



Grass-root Level Redress Mechanism for Women in Kerala: An Analysis of Jagratha Samithi

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Abstract

The state of Kerala is distinguished for its human and gender development indexes such as human development, equality in education, health care's etc. but in terms of contending violence against women and children, state policies do not realize their objectives. The number of crimes against women in Kerala was 1867 in 1991, by the end of 2000, it had risen to 7621, it had further rise to 10770 in 2010, and at the end of 2020 it was again raised to 12120. The Government of Kerala established Panchayat level Jagratha Samithis or People's Court in order to inhibit violence against women and girls and thereby protect their dignity in the society based on 1997 Govt. Order under the umbrella of Kerala Women's Commission. Jagratha Samithi is a quasi-judicial vigilance committee works in every Local Self Government level. It has the obligation to register, investigate and solve cases concerning to violence against women by bonding the activities of various departments. The study explores the role of Jagratha Samithis, their efficacy and challenges when they are dealing with cases of violence against women.

Keywords: Jagratha Samithi, Gender, crime against women, Panchayat, efficacy.

Introduction

Crimes against women and girls are growing like an epidemic all over the world. According to the UN Declaration on the Elimination of Violence against Women, 'violence against women is the manifestation of unequal power relations between men and women'(UNDEVAW, 1993), which have led to the supremacy of men over women and the discrimination and degraded treatment against women by men which prevent the advancement of women. Violence against women is one of the crucial mechanism by which women are forced into secondary position both inside and outside the family. This unveils the point that the stimulus is understood as the capacity to make decisions and such impact is used to make decisions regarding one's own life, it develops an affirmation of self-acceptance and self-esteem that in turn, advances respect and recognition of others. The

power relations between men and women, women and women, men and men, adults and children must be analyzed and understood in order to stop and respond to gender-based violence effectively.

Violence against women in Kerala

Kerala is one of the highly developed and best known for its impressive human and gender development indices such as literacy, low infant mortality and maternal mortality rate, while the indicators of proportion of parliamentary seats occupied by women and their participation in labour market shows that Kerala's performance is poor. Celine Sunny (2005), study 'Domestic Violence against Women in Ernakulum District', efforts to scrutinize the roots and extent of domestic violence as well as its appearances and consequences in Ernakulum district. In order to identify various typologies of domestic violence, an enlistment survey was conducted by contacting Women Cell, Family Court, Police Stations, Counseling Centers and NGO's working for women where, cases of domestic violence since January 1998 were reported. A pre-tested interview schedule was used to collect information from the victims. The study utilized both primary and secondary sources of data. Various factors were identified as the causes of violence in the family such as alcoholism, extra-marital sexual affairs, suspicion and job dissatisfaction of husband and wife, economic crisis in the household, property disputes, sexual maladjustment, physical illness, lack of privacy etc. Of these, alcoholism and economic crisis were most common causes. The study emphasizes the need for awareness generation about gender equality and women's rights and legal literacy campaign, gender sensitization programmes for policy makers, judiciary, and enforcement agencies in order to make them responsive to treat domestic violence seriously (Sunny Celine, 2005).

There is a sound increase in the rate of violence against women in Kerala, studies from Kerala discloses the disgusting facts about the trends in crimes against women particularly domestic violence and intimate partner violence. A study accompanied by ICRW on domestic violence in Kerala found that as high as 62.3 % and 61.6% of women in Kerala are exposed to physical and mental harassment and torture. A study conducted by Sakhi for the Department of Health Reports, an average of two women patients coming to the out patients departments with injuries due to domestic violence (Sakhi, 2004). Despite these, there are increasing reports of dowry related violence and dowry deaths, Thiruvananthapuram rural registered the highest number of dowry related cases in Kerala. On June 21, the suicide of 24 year old Vismaya, a final year Bachelor of Ayuvedic Medicine and surgery, the probe case was revealed that Vismaya was assaulted for dowry by her husband, an official at motor vehicle Department. Despite having the Dowry Prohibition Act, 1961 and the Protection of women from Domestic Violence Act, 2005, her father admittedly gave her 1.2 acres of land, a car worth Rs. 10 lakh and hundred sovereigns of gold.

