

SES'S L.S.RAHEJA COLLEGE OF ARTS AND COMMERCE

Course: TYBA-Sociology Paper VI-Sem VI
Prepared by: Dr Samya Shinde

Unit: I- Sites of Violence against Women

❖ Family as site of violence

Violence in its multiple forms is an inescapable and all pervasive constituent of most women's existence.

Different forms of violence are different means of eliminating women and excluding them from equal participation in the public sphere.

Violence within homes

Violence within homes is a global phenomenon that cuts across culture, religion class and ethnicity. Hierarchical gender relations perpetuated through gender socialization and socio-economic inequalities are the root cause of violence against women. Powerlessness within the home as well as constraining social and economic factors provides few options to women outside marriage and is associated with high levels of abuse.

Domestic violence is one of the most common forms of violence.

Girl child abuse

Girl child abuse within the home includes sexual or aggressive beatings as well as forceful work from children who should be in school or at play. Children are victims of abuse of physical, psychological and emotional nature.

Girl child abuse can be differentiated into the 4 categories - physical abuse, emotional abuse, neglect and sexual abuse. From not providing required environment for health and growth combined with physical torture, mental trauma to sexual ill treatment of a child, girl child abuse is a major problem.

The dominant ideology which restricts girls & women to definite roles & obligations leads to their devaluation & discrimination in many areas.

The girl's right to share in the resources such as healthcare, nutrition, education & material assets as well as parental interest & attention is limited.

Wife beating

An important reason for this is a patriarchal ideology that sanctions such behaviors. There are a number of reasons that lead to wife beating & battering.

The most frequently stated causes for wife beating was jealousy, not doing the household work properly, unfaithfulness, not bringing enough dowry, alcoholism & money matters.

Madhu Kishwar, a feminist writer feels that oppression of wives due to rising consumerism & dowry is also an excuse for using violence.

❖ Gender and communal conflict

When riots occur in cities, women are victims, participants and peace makers. Women's roles during communal conflicts are defined not just by their identities as women or as members of a religious community but by their class and their residential location in the city. It is also women's economic location in the city in terms of where they live in the city, determines their response during conflict. The plight of poor women living in slums and being caught in a communal conflict is tragic. During riots important questions to be raised are:

1. What has been the role of women in riots?
2. Have they participated to been victims of riots?
3. Do they think of themselves primarily as women or is their identity tied up with the community, caste or religious group?
4. What is their role as peacemakers?

Kalpana Sharma's study of poor women in Mumbai during communal conflicts between Hindus and Muslims during 1992-93 riots throws up several issues.

First it is wrong to assume that women are always helpless in times of conflict. Second, poor women understand more readily the need for peace between communities because any disruption can mean no relief for the family. Third, communities hold together in times of conflict if they have united earlier in times of peace to tackle common concerns. Finally, an investment in the processes that strengthen a community's ability to negotiate with the state for its rights and entitlements and empowers women to be at the forefront of such efforts, contributes in the long run to a stable and more peaceful environment.

❖ Caste and Gender Violence

The caste question and the women's question are interrelated. The social relations of caste and gender are based on the exercise of power through the use of force.

Dalit /Scheduled caste (SC) women, in India's highly patriarchal and caste-based society, bear the triple burden of caste, class, and gender.

SC women are the most vulnerable and face untouchability, discrimination and violence much more than their male counterparts. Untouchability and social exclusion being faced by the Dalit community, takes shape of an institutionalized system in some places in context to Dalit women, called 'Devadasi's'. Dalit women also face violence when they try to access rights and entitlements provided by the constitution and the government. In addition to facing discrimination and untouchability in accessing welfare schemes, women from Dalit community also faces sexual and other kinds of physical violence.

There are two main factors that perpetuate atrocities against Scheduled Caste women:

1. Scheduled Caste women are intentionally victimized by upper castes because they lack the social position to stand up for their rights individually and because assaulting or raping them reinforces the subordination of the whole SC community to upper castes.
2. Scheduled Caste women do not know their rights and are too powerless individually to hold the Judiciary and the Executive accountable for enforcing protective laws.

The response of state administrations to incidents of caste violence amounts to a failure to ensure equal protection under the law and exposes a pattern of complicity and collusion on behalf of police and local officials.

