedicated PO. (See Box 2: Support Centres in Odisha)

BOX 1: HOW OXFAM INDIA STATES FARED

EVER-MARRIED WOMEN WHO HAVE EVER EXPERIENCED SPOUSAL VIOLENCE (%AGE)	NFHS-3 (2004-5)	NFHS-4 (2015-16)
 INDIA	37.2	28.8
 ASSAM	39.4	24.5
 BIHAR	59	43.2
 CHHATTISGARH	29.9	36.7
 JHARKHAND	36.9	34
 ODISHA	38.4	35.2
 UTTAR PRADESH	42.3	36.7

Source: NFHS-4 Fact Sheet

CRIME AGAINST WOMEN:



CASES UNDER 'CRIME AGAINST WOMEN' (ACROSS INDIA) HAVE REPORTED AN INCREASE OF 2.9% IN 2016 OVER 2015. (NCRB 2016)



ODISHA REPORTED 5.3% (17,837) OF TOTAL CASES (3,38,954) OF CRIMES AGAINST WOMEN IN INDIA. (NCRB 2016)



WITH 397 DOWRY DEATHS, ODISHA ACCOUNTED FOR 5.2% OF TOTAL DOWRY DEATHS IN INDIA (7621). (NCRB 2016)



THERE ARE 11.2 MILLION WOMEN IN THE AGE GROUP OF 15-49 IN ODISHA. ACCORDING TO THAT, IN 2015-16, THERE WERE AROUND 3.9 MILLION WOMEN (35.2%) WHO FACED DOMESTIC VIOLENCE IN THEIR LIFE TIME. (CENSUS 2011)

In compliance with the PWDV Act, ISWO has coordinated with different service providers; through their liaison with the police, lawyers, shelter homes, and PO (in this case the government official with shared responsibility), ISWO has managed to provide services ranging from counselling to legal services, and shelter to vocational training. ISWO and Oxfam India have trained community mobilisers to ensure that survivors have access to the women support centres and subsequently the formal justice system.



Bhanumati Pani (in yellow) counseling a couple at the Centre. She has been with ISWO for a long time and is involved with training community mobilisers as well as supporting the counsellors.

COMMUNITY MOBILISERS

Community mobilisers are key to taking the discussions on domestic violence to the community. They encourage the aggrieved women¹¹ and their families to approach the WSC. They are, therefore, a crucial link between the community and the Centre at the police headquarters.

Four community mobilisers work in 18 villages in four Gram Panchayats in the two blocks (Sadar and Gondia). They have reached out to nearly 4500 women and men (directly and indirectly). The community mobilisers are trained in counselling and the PWDV Act. They hold meetings to discuss and train on the different aspects of domestic violence, the stakeholders, and systems the aggrieved women have access to.

“These sessions, open to both women and men, have been very helpful to bring the issue of domestic violence to the fore and more importantly, bring them to the women support centres,” says Pushpanjali Jena, one of the founding members of ISWO. The numbers speak for themselves. In 2009-10, 79 survivors registered, this almost doubled in the following year. In 2016-17, ISWO registered 163 cases till December.

Pushpanjali explains, “It is not that cases of violence have increased, it was always there. Now the women and their family members have become more aware of these issues and are prepared to take action instead of suffering it.”

The community mobilisers have formed vigilance committees. These committees comprise village leaders, members of SHGs, community members, former PRI members, and retired government officials. Though the vigilance committees are the first port of call for cases of domestic violence in the community, counsellors at WSC are always kept in the loop.

“The vigilance committee mediates and talks to both parties. In case they are satisfied, the case isn’t pursued further. However, we still follow up with the aggrieved woman to ensure that violence has actually stopped. In case, there is no chance of an agreement, the aggrieved woman and her family are referred to the Support Centre. We begin our counselling then,” explains Bhanumati Pani of ISWO.

BOX 2: SUPPORT CENTRES IN ODISHA

IN ODISHA, OXFAM INDIA SUPPORTED MULTIPLE NGOS TO SET UP WSC IN 6 DISTRICTS SINCE 2009 — KANDHAMAL, KALAHANDI, RAYAGADA, KHORDHA, CUTTACK, & DHENKANAL

WOMEN SUPPORT CENTRE

Though ISWO operated these WSC prior to 2009, it was only after their partnership with Oxfam India that their counsellors were trained. The trainings qualified the counsellors to provide the right support to the survivors – medical and legal counsel, and dealing with survivors, perpetrators and their family members. The counsellors were trained by Tata Institute of Social Sciences (TISS).

Mining districts surround Dhenkanal; small and medium scale industries in the district are the main source of income. Migration is high. So apart from cases of domestic violence and dowry harassment, women support centre receives several cases of trafficking, sexual harassment, molestation, and child marriages.

The Support Centres are referred to women either through vigilance committees or the police. A few women come directly. According to ISWO data (2008-2016), most cases have been brought to the Support Centres by parents (514), police (353), and other relatives (226).¹² The police usually refer the cases to the Support Centres if they feel that counselling can solve the matter and filing a case would mean unnecessary hassle for the families involved.