According to the Dowry Prohibition Act, 1961, 'Dowry means any property or valuable security given or agreed to be given either directly or indirectly by one party to a marriage to the other party to the marriage or by the parents of either party to a marriage or by any person, to either party to the marriage or to any other person at or before or any time after marriage in connection with the marriage of said parties', and this has been fortified in the Protection of Women from Domestic Violence Act of 2005. Statistics revealed that dowry-related violence or dowry deaths in the state paint a disturbing picture. According to NCRB in 2019, approximately twenty one women die every day across the country due to dowry related violence, but despite having a charge-sheet of 94%, only 35% of accused have been convicted. On the other hand, the data revealed by the State Crime Records Bureau shows that, 21 dowry deaths in the year 2009, 12 dowry deaths in 2017, and 17 in 2018, but the number of cases dropped down to 6 in 2020. The number of domestic violence cases has increased at alarming rate, there are 2190 cases were registered under section 498 A in 2020.

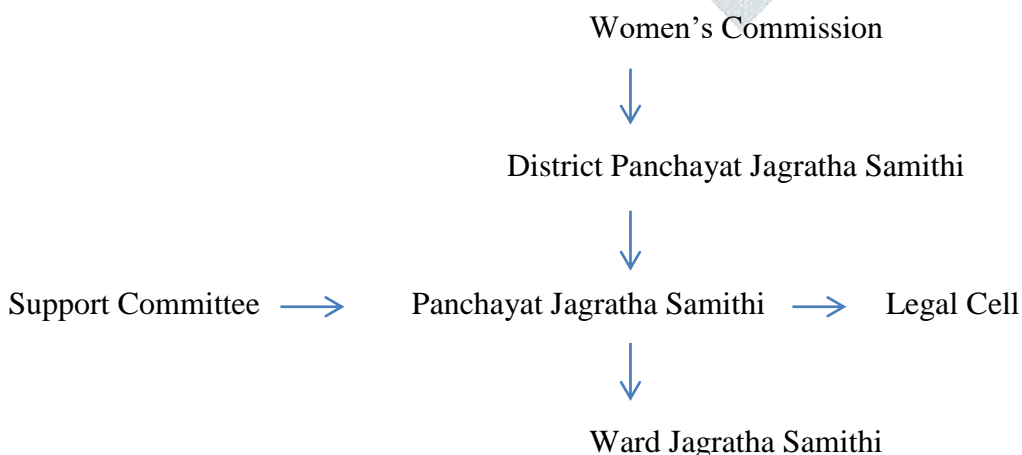
Jagratha Samithi: An Effective tool for ensuring Gender Equality

Jagratha Samithi literally means a Vigilance Committee, designed along the lines of three tier decentralized governance system were constituted to convey the service provided by the Women's Commission to a larger number of women throughout the state. The initiatives taken by the local self-governments by the name Jagratha Samithi to redress the crimes against women are of great importance because it was formed under the umbrella of Kerala Women's Commission, were intended to help in reducing the distance between women in the rural areas and the services provided by the Commission. The major duty of such Samithi is to boost up local support and consolidation of the support network, coordinate the activities of different departments to reach at a proper solution to women's problems at grass-root level. As women's issues are getting addressed in the local level, the follow-ups are also trouble free and by proposing a chance for unsophisticated redressal of the said issue. It acts as a quasi-judicial mechanism from Ward level upwards to protect the rights of women and children, built based on the principle of gender equity and justice, the Samithi pro-actively, as well as responding to complaints, takes steps to ensure the safety and security to women by addressing the cases relating to crimes against women (SDC-Cap-Deck, 2003).

The Government of Kerala issued an order on the setting up of district level Jagratha Samithis for redressal of violence against women and protects their rights in 1997. It works in Ward, Village Panchayat level, District level and Municipality/Corporation level in the urban bodies. In Village Panchayat Jagratha Samithi, Panchayat President is the President and ICDS (Integrated Child Development Scheme) Supervisor is the convener of the Samithi and a lady elected representative, a lady lawyer, CI/SI of the local police station, a social worker for elected representative who belongs to SC/ST community, Doctor from Primary Health Centre, a woman representative of Ward Jagratha Samithi and CDS Chairperson are other members of the Samithi.

