



EDITORIAL

Why Can't We Report To Each Other ?

"We are violent when we sustain a government whose creed is violence. It bases itself finally not on right but on might. Its appeal is not to the reason, not to the heart, but to the sword" (Mahatma Gandhi, Young India 1921)

THE last couple of years have seen an upsurge of women's violence on women-against rape, dowry deaths, sexual harassment. If we look back at our own actions, at different times and places, we may be able to perceive a common pattern. First an atrocity takes place- it is one of many such that are occurring. Women mobilize around one case, get together and protest.

Some of our protests began outside the house of the criminal. But almost all ended up at the local police station or in front of the office of the police commissioner, lieutenant governor or some other authority. We demand justice from the government and its justice dispensing machinery. Our slogans reproach the laws and law givers for being ineffective and not doing their job properly ; "*Dahej kanoon lagu karo*", "*police commissioner hosh mein aao*". We insist that the criminal should be arrested and punished by law ; "*.....ko saza do*", "*Girphtar karo.*" We hand over memoranda and petitions signed by all of us. After much slogan shouting, the great man may emerge and advise us to be calm, assure us that the case will be "looked into." More often, however, he refuses to meet us, he sends out a subordinate to collect our petitions or call in one or two of our "representatives." Of course, our morchha is accompanied by scores of policemen who may at any moment turn violent, and are likely to end up registering a case against us for causing a "law and order" problem.

After The Protest, What ?

It may be worthwhile to see the

outcome of such forms of protest. The dowry murders which sparked off the first two protests in Delhi in recent years were those of Hardeep Kaur in Jangpura Extension and Tarvinder Kaur in Model Town. Hardeep's husband remarried within a few months of her death. He was acquitted by the sessions court, inspite of Hardeep's dying statement accusing him, and even before a neighbouring woman could present her eyewitness account in court. Tarvinder's husband and in-laws were sentenced by the sessions court. They appealed to the high court who sentenced the mother-in-law and sister-in-law but acquitted the husband-thus making nonsense of the prosecution case that the whole family had conspired together to murder the girl. The case is now in the supreme court.

It is significant that many cases vigorously pursued in court by women's organization or by the family of the murdered woman, are today in the same state of stagnation as are cases which were left to the police and therefore never resurrected. Kanchanmala Hardy was burnt to death for dowry in Delhi in June 1979. Her parents lacked the resources to pursue the court case so it died a "natural" death. On the other hand, Shashibala was also killed the same year by her in-laws, but her mother Satyarani Chadha vowed not to rest till she got justice. The police refused to register a murder case and instead registered a case of dowry extortion under the Dowry Prohibition Act,

the punishment for which is nominal.

However, Satyarani registered a private case under the Criminal procedure Code in October 1980. She put up with all insults from the police and bureaucrats but continued to knock on their doors. The case has not yet reached the sessions court. It is still lying with the magistrate who is supposed to decide whether there is a *prima facie* case- that is, whether the case is worth filing at all. Satyarani had to recently appeal to the supreme court to intervene and enquire into this protracted delay. So after two years of tireless effort in Shashibala's case, it is in effect at exactly the same stage as those which were left to the police. The only difference is that Satyarani has undergone a personal metamorphosis while Kanchanmala's mother by contrast, feels only despair. Satyarani's various encounters with the legal machinery have made her more militantly determined not to let the police and lawcourts get away with it. Today, she is in the vanguard of every women's protest march.

Isn't it strange that in each of our protests, hundreds of us expressed our anger, declared that a woman had been victimized, often we knew who the criminal was so we denounced him in no uncertain terms, yet months later, we do not even know what has become of the victim or her attacker ? How many of us know what finally happened in the Belchi or Beldiha mass rape cases, or in Shakilabee's case ? The papers don't think it worth reporting.

