

# When Homes Are Torture Chambers

## Vimochana's Work with Victims of Domestic Violence

**M**any of those who have worked over a period of time providing legal, emotional or other help to women in distress, especially for women who are victims of domestic violence, quickly burn out because attempting to rebuilding broken or severely damaged lives is very difficult and often heart breaking, especially in a country like ours where the police and courts provide very little relief. Often, these government agencies even add to the injustice by protecting those committing atrocities. However, there are some organisations like **Vimochana** of Bangalore who are able to sustain their commitment to bringing justice for women despite all the setbacks they face, not just from external forces but even from the women victims themselves who they try to help.

I conducted this interview with **Celine Suguna** of **Vimochana** a few months ago to provide our readers a glimpse into the very difficult and complex task of helping women in distress.

**Vimochana's** experience in Bangalore also confirms **MANUSHI's** experience in Delhi that, as part of complex domestic disputes, a few women are beginning to misuse against innocent men many of the laws enacted (especially the provisions of section 498) to protect women victims of domestic violence.

This is an early warning for the women's movement which if ignored is likely to produce a severe backlash.

Several of our readers are involved in work similar to **Vimochana's**. We invite them to share their experiences and provide us additional insights into the challenges we face and how we can revise our strategies in order to be more effective in combating domestic violence.

—**Madhu Kishwar**

□ Tell us about the work done by **Vimochana** helping women in distress. Has your emphasis changed over the years? Do you think the assumptions you started with are valid today?

**Vimochana** has been working for 20 years on women's issues. Our focus has been domestic violence and sexual harassment at the workplace. Initially, we operated as an office based counselling organisation. But soon enough, we got fed up with arm-chair theorising and decided to personally investigate the cases that came to us. The transition brought many shocks. The first was the sight of burnt bodies of young girls and women. Our initial attempts at investigation were not easy.

Since we were strangers, the relatives of victims were often apprehensive and reluctant to talk to us. Their immediate question would be, "What are you here for? Are you going to bring our daughter back?" Our effort was to

get them to pursue the matter through the police and the courts, but they were uncooperative because pursuing the case meant spending money. The girl's family would rather do a *puja*, garland the girl's photograph, cry and then forget about it. The number of families that dismissed such episodes as their fate and did not want to find out what happened to their child really hit us hard.

We also learnt that the police never provided any help in such incidents. In fact, they would make matters worse by declaring the case a suicide or giving out stories of stove bursts even when there was no kerosene stove in the house! We would try to hold a protest demonstration in front of the guilty person's house or his workplace to



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demoralise him. But the police would tell us that they had to stop us, since we were taking the law into our own hands. We were also confused and shocked by the working of the judiciary.

□ *What was the response of the neighbours when you held such demonstrations? In Delhi, we have almost always gotten a very positive response from neighbours to such protest actions and calls for social boycott of such families.*

The neighbours just remained curious onlookers. In the beginning, some people came out openly to support us but they didn't act in an organised manner.

The victim's family would prefer to compromise and settle for some money. This demonstrated to us how women and their role in the society are viewed. It also explained a bitter reality. Right from her birth, a girl grows up in a highly restricted environment, especially in the rural areas. She is not allowed to attend high school to prevent her from mixing with boys for fear that she might lose her virginity.

It seems the only responsibility parents feel towards their daughter is to ensure she stays a virgin so that her family can find a suitable match and marry her off as soon as possible. They cry at her wedding at the thought that their duty to their daughter is over. They are of little help if there is trouble in her marriage. Such an approach can easily lead to suicidal tendencies in the daughter if she faces ill-treatment at her in-laws since she knows that she is not welcome back at her parents' home. When a daughter has to be taken back in her natal home she is viewed as a



liability. Parents' approach is guided by their conditioning which makes them believe that since she has left her husband, now other men will make advances towards her.