Complaints might be written, oral (such complaints must be registered in writing by the convener with the signature of the complainant and a witness), by post or through the complaint box. Regardless of these, JS can file a case if any of the members feel that the Samithi has to take up any issue. In such environments, the issue has to be discussed in the Samithi by arranging a special meeting. The issues should, as determined as possible, be resolved at the Ward level, if not, could be taken to Grama Panchayat level, higher level consultation, where required, would be taken up first with the District Committees and then with the Women's Commission.

Organizational Structure of Jagratha Samithi



Scope of Jagratha Samithi

Jagratha Samithi empowers women and help them to seek help them other judicial mechanisms. Moreover, the reliability and acceptability, it institutes in local area cannot be undermined by issues of women used to have with other centralized judicial mechanisms because of the accessibility and friendly attitudes of the Samithi. Usually, there is a practice of political party engrossment in dispute settlement, it is also a matter of attention that Jagratha Samithi generates a chance for dispute settlement through a separate mechanism by uniting various department services and accordingly it improves the burdens of elected representatives and helps them to utilize their time for other activities of the Panchayat. It is a known fact that people choose to have informal mechanisms to solve their problems and hesitate to approach the formal institutions like courts and police stations. Apart from these, women have the tendency to cover up their issues thinking about the complexities of procedures of such mechanisms. Jagratha Samithi is an answer to this. The members of Jagratha Samithi, as they are aware that they are under public scrutiny and also because they are known to everyone in the Panchayat, will try their best to be fair in their interventions.

Details of Cases Registered with Jagratha Samithis

Sl.NO	Name of Panchayat	District	Year of Formation	No. of cases registered	No. of cases disposed	No. of cases referred
1	Anchal	Kollam	2010	128	115	9
2	Perinad	Kollam	2008	186	164	6
3	Pananchery	Thrissur	2005	1751	1599	107
4	Valappad	Thrissur	2006	107	100	4
5	Meenangadi	Wayanad	2005	587	554	25
6	Mananthavady	Wayanad	2006	75	62	10
7	Ajanur	Kasaragod	2011	114	105	4
8	Pallikkara	Kasaragod	2007	39	38	1

Source: Data obtained from concerned Panchayat Jagratha Samithi Office

The above table represents the wholesome picture of cases registered, disposed and referred to higher authorities in Jagratha Samithis of selected Panchayats. As it clearly indicates that, Pananchery Panchayat has the highest number of complaints since its commencement in 2005. There are 1751 cases

were registered with Pananchery Panchayat Jagratha Samithi from 2005 to 2017 and out of these, 1599 have been amicably settled by the Samithi, 107 cases were referred to higher level authorities for finding solution. On the other hand, Meenangadi Panchayat has come to second with a total of 587 cases, it has to be noted that it has also began in the year 2005. Out of 587 cases, 554 have been settled, 25 were referred and only 6 cases were pending there.

Valappad Panchayat Jagratha Samithi started functioning in 2006 and registered a total of 107 cases from 2006- 2017, out of these, 100 cases have been peacefully resolved, while Mananthavady received only 75 cases since its commencement in 2006 and resolved 62 cases out of 75. Anchal Panchayat Jagratha Samithi registered 128 cases and resolved 115 while Perinad Panchayat received 186 cases since its commencement in 2008 and out these, 164 were peacefully disposed because of their active interference. On the other hand Ajanur Panchayat started functioning Jagratha Samithi in 2011, registered 114 complaints during 2011-17. Of these, 105 cases have been resolved and only 5 were referred. While, Pallikkara Panchayat registered only 39 complaints from 2007 to 2017 and all complaints have been resolved and only one case referred. In short, the table evident that Jagratha Samithis are successful in dealing with cases of violence against women to a large extent. Despite these, the Samithis follow up the successfully settled complaints through enquiries over phone, letters and personal family visits.

