

Voices from the Ground

The Indian women's movement succeeded in gaining a central legislation with the passing of

The Protection of Women from Domestic Violence Act (PWDVA), 2005.

In enacting the PWDVA, the GOI recognized not only the need for a special legislation on DV, but also the state responsibility to enter the "private domain," and protect women and girls in situations of violence within the family.

This new law, which provides protection from domestic violence, is civil in nature. It is a radical and revolutionary law for women. CEDAW, the International Convention, provided the framework upon which the Government of India legislated on domestic violence and fulfilled its State obligation to empower women.

This law is based exactly on the words and language of the draft bill prepared and proposed by the women's movement on this issue. First drafted by Lawyers Collective in 1994, the draft law was taken to different parts of the country to build consensus on its content. The PWDVA is thus a product of a nearly decade long consultative process. This law addresses, to the extent possible, the concerns voiced by activists in countering violence faced by women in their own homes. The unique consultative process followed in the drafting of this law makes it truly a women's bill.

The role of women's groups and NGOs has been acknowledged in breaking the silence over domestic violence and creating a receptive environment that enables the victims of violence to speak out. A three-year national level advocacy campaign was initiated by Action India across 8 states, which collected 2.5 lac signatures, voicing demands from the grassroots for an early passage of the bill.

The passing of the PWDVA was possible only after the collective strength of the women's movement showed to the GOI that we were, and now are even more, determined to make the PWDVA a reality. Now the success of the law depends upon its implementation in order to ensure that women start living violence free lives. The most obvious challenge is to keep the network and partners together. Only then will we succeed. Action India convened the First National Women's Conference in February 2006 to demand its implementation. At that time, the Act was in place but not operative because the Rules had not been framed and finalized. Action India organized this major event on its completion of 30 years and the commitment to work for the betterment of women at grassroots.

A full report of the First Conference can be read at:

http://www.solutionexchangeun.net.in/gender/comm_update/reso1-110706-15.doc

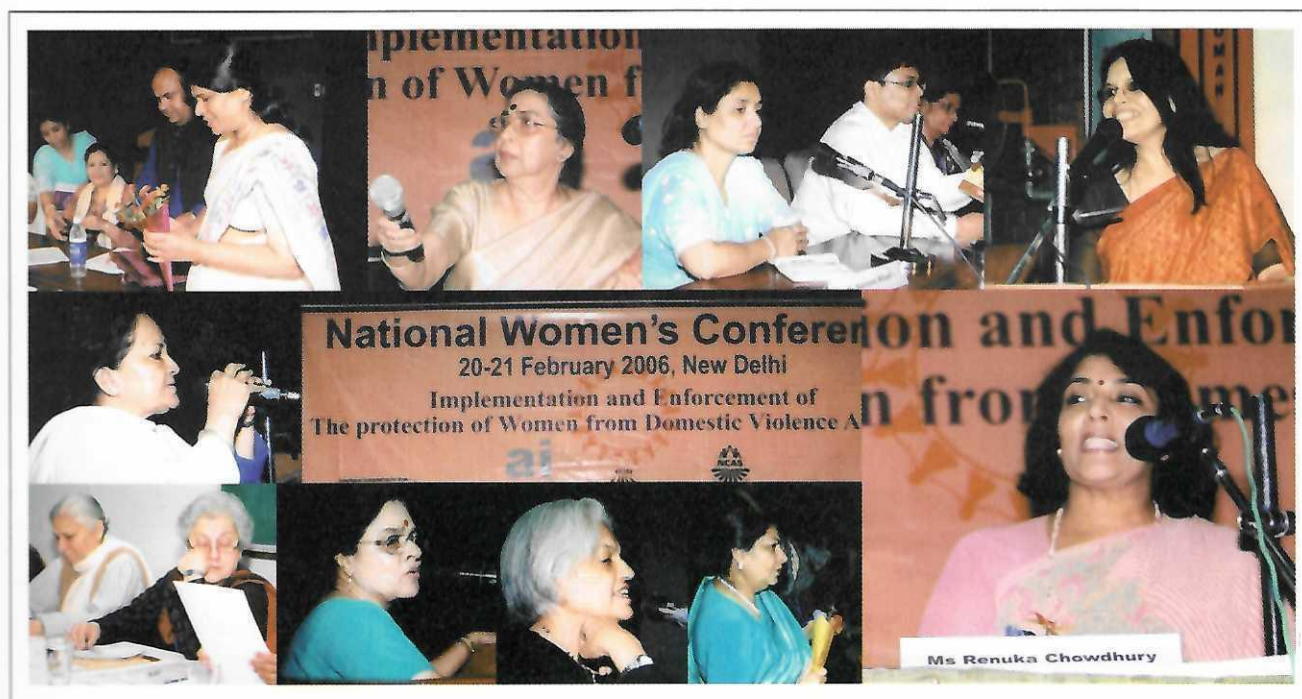
Formation of the National Secretariat on PWDVA