❖ Sexual Harassment of Women at Workplace

During the 1990s, Rajasthan state government employee Bhanwari Devi who tried to prevent child marriage as part of her duties as a worker of the Women Development Programme was raped by the landlords of the community. The rape survivor did not get justice from Rajasthan High Court and the rapists were allowed to go free. This enraged a women's rights group called Vishaka that filed a public interest litigation in the Supreme Court of India.

In 1997, the Supreme Court passed a landmark judgment in the same Vishaka case laying down guidelines to be followed by establishments in dealing with complaints about sexual harassment. The guidelines accord formal, legal recognition of sexual harassment at the workplace as a violation of human rights and an aspect of gender-based violence, and comprehensively defined the range of behaviours that constitute sexual harassment

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, came into force from December 9 2013. The act was formed on the basis of the guidelines laid down by the Supreme Court in its landmark judgment, Vishakha v. State of Rajasthan (where sexual harassment was first defined) but is much wider in scope now.

Under the new act the following circumstances amongst others constitute may also constitute as forms of sexual harassment,

- implied or explicit promise of preferential/detrimental treatment at the workplace,
 - implied or explicit threat about her present or future employment status,
 - interference with her work and/or creating an intimidating or offensive or hostile work environment for her, and
 - humiliating treatment likely to affect her health or safety.
- The Act will ensure that women are protected against sexual harassment at all work places, be it public or private, organised sector or even the unorganised sector, regardless of their age and status of employment.
 - The act also covers students in schools and colleges, patients in hospital as well as a woman working in a dwelling place or a house.
 - The Act creates a mechanism for redressal of complaints and safeguards against false or malicious charges.
 - Under the act every employer with a business or enterprise having more than 10 workers will have to constitute a committee known as 'Internal Complaints Committee'(ICC) to look into all complaints of sexual harassment at the workplace.

- Further, in every district, a public official called the District Officer will constitute a committee known as the 'Local Complaints Committee' (LCC) to receive complaints against establishments where there is no Internal Complaints Committee or there being a complaint against the employer himself.

❖ Violence in virtual spaces

Social media is full of attacks on women on a daily basis. The number of abusive and unwanted intruders and trolls has increased on social media and women are losing their right to express themselves freely. We have seen the growth of misogyny on online platforms

The legal process is slow and time consuming
Require better implementation of laws.

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Questions:

- 1) Discuss family as site of violence against women.
- 2) Write an essay on women in armed conflict.
- 3) Examine The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- 4) Discuss the issues faced by women in situations of communal conflict.
- 5) Write an essay on gender and caste violence.
- 6) Discuss how women face violence in virtual spaces.

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Course: TYBA- Sociology Paper VI- Sem VI
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Unit: II – Marginalised genders

(I) Gender Galaxy

Main points: Rethinking Sex, Gender, Sexuality

Sexuality as increasingly a socially constructed phenomenon.

The essential difference between LGBT.

Heterosexuality as 'superior' and 'normal' VS Homosexuality as 'abnormal' 'derogatory' and 'mental sickness'.

Sexual Orientation is the term frequently used to describe a persons' romantic/sexual or emotional attraction to another person. It can be classified in the following 3 types:

- **Heterosexuality**
- **Homosexuality**
- **Bisexuality**

Apart from gays and lesbians there are several sub-populations within multiple genders which have been identified by the Humsafar Trust. These are as follows:

- **Transgender**
- **Cross-dressers**
- **Inter Sex**
- **Queer**

There are common myths and misconceptions about homosexuality.

- Homosexuality is unnatural
- Homosexuality is a western concept
- Homosexuality is a mental disorder
- Homosexuality can be cured and treated
- homosexuality is the matter of choice
- Homosexuals are

(II) Queer Activism

Main points: History of the movement- concerns and challenges.

Campaigns for restoring the rights of sexual minorities in India

Sexual minorities in India

Organizations working for sexual minorities in India

- A commonly stated goal among these movements is social equality for LGBT people.
- A starting point of gay and lesbian liberation politics is the assumption that they are a true minority, but those who take on a gay or a lesbian identity already have various other identities-caste, religion, nationality ,etc. which claim their allegiance.
- They can be discussed under the framework of following 4 concepts:
 - ❖ Homophobia
 - ❖ Heterosexism
 - ❖ Heterocentrism.
 - ❖ Compulsory Heterosexuality.