□ *Don't brothers and their wives become resentful if the girl comes back? In north India, we have found that the role of the bhabhi (brother's wife or sister-in-law) is very vicious and plays an important role in keeping women from seeking support and shelter in their parental home.*

The resentment comes from both the *bhabhis* and her brothers. They already have old parents to look after. Then there are their own children. They don't want any more responsibility, especially one they consider a burden. Their familiar argument is: In our social set-up the woman's only place is in her husband's house.

We learnt that a woman is gagged by the dictates of her family, her community and her

society. And if she tries to seek help from the so-called law-enforcing agencies, the police or the judiciary, she does not get anywhere. The police might register a cursory First Information Report and pass on the work to the forensic department, which will hand its report to the judiciary. Such matters are rarely taken seriously if a proper case is not made in the original FIR, which requires effort and investigation by the police. But usually, everybody just keeps passing the buck and nothing ever results from seeking help from the law.

The police blame the forensic department who in turn say they acted on the FIR provided to them. And the judiciary will not be satisfied with evidence that does not meet every legal nicety. Moreover, evidence is presented during the last stages of a court proceeding. We have not had a case that was completed within six months or a year. We have cases

pending in the courts for more than 14 years. I recall a murder case where eight or 10 years after the incident they produced in court a little piece of burnt wood and said this was used as a weapon. Obviously, the case fell flat as they didn't present the sort of evidence that convinces the court. A judge can make a decision only on the basis of evidence provided by whoever is assigned the task.

Another reason for lack of evidence is that, in many such cases, the women's parents are not informed immediately even if they live nearby and the victim is battling for life in a hospital. They learn her fate only after she is dead. In the hospital, the in-laws pretend that it was a natural death and deny that it had anything to do with dowry.

When the police constable comes over to take a dying declaration the husband (the usual suspect) has fled or is in hiding. His brothers, sisters, and parents plead that "it all happened in a moment of anger but there are children to be taken care of, so please don't take the man away." They also seek to give assurances to guarantee his good behaviour in the future. For the victim, this is the first time she hears her in-laws talk nicely to her.

When a woman decides to kill herself, she is pushed into the decision through bigamy, sexual harassment or an uncaring husband. Nevertheless, she has this *Savitri* attitude—she would prefer to just end her life and let her husband get away with his criminal behaviour. This stops her from giving a dying declaration which indicts the husband with the blame for her misery, and this is just the sort of thing that the police don't want to acknowledge

or understand. These women don't tell the truth.

There was this victim who was brought to the hospital with her hands and legs badly burnt. She kept repeating, "No, my husband came to save me." The way she said it, one knew that she was trying to hide something and protect him.

The police and the courts ask for eyewitnesses. But we've had a case where they even rejected an eyewitness account and said it is not admissible. This happened in a village on the outskirts of Bangalore. A relative of the girl was walking past the house when he saw her crying. Seeing bruises on her body he asked her what had happened. She said "My husband beat me in the morning." This was the day she died. But the judge ruled against admitting the witness in the court because, held the judge, "He is an interested party."

Most often, you cannot have totally foolproof evidence of a crime that is so highly personalised and private.

□ *When did Vimochana start providing legal aid?*

A long time back. In the initial few years after we started, we would approach the police and the courts. Either they didn't have the time or they were not in a position to provide us a fair hearing. Their training doesn't equip them to investigate adequately and they only ask the husband's family to give their version of what happened. As a result, biases are allowed to operate all the time, particularly male biases.

We initiate direct legal action only when the victim is dead or we know for certain that she won't survive. We gather evidence and get the indictable man, the in-laws or all the defendants arrested. We also initiate legal



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action in cases of beatings, burns and injuries.

You'd be horrified to know the extent to which some of these people will go. We know of cases where they put a *surtula* (brand) on the woman, others where they heated a steel ladle (used for making dosa chapati) and burned her in her private parts with it.

After such torture they taunt the woman to visit a doctor because they know she is too fearful or embarrassed to try. Then there are cases where the man will beat up the woman, breaking her teeth, chopping off an ear, a finger or some other part of her body. These men don't plan such attacks, they do it at random. In all such cases, we provide medical care and emotional help. We even try talking to the man. We learnt to do this gradually. Initially, our approach was guided by anger and disbelief and our common refrain was "What kind of a person is this? We shouldn't let him go scot-free." We learnt our lesson the hard way.