When the aggrieved person approaches the Support Centre, the case is recorded and attested by either the victim or her family members. The counsellor then holds individual counselling sessions for the survivor and the family. “This gives a clear understanding of what they want. In some cases, she might just want counselling and would want to go back to her husband. In some cases, she might want to take the legal route and want compensation from the husband. We proceed accordingly,” explains Bhanumati.

A case in point is Arti,¹³ a para teacher who married the driver of the school she taught in. Her husband physically abused her and kept all her education certificates with himself making it difficult for her to get a job. She approached the WSC as she wanted to resume work and support her child; she doesn’t want a legal case. She just wants her certificates back. She has supportive parents and she is now staying with them.

After talking to the survivor, the “respondent”¹⁴ is summoned for counselling – individual and joint. Arti’s husband too had been sent summons for counselling sessions. “Usually the respondents ignore the summons and refuse to make an appearance. If they refuse to come even after three notices, then we take the help of the police. And then they turn up immediately,” says Bhanumati. Arti’s husband too had to be brought to the counselling session by the police. This, she points out, is also a good strategy to help the police understand the two parties and the case better.



Counsellors at the Women Support Centre were trained by TISS when Oxfam India began supporting the ISWO Centre. The Centre at Dhenkanal has two counsellors, at present.

POLICE STATION

“With the Support Centre, the number of cases of domestic violence that come to us has reduced. The Centre through counselling and its coordination with multiple agencies has ensured that the aggrieved woman gets justice sooner. Whether it is providing counselling or taking up the legal route, it saves time for all the parties involved in such cases,” says IM Behera, Deputy Superintendent of Police, Dhenkanal.

The coordination with the police is a two-way street. For those who aren’t aware of the Support Centres and approach the police station directly, the police send them to the Centre. “We send them if we think counselling can help instead of an arrest. Similarly, the Support Centre approaches us if the respondent does not turn up for counselling and needs to be summoned in person or if there are cases of dowry recovery or child trafficking,” says Behera.

Working together — police sitting through some of the counselling sessions and the counsellors attending some of the crime meetings — has ensured that both are sensitive to each other’s scope of work, strengths and weaknesses. “The police have been extremely supportive of the Support Centre. If someone has to be rescued at night or someone needs to be taken for medical check up, they are always there to help,” says Bhanu.

PROTECTION OFFICER

Once the counselling is held, at times with the help of the Police, the Support Centre takes the next step. If the parties reach a consensus and the aggrieved person agrees to go back to her husband’s family, the counsellors’ check on the survivor on a regular basis. In case counselling does not work and the survivor wants to separate and take the legal course, the Support Centre liaisons with a lawyer. Before proceeding for legal aid, the PO has to file a Domestic Incident Report (DIR).

The PO should be the first point of contact for the aggrieved person, who then facilitates access to legal aid, medical facility, and shelter home. However, due to lack of information or availability of a dedicated officer, the aggrieved women usually do not connect with them directly. This is where the Support Centre plays a pivotal role. The counsellors take the aggrieved person to the PO designate who then files a DIR. Four copies of the DIR are maintained for the court, police, survivor and the PO.

“The PO should first file a DIR, hold a counselling session and then conduct a home visit. However, they hold multiple responsibilities

and are stretched for time, and so to women who go directly to them, their first suggestion is to ‘drop the case’,” says Bhanumati. The Child Development Project Officer (CDPO) of Hindol block holds the additional charge of a Protection Officer.

Though the District Social Welfare Officer (DSWO) in Dhenkanal, overseeing the CDPO, takes personal interest in the cases, she agrees that the latter is stretched for time and resources; she appreciates the role ISWO plays. While ISWO is critical of their ways of working, they are also ready to chip in whenever required. If the aggrieved person wants to pursue the case, then she is put in touch with a lawyer. In case the PO is not able to get a lawyer, ISWO helps liaison with lawyers.

LAWYERS

“More survivors are opting for the legal route now- for divorce and maintenance. In fact, these days almost two-third cases are related to PWDV Act. Women from the rural belt are much more vocal and clear about what they want than their urban counterparts,” says Manoshi Mahapatra, an advocate working closely with ISWO and a member of the Free Legal Aid Committee.

She points out that these cases tend to go on for a long time unless the judge is keen to take up these cases and pass judgements promptly. The judicial system in the district, at the time of interview, was very conducive for these cases. “Women are at the top government and judiciary posts facilitating the quick disbursal of the cases. The Chief Judicial Magistrate and the District Magistrate are women, and so are many Sub Inspectors. Women at such crucial posts mean that they are very sensitive to the issue and ensure smooth justice to the survivors,” says Manoshi. Regular training on PWDVA for advocates and judges have also helped improve the understanding regarding the Act. Manoshi, herself is involved in providing training to para legal volunteers.

Though the aggrieved persons, under the PWDVA, are eligible to free legal aid, there isn’t much incentive for the lawyers. One, fees for cases of domestic violence is very low at about Rs 750, and two, they are paid after the case is over. Despite this the District Legal Services Authority meet every month and lawyers do take up the Domestic Violence cases. She, herself, almost takes up all the cases routed through ISWO.