The demand for freedom and equality of gays and lesbians in India was first put forth in organized manner in 1991. In 1994, a PIL was filed in the Delhi High Court. The petition urges that section 377 must be struck down as being unconstitutional on the following grounds

Opposition:

LGBT movements are opposed by a variety of individuals and organizations. They may have a personal, moral, political or religious, objection to gay rights and homosexual relations.

There are few organizations working for the rights of LGBT community:

- Humsafar Trust
- Bombay Dost
- Arakanese Social Welfare Society – working for hijras.
- Udaan – a group for kothis, sexuality minorities and HIV positives .
- Stree Sargam – a collective of lesbians and bisexual women.]Sambhavana – a group for sexuality minorities.

(III) Section 377:

Main points: Sexual autonomy and section 377

What is section 377

Why it is problematic in terms of it criminalizing of section 377

Decriminalization of section 377

Introduction:

- Section 377 of the Indian Penal Code (IPC) dates back to 1861

- The section was declared unconstitutional with respect to sex between consenting adults by the High Court of Delhi on 2nd July'2009, but that judgment was overruled by the Supreme Court on 11th December'2013, with the court holding that amending or repealing Section 377 should be a matter left to parliament, not the judiciary.
- The Supreme Court of India ruled homosexuality to be a criminal offence.

Legal battle:

- The movement to repeal section 377 was initiated by AIDS Bhedbhav Virodhi Andolan in 1991.
- As the case prolonged over the year, it was revised led by the NAZ Foundation Trust(India), an activist group, which filed a Public Interest Litigation) in the Delhi High Court in 2001
- Eventually in a historic judgment delivered on 2nd July'2009, Delhi High Court overturned the 150 years old section, legalizing consensual homosexual activities between adults.
- A batch of appeals were filled with the Supreme Court, challenging the Delhi High Court judgment. On 11th dec'2013 the Supreme Court of India ruled homosexuality to be a criminal offence setting aside the 2009 judgment given by the Delhi High Court.
- It however noted that the parliament should debate and decide on the matter.

The Supreme Court verdict was received with mixed feelings. The 2013 verdict came as a shock to the LGBT group.

Recent Developments:

The Supreme Court's decision to read down section 377 of the IPC has been long overdue. On 6th Sep'2018, the Supreme Court of India repealed section 377 of IPC which criminalizes homosexuality, as unconstitutional.

The Supreme Court in this case, did not merely strike down a piece of a bad law, but delivered a judgment which is overwhelming in its breadth and depth. It is more than 500 pages, comprising 4 separate judgments. It explores issues of gender identity, sexuality and sexual orientation.

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- Valocchi, Stephen. (2005). Not yet Queer Enough: The lessons of queer theory for the sociology of Gender and Sexuality. Gender and Society, 19, 750-770

Questions:

- 1) Write a note on Gender galaxy.
- 2) Discuss the recent Supreme Court judgement on Section 377.
- 3) Discuss the various issues and challenges of queer activism.

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Course: TYBA- Sociology Paper VI- Sem VI
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Unit: III- Protests and Resistance

❖ Reproductive Health: Debates on surrogacy**Introduction**

Since the 1980s, medicalization of child birth, advances in medicine have made possible to overcome the problems of infertility through assisted reproductive technologies (ART) and since 1990's through the use of donors (for sperm, oocyte or embryo donation) and Surrogates. The political guidance and the medical practices in relation to ART vary from country to country.

- Surrogacy as a new reproductive technology is a growing practice and a burning issue on the transnational scene.
- Surrogacy is a method of reproduction where by a woman agrees to become pregnant and delivers a child for a contracted party. She may be the child genetic mother (the traditional form of surrogacy) or she may act as a gestational carrier to carry the pregnancy delivery often having been implanted with a legal medical procedure.

