



**‘JAAGRATHA SAMITHI’ – THE GENDER REDRESSAL
MECHANISM TO CURB VIOLENCE AGAINST WOMEN
AT GRASSROOT LEVEL – KERALA MODEL**

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Abstract:

‘Jaagratha Samithi’ is a novel experiment of Kerala Women’s Commission constituted at Local Self Government level to address, intervene and solve atrocities against women and children in the State. This paper explains the nature of Jaagratha Samithi with its objectives and roles in the present scenario in the background of critical problem of violence against women and children. This will give an elaborate picture of the Samithi with its significance in the State to curb atrocities against women and children.

Key Words: Jaagratha Samithi, Women & Children

Violence Against Women:

The UN Declaration on the Elimination of Violence against Women (1993) states that "violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women." It goes on to state that "violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men."

Women suffer from various forms of discrimination, oppression, exploitation, degradation, aggression, humiliation etc. Exploitation of women is near universal. Women of all ages irrespective of their socioeconomic background become victims, though the nature of crimes committed against them vary according to age and background. There are many cases of victimisation which are invisible and unnoticed due to several reasons (Bai, 2013).

Historians believe that the history of violence against women is tied to the history of women being viewed as property and women being assigned a gender role subservient to men (Anitha Kumari, 2009). Despite the ostensible acceptance of the idea of women being equal to men, and the prevalence of a plethora of laws and human rights guarantees, violence against women (VAW), which is also referred to as gender-based violence (GBV), is a reality that has assumed huge proportions. Not only does violence against women exist, but has taken on insidious forms that are often justified in the name of faith, community and, sometimes, even development.

Violence against women takes many forms – physical, sexual, psychological and economic. These forms of violence are interrelated and affect women from before birth to old age.

Some types of violence, such as trafficking, cross national boundaries. Women who experience violence suffer a range of health problems and their ability to participate in public life is diminished. Violence against women harms families and communities across generations and reinforces other violence prevalent in society. Violence against women also impoverishes women, their families, communities and nations. Violence against women is not confined to a specific culture, region or country, or to particular groups of women within a society. The roots of violence against women lie in persistent discrimination against women.

Violence against Women in India:

Indian women, throughout the history, remained subjugated and oppressed because society believed in clinging on to orthodox beliefs. In a society like India where women are always perceived in relation to man, her position is always subordinate. Moreover, this perception has given birth to various customs and practices in which women are given subordinate status with respect to men and the arrangement is legitimised by religion. Thus violence as a feature of man-woman relationship is embedded in the culture itself.

The most common crimes against women in India are sexual harassment, rape, dowry, child marriage, female infanticide and sex-selective abortion, domestic violence and trafficking. Many rapes go unreported. Due to "family honour" many complaint files are withdrawn and in many cases the police do not give a fair hearing. There are certain rights guaranteed to women under article 14, 15 and 21 of the Indian

Constitution based on which an act was introduced, titled Protection of Women from Domestic Violence Act, 2005. According to this Act, "Domestic Violence means any act, omission or commission or conduct of the respondent shall constitute violence if it,

- ✓ Harms or injures or endangers the healthy safety, life, limb or well-being, whether mental or physical of aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or
- ✓ Harasses, harms, injuries or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or
- ✓ Has the effect of threatening the aggrieved person or nay person related to her by any conduct mentioned in clause (a) or clause (b); or
- ✓ Otherwise injures or causes harm, whether physical or mental, to be aggrieved person.”

The National Commission for women brought out a publication on Sexual Harassment at Workplace in order to generate awareness, to sensitise, and as reference material to provide support to victims. It says that the Supreme Court of India in their judgement in

August, 1997, in the case of Vishaka and Others vs. State of Rajasthan and Others, recognizing the international conventions and norms, interpreted equality of women in relation to work and held that sexual harassment of women at the workplace, which is against their dignity, is violation of Article 14, 15 (1) and 21 of the Constitution of India. It is also the violation of the fundamental rights under Article 19 (1) (g) to practice any profession or to carry out any occupation, trade or business. It defines Sexual Harassment at workplace includes such unwelcome sexually determined behaviour (whether directly or by implication) as : (a) Physical contact and advances; (b) Demand or request for sexual favours; (c) Sexually - coloured remarks; (d) Showing pornography; (e) Any other unwelcome physical, verbal or non - verbal conduct of sexual nature.