SHELTER HOMES

Cases of domestic violence can be long drawn and during this time the aggrieved person needs her parents support. “But in many cases,

parents simply refuse to take in their daughters. Then we send them to shelter homes for the interim period,” says Bhanumati.

These shelter homes,¹⁵ under the Ujjwala scheme, are funded by the state’s Women and Child Development department and run by local NGOs identified by the government. The shelter home has a counsellor, lawyer, warden, and a couple of social workers, cook, security guards, and accountant. Strict security is maintained in the premises. Arun Institute of Rural Affairs (AIRA) in Shyamacharanpur at Dhenkanal runs one of the Ujjwala shelter homes in Dhenkanal. ISWO’s association with AIRA’s shelter home and the coordination with them ensure that they lose no time in providing safety to survivors of domestic violence.

Most of the girls in the shelter homes are those who were rescued from human traffickers. At the time of our visit, there were 27 women and girls at the shelter home; seven of them are survivors of domestic violence, who were sent through ISWO. Counsellors from ISWO regularly visit the shelter home.

This liaison is very useful also as the shelter homes provide vocational training, empowering them economically and giving them the option of moving out of abusive relationships. Usually the women/girls are sent back after consultation and counselling. If she opts for a legal recourse, she lodges at the shelter home through the hearing. Some are fortunate enough to reclaim their lives like Sangita.¹⁶

Sangita, a survivor of domestic violence, stayed at one of the shelter homes after; she left her husband in 2011. She came to the Support Centre, with broken limbs and a young daughter in tow, after suffering years of domestic violence. She learnt tailoring at the Ujjwala shelter home after which she bought a machine and started her own tailoring business.

She however, did choose to move back with her husband because he wasn’t well and also because of the social stigma attached. They are referred to as ‘charuri’ if they leave their husband. Sangita is the breadwinner, and that has played a big role in ending the domestic violence she faced earlier.

“They might not want to leave the husband but at least the economic independence gives them an option to walk out of an abusive relationship,” explains Bhanumati. Driven by this faith in economic empowerment, ISWO plans to set up a centre to ensure linkages with government schemes.

CONCLUSION

Oxfam India and ISWO have been working together to bust several patriarchal social norms prevalent in the society. The most crucial - making domestic violence unacceptable. They have been successful in raising awareness through the community mobilisers. The women support centres have played a critical role in providing solutions and options to come out of abusive relationship. Whether it is counselling, legal options or vocational training- all of this ensures that a survivor can choose to live her life according to what she deems right.

The Women Support Centre, thus provides the much needed strength and confidence to survivors and their families. This model, if emulated by the government, can go a long way in ending violence against women.

NOTES

¹ 23.6% urban and 31.4% rural (NFHS-4)

² <http://rchiips.org/NFHS/pdf/NFHS4/India.pdf> (as accessed on August 8, 2017)

³ Oxfam India is part of a global movement working to fight poverty, injustice and inequality

⁴ Uttar Pradesh, Bihar, Jharkhand, Odisha, Chhattisgarh and Assam

⁵ World Health Organisation, Department of Reproductive Health and Research, London School of Hygiene and Tropical Medicine, South African Medical Research Council (2013)

⁶ The definition of violence against women and girls in this paper is the same as the UN definition “violence against women” means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.” | (<http://www.un.org/womenwatch/daw/vaw/v-overview.html>) ; As viewed on September 15, 2017

⁷ Golder, Sakti (2018). Factsheet: Implementation of Domestic Violence Act and Prohibition of Child Marriages Act in Odisha.)

⁸ Subject to such rules as may be made in this behalf, any voluntary association regd. under the Societies Registration Act, 1860, or a company regd. under the Companies Act, 1956 or any other law for the time being in force with the objective of protecting the rights and interests of women by any lawful means including providing of legal aid, medical, financial or other assistance shall register itself with the State Government as a service provider for the purpose of this Act. (Sec 10, PWDVA 2005)

⁹ Even among those states that have independent POs, only Kerala has appointed them on government payroll with full benefits; the other states have appointed POs on a contractual basis.

¹⁰ Tulsyan, Arpan (2016). Access to Services Under the Protection of Women from Domestic Violence Act- A Study on Women Support Centres in Odisha. Oxfam India, February 2016 (for internal circulation only)

¹¹ “Aggrieved person” means any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent. (PWDVA, 2005)

¹² Data compiled by ISWO for Oxfam India. This is for the period 2008-09 to Dec 2016.

¹³ Name changed

¹⁴ “Respondent” means any adult person who is, or has been, in a domestic relationship with the aggrieved person and against whom the aggrieved person has sought any relief under the Act.

¹⁵ The Women and Child Development department is the Nodal Agency to implement two flagship programs of the government namely “Swadhar Greh and Ujjwala Home”. The former addresses the residence need of women in difficult situation including domestic violence while the latter provides shelter to the women victims of human trafficking. The state funds local NGOs, as identified by them, to run these homes. The state funding is used for providing clothes, sanitary napkins, food, school and college fees, and monthly medical check-ups. The education of the girls and their vocational training is taken care of.

¹⁶ Name changed

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