The First National Women's Conference concluded with the formation of a DV Act Forum. Action India was mandated by the DV Act Forum to carry forward the task of keeping the momentum alive at the national level. To carry forward this work, the National Secretariat on the PWDVA (NS PWDVA) was set up in June 2006 with support from UNIFEM. In the first year our aim was to facilitate, network and keep the momentum going with regards to the formulation of the rules for enforcement of PWDVA and in particular, allocation of adequate budget for its effective implementation.

The NS PWDVA has been established to sustain a workable mechanism for:

- ❖ Networking and communication with groups across the country in order to build a pressure group to initiate action on domestic violence.
- ❖ Co-ordinating strategies at the state and national level.
- ❖ Advocacy and lobbying to ensure the implementation of the PWDVA.
- ❖ Training and dissemination of the law to the grassroots and official machinery and preparation of appropriate information and education material.
- ❖ Keeping constant vigil over the movement that will ensure that the justice system be responsive to the needs of the women.

The NS PWDVA works with the assistance of a small group of volunteers in the nature of overall advisory and guidance team.



Steering Committee Members at the First National Women's Conference, 2006 and
Smt. Renuka Chowdhury, Minister of State (IC), Ministry of Women and Child Development
R to L: Ms. Reva Nayyar, WCD Secretary; Ms. Indira Jaising, Advocate, Supreme Court; Dr. Girija Vyas, NCW Chairperson

Functions of the National Secretariat

Networking : By E- mail and Correspondence

The email network of more than 100 people were sent updates on a regular basis. The aim was to keep everyone on alert about events in relation to the Act. We also maintained a continuous dialogue with the MoWCD on the status of the Rules, through letters and phone calls. The PWDVA was notified on the 26th October 2006. The announcement was immediately forwarded to the 100 members of the email network with jubilation. The women's movement had been waiting for the Rules and the MoWCD had done this within a year.

Zonal Strategy Meetings: People to People Networking

Strategy meetings were organized in two zones by the NS PWDVA. First, with the states of Andhra Pradesh, Karnataka and Tamil Nadu in the South in November 06 and second with West Bengal, Jharkhand and Orissa in the East in the month of December 06. It facilitated the sharing of experiences across different states to learn from each other. The zonal meeting emphasized finding the right kind of Protection Officers under the PWDVA who could make this law actually work for the women. It was recommended in the meetings that officers already in government service (as mentioned in the law) should not be appointed as P.O. but rather fresh appointments should be made. Most important, the women's organizations worked out in detail the financial hurdles faced in terms of the implementation of the Act and chalked out road maps. The stress was to make domestic violence a priority issue in the XI Plan.

Advocacy and Lobbying with the Government

The National Secretariat felt the urgency to maintain a continuous and sustained dialogue with the various state departments concerned with implementation of the Act– Ministry of Women and Child (MoWCD), National Council for Women (NCW) and Delhi Council for Women (DCW). An interface was developed with these departments through letters, e-mails and phone calls, which lobbied for the formulation of the rules to be notified for proper implementation of the Act. At the same time the NS sent a composite set of recommendations to the Planning Commission as we felt that insufficient attention was being given to violence against women.