Law and Women in India:

There are various legislations has been incorporated in the legal system in India to safeguard women. These Legislations for safeguarding crime against women, classified under two categories:

- ✓ The Crime under Indian Penal Code (IPC)
 - Rape (Section 376 IPC)
 - Kidnapping and abduction for specified purpose (Section 363-373 IPC)
 - Homicide for dowry, Dowry death or their attempts. (Sec. 302/304-B IPC)
 - Torture both mental and physical (Sec.498-A –IPC)
 - Sexual Harassment (Sec. 509 IPC)
 - Importation of girls (Up to 21 years of age) (Sec. 366-B IPC)
- ✓ The Crimes Under the Special and Local Laws (SLL) - Gender Specific Laws:
 - Immoral Traffic (Prevention) Act, 1956
 - Dowry Prohibition Act, 1961
 - Indecent Representation of Women (Prohibition) Act, 1986
 - Commission of Sati (Prevention) Act, 1987

Even after the existence of the above mentioned legal protection measures assured for the protection of women in India the crime statistics of Government of India says a different story where crime rate against women increasing every year. It is not the legal provisions available in the country on the contrary how far all these are implemented effectively to safeguard women against violence shall be the main issue to be addressed now.

Women in Kerala:

Kerala is a rapidly changing society and with the present consumerist culture, the value system is being eroded, which has resulted in a cancerous growth in Kerala's once golden culture. In nearly every home, there is purposeful, ostentatious display of consumerism, paving the way for an unhappy, highly criminalized society with increasing levels of sexual harassment and violence against women. Domestic violence is a menace in Kerala. Assertion of one's individuality and rising awareness among women is the main reason for this. Domestic violence is rarely reported. One way to measure domestic violence is by looking at the divorce rate in Kerala. The 18 family courts of the State had a total of 38,231 cases filed last year.

Kerala, one of the most developed states of the country in terms of human development indices, is unfortunately no exception in the matter of crimes against women. Kerala's remarkable achievements in certain basic indicators of social development, like literacy and health, with a much lower gender gap have been widely acclaimed and have been taken into suggest 'high status' of women in the state. Yet, the state's development experiences is implicated in extant assumptions regarding gender roles in a patriarchal society that gives primacy to women's domestic roles and identify men with the 'outside' world. Its implication for women are reflected in their poor employment profile, high rates of educated employment, declining property rights and rising dowry demands, despite impressive levels of education (Eapen, 2005).

Violence against Women in Kerala:

Kerala Police registered a total number of 12383 cases in Kerala in 2015 on crimes against women. There are 1263 rape cases have been registered in the State as per the report published by the Crime Records Bureau of Kerala in 2015 and the Capital city, Trivandrum, stands along with Malappuram District in highest

number of rape cases registered in this category. Malappuram District claims first place in largest number of cases on crimes against women in the year 2015 and stands next to Trivandrum as per the records of Kerala police.

The number of cases of crime against children, including sexual violence and abuse, has increased over the years. Women and child development minister Maneka Gandhi told Lok Sabha in a written reply to a question, Maneka said, "The latest NCRB (National Crime Records Bureau) report is available for the year 2013. According to the report, a total of 33,098, 38,172 and 58,224 cases of crime against children were reported in the country during 2011, 2012 and 2013 respectively." She said as per the data maintained by NCRB, "the number of cases of crime against children which includes violence, sexual violence and abuse has increased over the years" (Times of India, 29 November, 2014).

Crimes against children are alarmingly increasing in Kerala. The statistics provided by Kerala Police on crime on children is very much disturbing. It is startling to know the rate and nature of crimes happening against children in a well educated and cultured society like in Kerala. There are 549 crimes happened in the State against children in the year 2008 but it went up to 2373 cases in 2015. In the year 2016 there are 681 cases on crimes against children are registered within 3 months – from January to March. This is a shocking reality.

Gender Redressal Mechanism or Jaagratha Samithi:

The term Jaagratha Samithi literally means a Vigilance Committee. It acts as a quasi-judicial mechanism from the Panchayat Ward level upwards, to protect the rights of women and girl children. They also facilitate mainstreaming of gender in the decentralisation process leading to qualitative improvement of the status of the women in society. Built on the principles of gender equity and justice, the Jaagratha Samithi proactively, as well as by responding to complaints, takes steps to ensure the safety and security of women by addressing matters related to violation of women's rights (Jaagratha Samithi, SDC-CapDeck, 2007).

The Jaagratha Samithis are a voluntary vigilant group of citizens which act as the eyes and ears of the Kerala Women's Commission. They should play a major role in the prevention of crimes. For instance, if there is any indication of a place being utilized for immoral and illegal purposes; or if any child has been abducted, kidnapped; or if any woman has been forced into prostitution; or cases of violence due to alcoholism, it shall be the duty of the Jaagratha Samithi to take up the issue and settle it at the local Panchayat level itself. If the issues require assistance from higher authorities then the Jaagratha Samithis should take up the matters at the District Samithi level headed by the District Collector. If at the District Samithi level also the matter has not been settled, then it should be brought to the notice of the Kerala Women's Commission.