□ *What is the lesson you learnt?*

I will tell you the story of Shashikala [name changed] who was a nurse married to a doctor. They had three children. Though they lived together, she was the one who looked after the children and even built a house with the money she earned. However, the house was registered jointly in both their names. Then this man went away and married a young girl in Kerala. The girl's brothers wrote threatening letters to the nurse demanding that she leave the house, as her husband had married their sister. But the nurse didn't pay heed and carried on with her life. She was a strong-willed woman, she attended and

spoke at **Vimochana** meetings. She even started a **Vimochana** centre in her village.

In fact, she maintained that she would not rest till the husband was put behind bars. She came to us and we filed a case on her behalf. The Karnataka and Kerala police worked on it. Evidence was collected from Kerala where she went accompanied by another member of **Vimochana**. Around Christmas, when the date of the hearing neared, her husband returned and publicly asked for her forgiveness by falling at her feet and crying. Under the influence of the Christmas spirit, she forgave him.

She let him back into her house and they started living together. We didn't know this had happened. Soon after this reunion, when we met her, she appeared quite composed and happy — not the angry person we knew. We also met her husband and he melodramatically told us how he had done his wife a great injustice and was now really repentant. He said he wanted to find a way to be nicer to her after all that had happened. We just



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advised her to be careful, unaware that they were living together.

In the last week of April, the police telephoned us to say that this woman had died.

□ *Dead? Did he kill her?*

He made her drink brandy laced with some harmful substance. When she vomited it out, he gave her an injection, apparently to show the children that he cared for her. And he would give this shady injection to her every day. In a few days she grew very weak and could not even speak. Finally, the neighbours intervened and said she should be taken to a hospital. Even there, he made sure that he gave her that injection regularly. The children saw him with a syringe and injection in his coat pocket. He would insist on helping the paralysed woman to the bathroom. He had her shifted to a nursing home against the doctor's wishes.

□ *Any case against that husband?*

Yes. The Superintendent of Police, a woman named Prabha Rao, assured us that the police is going to get this man punished.

□ *How do you sustain your faith that women can be helped when you see such things happening so often?*

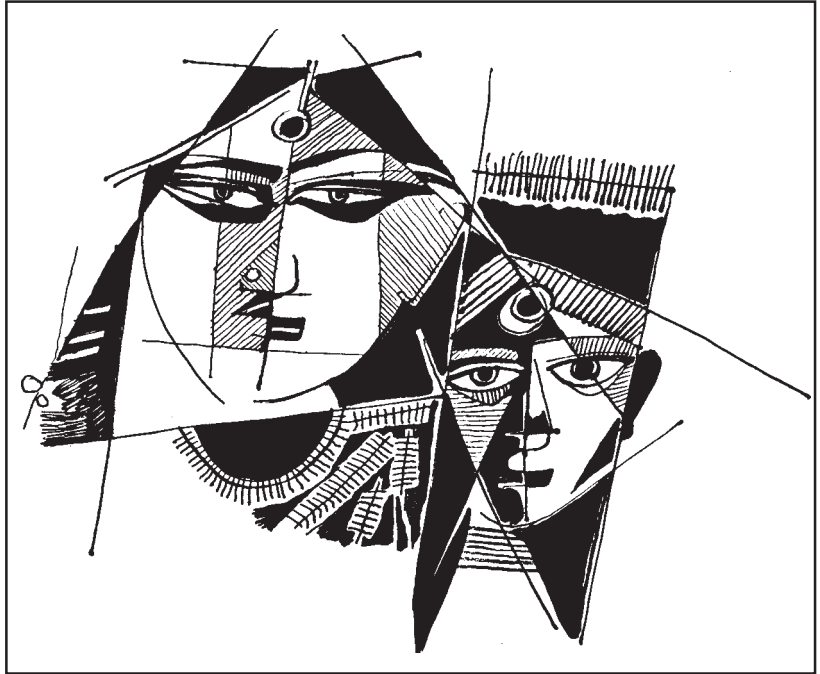
Shashikala's case was a nightmare. It hurt us because she was also a friend. But we learnt our lesson. And after all this, we had to sit with this man and divide the house, so that at least the children could get their share.