Advocacy with NGOs

The NS received invitations from Gujarat (SWATI), Rajasthan (Vishakha), Lucknow (Path) and Orissa (Oxfam), to send our team of advocates and gender trainers, to disseminate the PWDVA. This strengthened our networking with grassroots groups who had initiated workshops to educate their constituency on the new PWDVA, and attempt to use the law as they worked on issues of domestic violence. These visits to various states helped the NS to prepare for the Second National Women's Conference and build strategies for implementation in alliance with the nodal agency identified in each state.

NS Develops as Information and Resource Centre

The National Secretariat is developing an information and resource centre on domestic violence issues at the national and international levels. Local and foreign media call the Secretariat for information or visit the Mahila Panchayats, which are community-based arbitration forums. Linkages with the Mahila Panchayat Network affiliated with the Delhi Commission for Women provided a strong base for the dissemination of the PWDVA to the grassroots. Eleven legal camps were organized by the Mahila Panchayat Network to provide gender awareness and legal information to grassroots women on gender and the law. They covered the dissemination of information on the PWDV Act and the PCPNDT Act. The Secretariat provided legal resource persons to the DCW project.

Collection of press reports on the PWDVA

An up-to-date documentation of the press reports on the PWDVA has been accomplished. Some of the important press clippings are presented below:-

- ❖ *Two-third married Indian women victims of domestic violence*: UN- Indian Express, Oct. 13, 2005
- ❖ *SC finds fault with Domestic Violence Act*- Satya Prakash- Hindustan Times, N.D., Dec 19, 2006
- ❖ *Domestic violence law in force from today*-Aasha Khosa- Indian Express, Oct. 26, 2006
- ❖ *The New Laws of Marriage*-India Today, Cover story, Dec. 4, 2006

Budget Allocation

Representatives of the NS PWDVA attended the North region workshop held to engender the XI Plan. The recommendations of the First National Women's Conference were submitted with the Planning Commission by a delegation. The NS PWDVA sent its recommendations for budget allocations to the planning commission, which have been reflected in the '*Report of the Working Group on Empowerment of Women for the XI Plan*', Ministry of Women and Child Development, Government of India (<http://wcd.nic.in/wgfinalreport.pdf>). This shows that the effort of women's advocacy groups is making an impact. However, this means that we need to continue to pursue the allocation for the appropriate amount and use of funds for the proper implementation of the PWDVA to every state. The networking between the Centre and State agencies cannot be underscored.

The Working Group has recommended that adequate budgetary allocations be made for the setting up of the required infrastructure and requirements to make the PWDVA effective and also proper allocation of funds to provide training, sensitization and capacity building of Protection Officers and other stakeholders. Monitoring the appointment of Protection Officers by regular feedback from states, the setting up of effective MIS, proactive role of the MoWCD and steps for awareness and publicity of PWDVA are the other recommendations.

Towards all the above, a sum of **Rs Five hundred crores** is proposed to be provided for implementation of PWDVA in the 11th plan. This is indeed good news but we need to monitor and follow up on these recommendations to ensure that the same are adopted and executed by the Government of India.

Public Rally at India Social Forum (ISF)

The National Secretariat organized a 'Public Rally on Domestic Violence' at the ISF on 10th November 2006. Around 200 women from the Sabla Sanghs participated in the rally carrying placards and banners marching around ISF grounds. The rally culminated at the workshop called jointly by Akshara from Mumbai, Action India and Lawyer's Collective to discuss the PWDVA.