But why is it that we who participate in the protests, get distanced from the process of securing the justice we demand? Court proceedings are by their very nature so slow, tedious and full of stupid redtapism that many women just cannot remain actively involved with them. One or two people have to follow the case. They have to search for an inexpensive lawyer. Since the number of women lawyers is so microscopically small and the number of committed ones even smaller, we are often forced to engage a man who is not at all involved with the issue and does not take the case seriously. If he is a state lawyer he is even less concerned. The criminal does not take our protest very seriously because he knows that it is easy enough to influence and bribe the police, to destroy evidence and hire an expensive lawyer. For after all it is the cunning of the lawyer, not the rightness or wrongness of the case which determines what the judgement will be. Last year, when a 13 year old girl was raped in Sunlight Colony, Delhi (see Manushi No. 6), the rapist filed an application for bail. On the day when this was to be challenged, the girl's male lawyer failed to turn up. One of the women who was following up the case, ran around looking for him and meanwhile, the rapist was let off on bail. Later, she tried to trace the file which is supposed to be sent by the police to the court, and was told that the entire file was "missing" from the record room. The rapist is moneyed and hence influential. It is an open secret in the locality that he has the police in his pay. He is now back in the colony, and with the help of the police, is openly defying the court order which had banned him from staying in Delhi because of earlier cases against him. As for the girl and her family, they dared not continue living in the same colony where the rapist is at large, so they had to shift to another locality.

Who Defines Justice ?

Why and how does all this happen? Is it not because though we know who is guilty, we are made to wait months and years in the vain hope that some judge somewhere will one day agree to call the criminals "guilty"? We put ourselves at

the mercy of a system which by its actions has repeatedly proved its bias against all oppressed groups. After years of tedious effort, of money wasted, of numberless trips to court, of filing affidavits, stamped papers and other documents galore, we finally get to hear a disgustingly anti-woman judgement. And if there is an appeal to a higher court, we may have to suffer the whole process once again.

Rameezabee's case is one of the most heartrending examples of such suffering. In April 1978, Rameezabee, a young village woman who had come to Hyderabad city for the first time in her life, was kidnapped by two police constables, to the police station. There she was mercilessly beaten,

organizations the country over supported the movement, and the government was forced to appoint an enquiry commission headed by Justice Mukhtadar. In its report the commission exposed how the police had not just raped Rameeza and murdered her husband but had also conspired with the department of forensic medicine to bungle the medical report. The police had hired prostitutes and pimps to give false evidence in court against Rameezabee.

This report by the commission would seem to have been a victory for the protesters. But what happened to the case in court? The sessions court declared Rameeza a prostitute and sentenced her to two years imprisonment! She was



"Sorry Madam—in the eyes of the law every man is equal!"

tortured and raped by four policemen. The next day her husband was also arrested and beaten up by the police. The family was forced to bribe the police with Rs. 400 to secure his release, but he died the same evening from the injuries inflicted on him by police beating. When the local people came to know all this, they stoned the police station and set it on fire. Thousands came out on the streets of Hyderabad, demanding action against the guilty policemen. The police of course took action – not against their criminal colleagues but against the agitators. The movement spread throughout Andhra, and everywhere police stations were attacked. Police teargassed, lathi charged and fired on the people - 26 were killed in police firings. Various civil liberties and women's

branded a loose woman (on the grounds that she was her husband's second wife) and all kinds of slander set afloat, so that no one was willing to offer her shelter in the city. And what of the rapists? Their trial began in October 1980 in the district sessions court at Raichur, Karnataka. Why was it transferred there? Because the supreme court agreed to the policemen's plea that they would not be given a fair trial in Hyderabad! Sure enough, they have now been given a "fair trial" – in February 1981, the accused police officers were acquitted of all the charges of rape, murder, and extortion, and two constable were declared guilty of wrongful confinement – a much lesser offence! If this is all the justice a widespread mass movement and the loss of 26 lives could extract from the

government and its legal apparatus, is there really any use our continuing to demand justice from them ? Or should we try to discover new ways of securing justice ?

State and Police – Meant to Repress or Protect ?

In our protests, we often call on the government and the police to “wake up and do their job.” The question is : Are they really sleeping or are they wide awake? Are they inefficient or are they extremely efficient in doing what they want to do ? Look at any morning’s newspaper and notice what the police are doing : “Blinding of undertrials in Bihar”, “Police fire on people demanding power connections”, “Police lathi charges people protesting price rise”, “Police arrest two girls for soliciting”, “Police beat up blind men’s march.” Do we ever hear of police arresting men who visit prostitutes or firing on hoarders of foodstuffs on lathi charging mill owners who do not pay minimum

When a Government thus becomes lawless in an organized manner, civil disobedience becomes a sacred duty and is the only remedy open...