This is an effective mechanism to curb violence against women in Kerala by identifying the problems at grassroot level and eliminate it using legal and quasi judicial procedures. There are Jaagratha Samithies at District and Grama Panchayat levels. A Legal Support Committee also constituted at Grama Panchayat level to render legal assistance to Jaagratha Samithi constituted with legal practitioners with social service attitude.

General Approach of Jaagratha Samithy:

- ✓ Confidentiality of the complaints shall be maintained. Any information regarding complaints shall not be discussed with anyone except Jaagratha Samithi members.
- ✓ Any information regarding complaint or complainant shall not be disclosed without their consent.
- ✓ General issues and matters shall be taken before Grama Sabha/Ward Sabha for discussion.
- ✓ Grievances shall be redressed quickly.
- ✓ Services of Jaagratha Samithi shall be extended to maximum number of women.
- ✓ Approach shall not be in the form of accused or victim but shall be based on humanitarian concern and psychological approach.
- ✓ A system shall be created to identify the reality behind the complaint.
- ✓ A friendly environment shall be maintained in the Jaagratha Samithi.
- ✓ A system shall be created to implement precautionary measures to solve the issues and to carry out follow up actions.
- ✓ Police intimation shall be done in cases required such attention, immediately when reported, before taking further actions. Hospitalisation shall be done in cases with such requirements before taking up the steps to solve it.
- ✓ Jaagratha Samithi functions shall be based on gender perspective.
- ✓ Any complaint in which a woman is involved can be taken in Jaagratha Samithi.
- ✓ Preconceived approaches shall not be taken while considering cases.

Aims and Objectives of Jaagratha Samithy:

- ✓ To accept all grievances made by women or Girls; required and speedy intervention, solution and assistance should be provided.
- ✓ Voluntarily Intervene on issues regarding any form atrocities, exploitation, illegal acts, rationalism, injustice against women/children and create proper system to solve them.
- ✓ Create and implement projects to install women/child friendly environment in the society so as to eradicate the above mentioned problems against them.

- ✓ Initiate and create people's group to achieve the objectives; use popular systems
- ✓ Render assistance, directions and support to Local Self Government Institutions' (LSGIs) women oriented initiatives.
- ✓ Conduct Gender Audit of functions, Programmes, projects and activities by all levels of institutions and take follow up measures.
- ✓ Identify various ways to empower women and girls and connect and integrate departments and systems.
- ✓ Plan and implement projects to conduct education and awareness to create a gender based judicial environment in collaboration with educational institutions, youth clubs which already exist or by creating new ones and to render assistance to LSGIs for this.
- ✓ Address all evils occurring against women and girls and bring it before society and law and there by initiate movements to stop such incidents.
- ✓ Render assistance to the ISGIs to plan and implement programmes to ensure the individuality, talents, dignity, status, freedom, safety and independence of women and girls.

Roles and Responsibilities:

- ✓ Engage in activities to create social environment for women to enjoy all rights and freedoms envisaged in the human rights declarations, constitution etc.
- ✓ Engage in activities to empower women to contribute to entire social sectors and strengthen them to involve in decision making process in these sectors.
- ✓ Invite the attention of society and judiciary towards the crimes, physical and mental texture discriminations, exploitations etc facing by women and girls so as to act and initiate activities to stop such crimes.
- ✓ To facilitate required counselling programmers to solve critical mental tensions, mental crisis, violent nature, suicidal tendency mental illness etc (including men if such situation arises). Create awareness among women on domestic violence act of 2005. Render assistance to protection officers assigned to this task. To extend help in enquiry or implementation regarding cases directed by state women's crimes.
- ✓ Conduct research, campaigns and studies to understand the problems facing by the women, present conditions of women and its relations of existing social situation in order to evolve suitable remedial measures and directions to solve them.
- ✓ To prepare and keep a data bank on the supportive systems existing in the concerned local government level like women's organizations, shelter homes counselling centres employment training centres etc. To encourage, support, cooperate and motivate organizations, individuals associations having same ideology which are working under the area to involve in group activities. Prepare a register on these organizations and submit it before Grama sabha / ward sabha to get approved and keep it for future use.
- ✓ To conduct campaigns against social evils like dowry system , unnecessary spending on marriages violence against women, sexual harassment against women and girls paedophilia female foeticide, alcohol narcotics , tobacco products and production of other narcotic substances and develop people's conscious against them.
- ✓ Render all help and support to prosecution and other investigating agencies to procure evidences on crimes like rape, kidnapping, missing, suicide, murder and sexual harassment and to take up sincere steps to use pressure tactics to ensure justice to victims.
- ✓ Recognise and collect public opinion against the films, posters, commercial advertisements, media reports, write-ups , articles, cartoons, radio-TV programmes, publications in which women are depict as vulgar and cheap and to take legal steps against such obscene things and to render all possible assistance to activists fighting against such problems.
- ✓ Conduct study classes, training, awareness programmes and campaigns for women and girls to realize their rights and responsibilities so as to utilize them and protect them with the help of existing laws and acts in the State. Ensure the constitution of grievance redressal Cell in government and non governmental institutions to solve sexual abuse in work place. Monitor the activities of these Cells. Prepare a report on these committees and submit it before the Grama/Ward Sabha.
- ✓ Involve actively in issues regarding child marriage, child trafficking, child abuse, women trafficking, women abuse, illegal marriage, violence against women belong to SC/ST and other Minority
- ✓ Strengthen the ward-panchayat-district Jaagratha Samithi relationship to and help to create a women empowerment environment. Act with the three tier Panchayats, Self Help Groups, Kudumbasree system, Voluntary organizations, government and non government organization, institution, development agencies etc.
- ✓ Constitute Jaagratha Samithies at Wards, Sahaya Samithi and Legal Services Authority at Local Self Government Institution level to help the Jaagratha Samithies to concentrate on the functioning of above