Surrogacy can be classified into the following four types:-

Traditional Surrogacy**Gestational Surrogacy****Altruistic Surrogacy****Commercial Surrogacy**

Reasons why India became an international leader for surrogacy:

- Lower cost of surrogacy arrangements
- High numbers of well-qualified physicians
- The important Indian diasporas all over the world who prefer to use
- Surrogacy in their native home/family country
- Availability of English-speakers
- Significant pool of reproductive workers
- Easy availability of working-class Indian women willing to be surrogate
- Lack of clarity in Indian law that governs the practice of surrogacy

A free choice under constraints

One important component of reproductive rights is the ability to take free decisions concerning one's reproductive life and body without suffering violence and coercion.

Becoming a surrogate

In India, surrogates are generally recruited through word of mouth: they often have a friend, a family member or a neighbour who previously was or still herself is a surrogate

Surrogacy is not accepted in India as work. Some feminists also argue that surrogacy is a professional activity.

Surrogacy as labour

Surrogacy is a new kind of labour as it is an activity, a “capacity to produce and reproduce”, in order to earn money of the complex realities of women’s experience.

Engaging in what they consider to be a new form of wage labour, surrogates develop certain strategies of resistance and valorisation of their work.

A monitored and closed environment

A surrogacy agreement gives no decision-making power to the surrogate.

❖ Livelihood struggles – Land & Forests

Women’s Right to Land and Forests:

There are two kinds of thought in terms of women rights on natural resources, one that talks about efficiency and welfare, other thought is the women’s struggle for equality and social justice.

Centrality of Women’s rights:

1) If rights of land are not given:

- a) It will create insecurity that can lead to inefficient productivity.
- b) There will be restriction on women’s access to input and information.

2) If rights of land are given:

- a) It will improve the position of women as farmers. Women will have direct access to better inputs and information. It would motivate them to adopt improved technology. All this will increase the agricultural productivity and would increase the self-confidence of women farmers.
- b) It will improve the position of women as individuals. They will become more assertive at home as well as outside home. They will be in a better position to make demands in Government programmes of health-care, education, etc. Owning land will improve support from the family especially for widows and elderly women. They will be treated as central and not marginal.

Obstacles for women:

There are significant obstacles in giving rights of land to women. They are as follows:

- a) Unequal laws.
- b) Discrepancies within laws.
- c) Gap between legal rights and actual ownership due to family and emotional pressure.
- d) Illiteracy.
- e) Reproductive role.
- f) Restrictions on mobility and public interaction.
- g) Marriage related mobility.
- h) Male bias in Government policy.

Resistance:

For women, the resistance is less for ecological and more for economic reasons. It is for their survival.

Constructive Changes:

Certain constructive changes are essential in order to give women their rights. They are as follows:

- a) Gender perspective in Planning.
- b) Change in laws.
- c) Legal literacy.
- d) Change in social attitudes, norms and perceptions.
- e) Institutional changes such as individual ownership of land or collaborating with other women such as purchasing land jointly, owning it individually and farming it collectively.
- f) Planting trees on degraded land as a part of waste-land management.
- g) Collective action from Government, political parties and NGOs.

❖ **Legislation: A feminist critique (rape and domestic violence)**

CRITIQUE OF RAPE LAWS

- Rape in India is a cognizable offence.

THE NEW LAW

The new law is a combination of just thinking about gender and existing patriarchal attitudes in society. It was passed by Lok Sabha on March 19 and Rajya Sabha on March 21, has replaced an ordinance an ordinance promulgated on February 3, 2013.

CRITICISM

The new laws only protect women from rape and sexual assault and not men and transgender people is a major failure.

When woman go to file a case of rape they are treated in a very hostile manner also with great indifference so much as no one is sensitive to them.

One of the major obstacles to justice in rape cases is the poor quality of police investigation.

Domestic Violence

The Protection of Women from Domestic Violence Act, 2005 (PWDVA), provides civil remedies to women who are subjected to domestic violence. The law since its enactment has been severely criticised in different quarters for being gendered in scope, i e, the protection is granted only to women and is against the concept of equality enshrined in the Constitution.