(Mahatma Gandhi, Coll. Works, Vol. XII, p 458).

wages ? Time and again, the police fire on workers who demand their overdue wages-as at Kanpur, Pantnagar, Faridabad. The police attack agricultural labourers who protest against their bonded conditions. When landless, poor women in Andhra formed groups to fight sexual and other exploitation by landlords, they were attacked by the police and hounded out of their villages. How is it we never hear of police torturing or beating up caste hindu landlords or factory owners ?

Is this not a very consistent pattern of behaviour ? Can we call this force “inefficient”? Is there any point in expecting or asking for protection from such a force ?

We may think that it is only the police force in India which is going berserk whereas in other countries the police behave better. But this is not true – it is only that police in other countries operate

with a more sophisticated facade whereas in India they are being forced to show their true colours as the people’s movement grows stronger. In every nation state, the police and crime investigation branches act as torturers in uniform – the most notorious being the secret police of Iran, Chile, Argentina, South Africa, KGB in Soviet Union and the CIA in USA.

Therefore let us not cherish the illusion



that the function of the police force anywhere is or ever has been to “protect” people, and that they torture and oppress “by mistake.” On the contrary, their function is to protect those in power and to torture those who challenge this power – that is what they are paid to do. Therefore when policemen rape, murder, loot or terrorize in Belchi, Parasbigha, Narainpur, Pipra, Baghpat, these are not a series of “oversights.” Rather, they are demonstrations of the police doing their duty which is to uphold an oppressive system and repress those who dare to raise their voice against it.

Is not this a situation of virtual civil war – declared openly by government in “disturbed areas” like Nagaland and Mizoram but carried on under a facade of “normalcy” in rural Andhra, Bihar, Tamilnadu and most other parts of India where scores are gunned down by the police in stagemanaged “encounters” while the landlords and other oppressors are actively assisted by them to commit atrocities on the poor. And as in all war situations, rape and other atrocities on women become an instrument of

terrorization of those conquered or sought to be crushed. In this context, the link between so called “excesses” and what happens ritually in every war becomes obvious. For instance, whether it was the Indian or Pakistani army in Bangladesh, the Soviet army in Germany, the German army in France, the US army in Vietnam, the British army in Ireland – one of the common factors is the way rape was used

as a weapon to torture and humiliate, to crush the morale of those who were conquered. Similar things are happening the country over because of the near civil war conditions that prevail today. The country’s population is virtually torn into two battling halves and the police along with those on whose behalf they “lawfully” commit atrocities on the poor, are using rape as a weapon of intimidation and pouring contempt. A prime example is the increasing sexual violence on dalit women by landlord’s goonda armies and the police, or mass rape of women in Nagaland and Mizoram in the name of quashing “insurgency.” Similarly, in parts of Bihar where a fairly militant tribal movement is in progress, the police after clashes with protesting tribals, were recently ordered to raid villages. The ostensible purpose was to recover arms from the tribals but the real purpose was to rape, plunder and arrest. Therefore what we are facing is not “corruption” or “excesses” but declared or undeclared war by the State on the people. In this situation can we go on individually or collectively imploring for justice from those who are systematically

practicing violence against us ?

They Induce Fatalism

So also, when the police bungle cases, manufacture evidence and force people to give false witness in hundreds of cases, they are only doing their “job” which is to frustrate people and make us accept that “nothing can change.” They are succeeding in inducing such fatalism in us and we should be careful lest our actions ending in prayers to the police and government – prayers which are never answered – leave us similarly frustrated and depressed. Though the impassive state machine does succeed in making us feel demoralized and helpless, the experience has not been in vain. We have learnt the value of women’s organized action, we have realized that rights are never given to anyone – they have to be demanded and struggled for !