Of course, we followed the case and he was arrested but he managed to secure bail. It was a case of slow poisoning. To detect it, the forensic department needed 10 ml of blood. In this case they took just one ml. We were asked to produce the syringe used for the injections.

The children were not in favour of their mother visiting **Vimochana** and seeking our advice. The eldest daughter, who was 16 then, was angry that her mother was letting strangers know about their personal life. The children eventually forgave their father. They let their mother's death pass with a feeble excuse, 'What to do? After all, he is our father and we have to forgive him.' Now the man is living with his second wife and also continues his medical practice. He also got a share of the house.

□ *So what did you learn from this whole incident?*

We found that very few women are allowed to stay single even if they want, so there is really no option other than marriage. And when a woman relates to a man sexually, it becomes the most intimate and important relationship in her life. In Shashikala's case, what we find difficult to accept is the fact that she didn't tell us the truth when her husband started to live with her, despite our telling her that if she wanted to revive this relationship, she should go ahead but be cautious. After all, even if her husband comes across as a wretched fellow, we cannot force our decisions on his wife. Shashikala was possibly afraid that we would be disappointed and become less friendly and supportive of her if she did not live up to the image she had created of herself. People will always have their own perceptions of how others will respond to their decisions. We cannot pretend to decide for them. But now we understand these difficulties and therein lies the big change in the way we function today.



We find that a woman who has survived a violent assault is usually very angry and often appears ready to seek justice at that point of time. But the moment we try to file a case to take legal action against her guilty husband, the woman retracts her statements, and withdraws. There was the pathetic case of Laxmi, whose husband made a habit of simultaneously beating Laxmi while blasting the radio at full volume to deflect the neighbours' attention. She seemed to derive a sadomasochistic pleasure out of this sordid treatment. Fortunately, she finally decided to escape the abusive relationship by running away. When she came to us, her body bore tell-tale bruises. We took her to the police commissioner and filed a case against her husband, with her consent. When the police arrested the man, Laxmi started crying and pleading with the police not to beat him up. The police commissioner lost his patience

and admonished her for pleading for her husband.

There are numerous instances of women who go back to live with their husbands after they have been released from jail. If they see us in public, these women smile weakly and turn away. Later, they might telephone to apologise that they did not acknowledge us on the street because their husbands have promised to treat them well only if they promised in turn to cut themselves off from **Vimochana**. We tell them they don't have to be afraid, since they don't need to buy a membership in **Vimochana** to get our assistance. We are pleased to know our effort has helped in some way and made the abusive husband realise he ought to mend his ways. But we also tell them that if her husband misbehaves again, they needn't hesitate to call on us.

This approach has given some sort of leverage to women, a handle over their lives. With the

cost of living soaring, it is not possible for a single woman, unless she is rich, to sustain herself and run a household. Our emphasis in the last six to seven years has been to first listen to the woman's story, then approach the husband and get his version.

□ *Do you go to the husband's house?*

We first send a message. Very few of these men are decent enough to reply. When we visit them at home, they shout at us and claim that we are interfering in a personal matter. We let them exhaust themselves ranting and raving. Soon, they calm down and narrate their woes. Usually, it turns out that both husband and wife have lied to us.

In fact, it is virtually impossible to get at the truth during the first meeting. It takes several sittings before we get to see the real picture. In cases of sexual abuse, women are hesitant to speak openly about what they have undergone. We have to talk to them in private and give them the confidence to come out of their shells. We tell them

about male and female sexual problems including problems concerning impotency and lack of satisfactory sexual experience. We have had to deal with real horror stories.

□ *Such as?*

A man insisting on putting an egg in the woman's genitals during intercourse.