- Sec 498A was the first law that recognized violence against married women within their homes.
- Critique

The focus was on violence faced by married women at the hands of their husband. But this did not take within its ambit married women

This shortcoming is sought to be addressed by the new protection from Domestic Violence Act. Other loopholes in this law are as follows

- Definition of cruelty is vague and limited.
- Sec 498A does not address verbal economic and mental forms of abuse
- Interpretation of cruelty by the courts
- Difficulty of proving Cruelty beyond Reasonable Doubt
- Allegations of Misuse

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Kothari, J. 2005. Criminal law on domestic violence: Promises and limits, EPW Vol XL No 46, Pp 4843-4849

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Questions:

- 1) Discuss the various issues related to surrogacy.
- 2) Write the feminist critique of Rape Laws.
- 3) Write the feminist critique of domestic violence.
- 4) Examine the various issues related to livelihood struggles.

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Unit: IV- Feminist Campaigns in Digital Spaces

Why Loiter?

- The movement Why Loiter is to create a transformative change in the way we perceive public spaces in India.
- Authors trio, Shilpa Phadke, Sameera Khan and Shilpa Ranade have based the book Why Loiter? Women And Risk On Mumbai Streets on their 3 years of qualitative research and conclude that women's presence and participation in public spaces and events has certainly increased but reserve that the city still does not offer equal claim into the realm of public safety in urban streets and spaces.
- Based in Mumbai, it cuts across location, class and religious affiliations , it proves that even in this cosmopolitan city, the access of women to public spaces is **“at best, conditional”**.
- The book highlights the way in which the media, as well as general discourse tends to focus on the dangers that face women who **“dare to cross prescribed lines”**.
- The book especially talks about how women need to **“demonstrate a purpose”** to be out in public, and how they must navigate various restrictions when they wish to access this space “just to have some fun
- The essence of Phadke, Khan, and Ranade's argument is that the notion of safety has long been employed by patriarchal institutions in which not only men but also women participate to implicitly monitor the behaviour of other women in public space.
- The authors make a strong case for aimless wandering on the city streets
- Written in 2011, the book raises questions on women's safety and their sense of belonging in Mumbai, providing context to other Indian cities too.

Right to Bleed

'Happy To Bleed' is a campaign launched against menstrual taboos, and sexism that women are subject to through it. It acknowledges menstruation as a natural activity which doesn't need curtains to hide behind.

- After the comment made by Prayar Gopalakrishnan, president of the Travancore Devaswom

Board, which administers the Sabarimala temple said he would allow women to enter the shrine only after a machine was invented to detect if they were "pure" - meaning that they weren't menstruating - outraged women launched a #HappyToBleed campaign in 2015 on Facebook to protest against the "sexist statement".

- The campaign is novel because we never discuss menstruation so openly.
- #HappyToBleed may disappear after a few weeks, but it's what the hashtag represents that we need to understand.
- In many ways, launching a campaign like #HappyToBleed and posting pictures of themselves holding up sanitary napkins containing the hashtag demonstrates that today's feminists are as confident and creative as women in the past.
- What is also noteworthy is that they see these campaigns not as a gimmick but as a way to challenge what lies beneath – the P word, or Patriarchy. Nikita Azad was at pains to explain that her campaign was not about temple entry for women but "a protest against patriarchy and gender discriminatory practices prevalent in our society".

Pinjra Tod Movement

“Pinjratod,” or ‘Break the cages,’ is a group founded in 2015 by women students of various universities demanding equal rules for men and women in Indian universities, especially university hostels

History of the movement:

Unlike other feminist campaigns and movements, Pinjra Tod has been attentive to gender-based discrimination and its relation to other forms of discrimination based on caste and class. The reason **Pinjra Tod is unique**, says feminist historian Uma Chakravarti, is that it has been responsive to movements that challenge other forms of discrimination based on caste.

#Me Too

“Me Too” was a campaign against sexual harassment started in 2007 by a Black woman activist, Tarana Burke. #MeToo as a social-media movement in its present form was made famous by a Hollywood actress Alyssa Milano. For India, the tipping point of #MeToo movement was an interview in which former Miss India and actress Tanushree Dutta, alleged that she was harassed by Nana Patekar on the set of Horn OK Please.

Opinions about the Credibility of the #MeToo Movement

There is a fear that accusations could be untrue, a means a get publicity.

Where Are Dalit Women, Trans and Non-Binary Folks in the #MeTooIndia Movement?

References:

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Questions:

- 1) Write detailed note on:
 - a) Why loiter
 - b) Right to bleed
 - c) Pinjra tod
 - d) #Me too.

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