This change is visible in the attitudes of many women who, a few years ago, vehemently opposed “extra legal” action but today lead *morchas*, saying that the only pressure that can keep such cases alive in court, is that of women’s organized protest action on the streets. This realization has percolated outwards and found a place in people’s consciousness – often, families and neighbours of dowry murder and rape victims spontaneously get together and organize a protest as in the case of Kanchan Chopra or approach women’s organizations (as in Rana Pratap Bagh case – see Manushi No. 3).

For example in Mongolpuri recently local residents got together and publicly humiliated a man who had raped a child. They blackened his face, covered him with feathers and paraded him on a donkey around that area. Similarly when in Rana Pratap Bagh a man broke off an engagement because he wanted more dowry, the girl’s family organized a protest with women in the vanguard, outside his house. They shouted slogans against the greed and beggarliness of dowry demanders. They displayed the man’s photograph throughout the neighbourhood and market place, thus publicly disgracing him. They man and his family did not dare come out of the house

while the protest was on. If, instead of this, the girl’s family had registered a case under Dowry Prohibition Act, overwhelming chances are that precious little would have happened. But even if the man had been fined, how would that have damaged his reputation ? For don’t we know that men who torture or harass women for dowry don’t find it difficult to procure another wife, if they choose to throw out or even kill the first one ?

From her experience with courts and after attending so many anti-dowry demonstrations, Satyarani Chadha too, has been consistently repeating : “I want a *morcha* outside his (son in law’s) house. I want to blacken his face and disgrace him.” She was anxious that a poster with the photograph of the murderer be printed and put on the walls around his house and his office. It was this justice that she yearned for, that she felt would satisfy her, but that she did not get. Her wanderings and ceaseless battles against indifferent, corrupt law dispensing machinery has only left her with a feeling of aloneness and depression. This form of action – approaching courts and police has not united her with other woman. It has been a long, lonely battle. But through other forms of protest she has realized the strength of women’s collective action and now wishes she had known of this at that time so that she could have organized a *morcha* instead of a traditional mourning.

So also, the mother of Jenab, a working class muslim girl who was burnt for dowry last year in Delhi (see Manushi No. 5) clearly said that she was not interested in going to court because she had neither money nor time for it and Shashi’s murder

house and publicly humiliate him.

Isn’t social opinion through conscious and sustained women’s action more potent in redefining justice and ensuring people’s participation it is, unlike what happens in the courts? Are these not more effective ways of shifting the weight of social opinion in favour of women and against those who have so far humiliated us with full social sanction ?

What we need to ask ourselves is whether when we demand justice, it is only implementation of existing laws that we want? Because even if they were

We are now seeking not repeal of particular laws or regulations but a total repeal of the system that has made them possible

(M.K. Gandhi, Vol XXI, p. 251).

implemented, would that reduce crime, would the criminals suffer in society as the victim does ? A raped woman finds it difficult to survive in society, a rapist does not, neither does a hoarder or a possessor of black money. A girl who cannot give dowry is despised, but not a man who demands one.

It is not law which determines who is treated as guilty, it is the weight of social opinion. So far this opinion has been heavily biased in favour of male privilege and power. If we are to change this situation, perhaps we need to think seriously about not only the role of government and police in upholding this power but also how we, individually and collectively need to confront this leviathan – the patriarchal State.

If you do not consider this government a rakshasi (devilish) government, we can give you no proof of it. We on our part consider it so evil that we must either destroy it or purify it. Our duty is either to mend it or end it.

(Mahatma Gandhi, Vol. XIX p. 32).

– so that she could not imagine any justice being given to her by those courts. Instead, she and the local women were anxious for a women’s organization to have a *morcha* outside the husband’s

Most of us – quite rightly – are wary of men in uniform. We dread entering a police station to report cases of injustice against us because we know those police stations are centers of systematic violence.

We prefer not to go to court if we can help it because we know how humiliating the trial is for a woman victim, how cumbersome and long-drawn out the legal process is, how expensive it is to buy justice ! We know that if we have been raped, it is we who will be on trial, will have to “prove” our virtue in the presence of leering males. So we prefer to keep away from such justice.