We talked to a doctor but he could not provide a satisfactory explanation for this behaviour. It's just a plain perversion. In our society, sex is still a taboo subject. Our society, it seems, is prepared to tolerate sexual perversion rather than disseminate correct information on the subject. We are so inhibited that both men and women will put up endlessly with their sexual problems rather than discuss them even with those they trust most such as their parents, sisters, or brothers.

□ *What do they do then?*

In cases of sexual abuse, the silence of the victim keeps them locked into a situation they desperately want to escape from.

In this particular case, we wrote down the husband's and the

wife's respective stories on paper to know if either of them backtracked or said something new. It was not until we had reached a kind of settlement in the presence of their parents that the truth emerged. When she was about to leave with her husband, she shouted out that if we were to let her go, she would commit suicide rather than put up with this form of perverted sex. This was the first time she mentioned her real problem. All we had heard till then were lies and concoctions.

□ *How do you cope with such sordid domestic melodramas?*

We provide help out of our conviction that there is a genuine need for such help. Otherwise the police, the lawyers and the courts will harass and extract money under the pretext of securing them justice. The failure of the existing machinery for redressal is too apparent to us to ignore the plight of victims of domestic violence.

There are also cases where women are the offenders such as in a situation where a woman tries to steal or lure another woman's



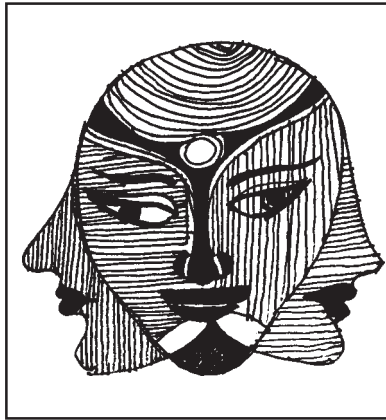
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husband. Our aim is to be free of any kind of gender bias. Otherwise, some women will have the impression that just because they are women they can use our organisation to further harass their victims. We have to work objectively to get the facts of the case.

□ *For instance?*

Say, a man is having an extramarital affair and his wife tells us to file a false case of dowry harassment against the husband to get even with him. Such cases are common among middle and upper middle class people. They make pathetic spectacles of themselves. Of course, there is a large number of cases of spouses cheating on each other even among the poorer sections of society, but somehow, they don't turn as vindictive towards each other and display better sense by being more willing to reconcile and to tolerate each other's indiscretions if they don't get completely out of hand.

As they live on the margins of survival, their bonds are strengthened by their daily struggle. Even if they cannot provide adequate care for each other they remain concerned. It's quite the opposite for the moneyed class. In the upper-middle class, money becomes the bone of contention in a troubled marriage. Most shocking is the behaviour of couples concerning their children who they think will be content to ignore parental lack of love and concern provided they are given all the comforts money can buy. We have seen mothers refuse responsibility to look after their children unless they are adequately compensated. We tell such people to go and hire legal aid to settle accounts with



each other, instead of wasting our time.

□ *You mean mothers too neglect children and use them as a tool for bargaining?*

Yes. There are couples with plum jobs in multinational companies earning hefty salaries who, on separation, will treat responsibility for their children as a liability. These are very fickle human relationships which have been sustained until then under the veneer of superficiality and with an eye on each other's bank balances.

□ *Have you encountered marriages with just a single problem—maladjustment, where there is no abuse of the sort you described earlier? Especially maladjustment on the woman's part, where she can't stand her in-laws, or desires a different lifestyle, for example. Do they resort to the misuse of anti-cruelty or anti-dowry laws as we have experienced in Delhi?*

Yes, there have been cases of that sort as well. For example, we had a case where this woman knew her husband was seeing other women but she kept quiet to protect the family's reputation. When she could not bear it any longer, she went to the police who told her to press dowry harassment charges against him.

Her lawyer also advised her to do this and put it in her petition.

When we get such cases, our investigations often reveal that there is no evidence for such charges. Many a time the situation is actually the reverse, for example, cases where the woman has all the control over the family finances and the man has been forced to obey her dictates. Such cases don't stand up during the evidence stage.