Stakeholders Consultation on 25th Nov 2006- International Day of VAW



On this day the NS PWDVA took the initiative to call a meeting of all the stakeholders to work collectively for forceful lobbying with the government of Delhi State. Dr. Kiran Walia, DCW Chairperson and Ms Rashmi Singh, Director of the Deptt. of Central Social Welfare Board, committed their support to the Network. Advocate Sanjay Ghose presented the highlights of the PWDVA to enable grassroots counsellors the tools to use the new law. Recommendations from the stockholder's meetings were forwarded to the concerned departments.

Development of IEC Material

The R&D cell of the Secretariat has managed to develop the following:

- ❖ Hindi translated version of the Frequently Asked Questions on Domestic Violence.
- ❖ Edited version of the report of the First National Women's Conference.
- ❖ Training kit of the domestic violence for grassroots workers.
- ❖ Hindi translation of the Domestic Violence Act has been procured from the Government of India and the language has been further simplified and more explanations added to it. The publication has been printed and documented.
- ❖ A set of four posters explaining the PWDVA in simple terms.

Preparation & Planning for Second National Women Conference

One of the main tasks before the NS PWDVA was to gear the women's movement towards the **Second National Women's Conference**. The aim of the conference is to again bring together all the people relevant to the Conference to create a common vision for implementing and enforcing the PWDVA in its true spirit. The Second NWC has been envisaged as a **stakeholders meeting**. This is being done in order to involve key persons and make them more accountable by fixing their responsibilities. The theme of the Second National Women's Conference is to "Make the PWDVA Successful".

The Second NWC begins with the premise that no law is perfect; that laws are based on judicial and other interpretations, and need to evolve and be amended. We think the time for this has not come and it is too premature to talk about amendments. Today's urgency is to find out the ways and means to make the PWDVA work in the present system to allow women to live a life that is dignified and respectable and hence free from all forms of violence. The effort continues with the organization of the Second National Women's Conference scheduled for 18th, 19th & 20th February 2007.

The National Secretariat hopes to continue to get the support from its partners in the time to come and actively join in our campaign to make every home a violence free space for women and children.

About ACTION INDIA

Founded in 1976, Action India a voluntary organization based in Delhi continues to believe in the power of people in changing society through education, awareness and collective action.

The most significant aspect of Action India's work has been the process of evolving an Indian feminist perspective through interaction with grassroots women over a sustained period of nearly 30 years, guided by intellectual inputs from individuals and the Autonomous Women's Movement (AWM) in early 80's.

Women's Agency

The main strength of Action India's work has been the grassroots women's collectives - the Sabla Sanghs; Mahila Panchayats, Chhoti and Nanhi Sabla's and the emerging women's task force the Nari Shakti Vahini. Their collective leadership in addressing local issues reflects the potential in ordinary women to take initiative, participate in decision-making and set the agenda for social change.

MAHILA PANCHAYAT - DELHI

The Mahila Panchayats – informal dispute resolution forums initiated by Action India in 1994 – are service providers at the community level. In the last 10 years they have developed a consciousness on gender justice, thereby enabling victims of violence to articulate their rights. Collectively the women volunteers of the Mahila Panchayats are strong and know their legal rights. They have become agents of social change in building a receptive environment that will enhance the potential of the PWDVA, by talking about it at the grassroots.

The Mahila Panchayat Network is supported by the Delhi Commission for Women, bringing together 16 NGOs that work on legal awareness, training of para legals, counselling and conflict resolution. Action India as the MNGO is attempting to bridge the Mahila Panchayats with the National Secretariat of the PWDVA, with the aim to disseminate the new law and facilitate trainings of trainers with the help of lawyers. Women can seek help from the Mahila Panchayat as they are situated in the community, and speak about their problems without fear or shame.

The Mahila Panchayat is a women's space to meet, share joys and sorrows, learn about the world, give and get information, and become concerned and active citizens. Women helping women displays a social consciousness and understanding of legal rights. We believe, our Women, Law and Social Change Programme has created a new consciousness on the status of women and the concept of legal rights pertaining to women. We are breaking the silence, speaking out, and regaining control of our lives by uniting women across classes, cultures and religions.

Women's Rights are Human Rights

action india

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