If we as women want to redefine social norms, can we expect this existing legal system to do it for us? By reporting cases of violence against women to the police, are we not just exposing ourselves to far more violence? While we tend to deplore the fact of cases going unreported, is this not an indication of patent mistrust in the law and order machinery, of passive protest against the very nature and functioning of this machinery? **Should not we make this passive protest into an active, organized, conscious resistance ?**

Is not this how women in the Chipko movement converted their non violent resistance into a revolutionary weapon ? The private contractors in collaboration with the government were mindlessly destroying the forests of UP, thus upsetting the ecological balance of the region and robbing the people of their sources of livelihood, so women in large numbers prevented the contractors’ hirelings from cutting the trees by embracing the trees.

Similarly, people in certain tribal areas of Bihar have devised another ingenious way of non violent resistance. In areas where the Jharkhand movement is strong, police entry into villages has become synonymous with rape and plunder. To prevent police entry, the villagers roll boulders on to the roads so that police vehicles find it hard to reach interior villages. The villagers have no use for the roads since they can’t afford to travel in jeeps and trucks. In some other villages when police tried to force entry, villagers with women in the forefront, stood as a human wall to prevent police entry.

At a still more organized level, did not the women’s consumer movement in Maharashtra in the early 70s, prove how much more effective direct action is as

compared to repetitive petitioning? Beating their rolling pins on their thalis, thousands of women created a deafening din to wake up a sleeping government and staged massive dharnas paralyzing city life for days together. They thus force the government and hoarder-profiteers to bring down the prices of essential commodities.

So also, did not women’s picketing of liquor and foreign cloth shops add tremendous strength to the national movement ? Can we not similarly convert the long queues of women waiting to buy measly quantities of foodstuffs at exorbitant prices, into women’s pickets persuading people to refuse to buy these commodities until their prices are brought down ? How long can we continue appealing to this deaf and blind government ? How long are we going to confine our protest action to marching to parliament and handing over petitions to them ? Isn’t it time we realize that the power to act is not reserved for members of parliament ?

Does not the action of landless poor women in Dhulia and Shahada districts of Maharashtra show how we, through our own organized action, can wrest greater control over our own lives ? To combat drunkenness and wifebeating, these women did not go and register complaints

passive protest into a conscious, organized one ? And decide instead to report these cases to each other ?

Let us organize around these cases, pass our own collective judgements (as we have done in each one of our protest demonstrations), and bring the weight of organized women’s opinion against those who commit atrocities on us. Let us see to it that these men are made to suffer some of the trauma, humiliation and social denigration that has so far been our lot. Let us report such cases of the press and publicize them through our own media.

Can we not publicly identify and socially expose rapists at their home and workplace ? Can we not consistently hold protest demonstrations and dharnas outside the houses of men who beat, torture or kill their wives for dowry or otherwise ?

If we were to appear with placards and even stand silently outside the home of a man who is extorting dowry so that he becomes an object of local talk and ridicule, if we were to call for his social ostracism, would that not be a more effective way of dealing with anti-women social attitudes and norms ? Or if a woman is being humiliated for more dowry, we could intervene with her – we don’t have to wait till she is murdered.

No doubt, all this will be a slow process

...And if it was wrong to cooperate with the government in keeping us slaves, we are bound to begin with those institutions in which our association appears to be most voluntary...Non cooperation is a protest against an unwitting and unwilling participation in evil.

(Mahatma Gandhi, Young India 1.6.1921).

with the police. Instead, hundreds of them marched to the liquor breweries and smashed the liquor pots. They dealt similarly, with wifebeaters too. Instead of complaining to any authority, they simply gathered outside the houses of these men, blackened their faces and publicly humiliated them.

Similarly, instead of just keeping a distance from the police due to fear, as we tend to do today, can we not, as women’s groups, consciously decide **NOT** to report any cases to them and thus convert our

of self-organizing but it can only begin if we start making ourselves heard and seen as women together. So that women’s opinion becomes a visible body of opinion – a force which has to be taken into account. Let us not wait years for a court to decide whether a woman was actually raped or whether she “asked for it.” For centuries women have struggled and suffered under the weight of man-made laws which legalize our oppression. Let us carry this struggle further and redefine social justice from women’s point of view. □