□ *But the police sometimes arrest the husband even in a false case, make threats of arresting other members of the family in the hope of getting bribes.*

We know the police encourage such cases as they are looking for ways to extract bribes. So we try to avoid the police and the courts as far as possible. Only when we need an injunction order or maintenance, a visit to the police station or the courts is a must. Otherwise, we tell the couples coming to us to sort out their problems between themselves, that we will assist and advise only if their aim is to act honestly. We tell them resolve the issues and avoid needless mudslinging.

□ *Whereas lawyers will insist on telling lies...*

They will even traumatise the children by making them witnesses. So we have to assure the couples of our commitment to help them out of their trouble and emphasise our availability whenever they need to discuss their problems. It's in the lawyer's interest to let the case drag on in court as it increases his opportunities to charge higher fees. So, people cooperate with us except when they are blinded by their egos and cannot look beyond their craving for revenge, the attitude that, 'I want to teach her a lesson.'

□ *Isn't it the other way round too with "I want to teach him a lesson"?*

Oh, women can be equally vicious. When the estranged couple has the money and resources, they don't mind using it to play a power game, or more egotistically, to prove who can last longer in a dispute.

However, when the woman is clear in her mind that she does not want to live with the man and files for divorce, she tries to take away all her belongings. Otherwise, the man may report the matter to the police who in turn will immediately confiscate the woman's belongings for as long as the case lasts in the court. A woman on a salaried job does not have the financial resources to start an independent life from scratch.

□ *What are the other types of cases where women were the offending party and tried to misuse Vimochana?*

There was a case where a young Brahmin girl complained to us about a young Muslim man who she said was troubling her. According to her, every time a marriage proposal came her way, this Muslim boy would arrive at her place to harass the family. She said that after cheating her into pregnancy, the least this fellow could do was to leave her alone. Her family had this man arrested and also tried to give the case a communal overtone by publicly projecting the situation as one in which a Muslim boy was trying to harass a Hindu girl.

Eventually, we got to the bottom of the case and it turned out to be very different. The Muslim boy was already engaged when he met the Hindu girl. Their mutual attraction led to a love affair, and the girl became



pregnant. The boy cancelled his engagement, earned the wrath of his family and had to start living separately from them. The most amazing aspect was how the girl was able to hide her pregnancy and deliver her baby without the knowledge of her parents. When she had labour pains, she simply went with her boyfriend to the hospital and telephoned her parents to say that she was staying at a friend's place and returned home after the delivery. The parents never got wind of it.

In the meantime, the boy's sister helped with the care of the child. In spite of her promise to return to him, the girl did a complete turnaround and refused to have anything to do with the Muslim boy or their child. While she fancied him, it was all hunky-dory. The moment it became inconvenient, she backed out of the relationship and dumped the man. To top it all, she had the audacity to portray herself as the victim and seek our help.

What we regret most is the misuse of the strict anti-dowry laws. Ironically, as a women's organisation, we were in the

forefront in demanding such legislation. One visit to the Bangalore Central Jail and its gross misuse becomes evident. We found that out of 30 cases, eight pertained to dowry deaths and in each such dowry case, at least six or more members of a family have been jailed. There are too many trumped-up charges. There are cases where the girl has died at her parent's house and it was made out to be a dowry suicide case.

□ *What precautions do you take to prevent such misuse?*

We never initiate legal action on the basis of one person's story. We make sure that we get the other person or party to share their version with us. Even in cases of death where we get the alleged offender arrested, we make it a point to meet the person in jail and know all the details.

□ *How have you sustained yourself? What's your motivation?*

All of us in the group know each other well and there is a very strong bonding among us. Even if I am not well, I cannot stay at home, I get a craving to reach here. However, all the women working with us must be sincere about the work and actually believe in it. We took on some people who had been through traumatic experiences in their lives, thinking they would make good counsellors, but it is not that simple. These people had preconceived notions, which they would apply in all cases, when in reality each case is different and has its own complexities. Therefore, now we assign individuals to counsellors based on specific abilities and knowledge, be it in child custody, alcoholism, drug abuse, marriage counselling, or other areas. □