mentioned activities. Render assistances/guidance to its functioning, observe whether is functioning properly and coordinate all functions.

- ✓ Take corrective steps voluntarily or based on the complaints related to sexual exploitation, mental-physical torture, discrimination suffered by women and girls from families, public spaces, work places, transport vehicles, institutions, educational institutions etc in the local area.
- ✓ Prepare a system to conduct Gender Audit on all programmes and activities by the LSGIs and to submit it for the consideration of LSGI, Ward / Grama Sabhas. Examine the rate of participation / involvement / opportunities of women are proportionate in the development programmes, associated activities and other programmes conducted by the LSGIs at the 3 tiers and in government
- ✓ Conceive and implement programmes with the active involvement of men to solve imbalanced male female relationships which are crucial social problems. Render all assistances to Panchayats to implement such programmes
- ✓ Ensure gender perspective approach while handling disaster.
- ✓ Ensure whether pregnant women are getting adequate care and protection in firms where women are working.
- ✓ Deserving complaints shall be taken for general discussion based on its nature.
- ✓ Special ADS, CDS meetings, Grama/Ward Sabha Meetings can be conducted for this purpose. But the confidentiality of the subject should be maintained by keeping the identity of the clients under wraps.
- ✓ Ensure the cooperation of organisations and political parties to solve general issues.
- ✓ Present a report on the activities of the Jaagratha Samithi before the 4 Grama/Ward Sabhas conducted annually. Besides this general issues shall be taken before the Grama Sabha for the discussion and decision.
- ✓ To motivate and help the LSGIs to prepare and implement suitable projects to create an environment where issues came before Jaagratha Samithi will not happen again.
- ✓ Each problem shall be approached with humanitarian concern and shall be solved without causing any disturbances or delay for the clients.
- ✓ Ensure active involvement of SC/ST and other minority groups in the different levels of Jaagratha Samithies' activities.
- ✓ Procure support from District and Block level LSGIs to solve problems. Conduct Jaagratha Samithi meetings at Block Level once in six months and prepare a summarised report of all reports from Jaagratha Samithies to discuss in the District Panchayat once in six months. Identify suitable projects implemented through these tiers for effective solution. This has to be made as a plan programme in the activity agenda of the LSGIs.
- ✓ Convenor/Jaagratha Samithi member/President shall report to the Grama Panchayat Administrative body on the functions of the Samithi and shall take steps for follow up actions.
- ✓ Follow up of solved complaints
- ✓ Constitute Gender Desks at schools and create an environment among students to evolve relationships based on mutual respect and perceptions.

Conclusion:

The Jaagratha Samithy in Local Self Government Institutions of Kerala is an effective mechanism to address atrocities against women and children in the society and to deliver justice to them. The chief objective behind the creation of Jaagratha Samithies is to identify and address issues and hurdles faced by women and children in the local area. It aims to remove their problems and provide them a violence free and peaceful environment to live. In this process every woman and child should know the existence, roles and responsibilities of Jaagratha Samithy in their area and how they can approach this to get justice. Once a society receives this awareness then they will come forward for grievance redressal. Proper awareness only can empower people to attend Jaagratha Samithy meetings at Ward level or Grama Panchayat level. People should be provided with information regarding the structure, functioning and scope of Jaagratha Samithies so that they will be capacitated to involve in the activities. The scope of Jaagratha Samithy is not only to identify, intervene and solve problems but also to empower women and children against any kind of violence. Jaagratha Samithy is assigned with various other programmes too like conducting research studies on the problems of women and children. It can conduct Workshops and seminars on different Acts like 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' and other similar Acts pertaining to women safety and security.

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