Challenges faced by Jagratha Samithi While dealing with cases of violence against women

Various factors which hamper the successful functioning of any institution, the causes differ based on the focus areas that the mechanisms have. Generally, Jagratha Samithi focused on giving support and aid for further enhancement regardless of the themes set out. The team work and dedication are the key factors behind the success of any mechanism, but these elements seem to be non-existent in some Panchayats, this adversity affects the functioning of Jagratha Samithis in Kerala. Beside these, there are so many challenges which naturally arise while running any mechanism. Without finding solutions to both unique issues prevalent in each Panchayat and the general issues prevalent in all Panchayats relating to the functioning of Jagratha Samithi, this journey cannot be continued. While analyzing the monitoring mechanisms of Jagratha samithi, the study has found out some reasons that lead to the inefficacy of the samithi as well. One of the major reasons for inefficacy of Jagratha samithi is lack of effective monitoring by the governing institutions and other high level institutions. Lack of building and office amenities, lack of fund are also adversely impact on the working of JSs in most of the Panchayats in Kerala.

The frequent transfer and imposing the duties of more than one Jagratha Samithi, ICDS supervisors can't able to perform their duties perfectly as a member secretary in a Jagratha Samithi. It was seen that when a new ICDS supervisor from a panchayat where Jagratha samithi less in a sleeping state, replaces the ICDS supervisors of a comparatively better functioning panchayat, the incentive in which Jagratha Samithi functions in that particular panchayat is slow down. Similarly the frequent transfer of police officials also affects the smooth running of Jagratha samithi. Because of transfer, it is always not the one and same person attending the samithi case sitting adversely affect the follow-up activities.

While analyzing the performance related issues of Jagratha samithi, many factors which challenge the efficacy of the samithi. Most of the samithi members pointed out that Lack of leadership, unity and support among samithi members as the major challenge, followed by insufficient staff, lack of fund and insufficient monitoring have also been stated as major challenges for the effective functioning of Jagratha samithi. Lack of public awareness, inaccessible to the public also contributes challenges to it. In some Panchayats lack of infra-

structure facilities, absence of separate office for samithi and lack of arrangements for providing counseling to women those who needed is also contribute challenges to some extent.

- While analyzing the activities of Jagratha samithi in selected Panchayats, it is found out some other reasons that lead to inefficacy of the samithi as well. Lack of dedication and team work from its members. Lack of Judgment from its members that constant efforts can bring productive result is also another problem. On the other hand absence of political will and lack of leadership to take forward the activities of Jagratha samithi is an another obstacle faced by the samithi in many Panchayats. Frequent transfer of ICDS supervisors constitutes another issue in the follow-up activities of ongoing cases.

Shortfall of community mobilization is a barrier in the functioning of Jagratha samithi. Community mobilization is a consummate approach which aims to initiate changes in social norms and behavior through community activism. It depends on the vigor of community members leading such efforts in their own community. The problem with interventions of Jagratha samithi is that its programmes have been adhoc, short – term based small scale, often taking the forum of standalone awareness campaigns. No follow-up have been done in later stages and such short term activities have proved to be less effective in altering gender based norms and behavior of people of the community. It only creates a platform for advanced interventions. Furthermore, community mobilization activities need local acceptance. Inculcation of a sense of ownership among community members also is an indispensable part of the process. For that, sustaining partnership beyond a single-programming cycle is necessary. Such an attempt is nonexistent in the selected Panchayats.

Paucity of effective monitoring along with effective implementation of the programmes is another drawback. Lack of stable leadership and the absence of political will to monitor the samithi and take forward the activities of Jagratha samithi is a serious obstacle faced by the samithi in many Panchayats. As per the Govt order, there are so many mechanisms to monitor the functioning of Jagratha samithi and thereby improving its efficacy in dealing with women's issues but no one can effective in it.

Conclusion

The Jagratha Samithis or people's courts have been set up at the local self-government level in Kerala since 2004 by the Kerala State Government Order, 1997. Initially, 856 JSs were sup in Kerala, but the 1997 Order was ambiguous on a number of issues including the composition, membership etc. of the Samithi. Therefore, our state Government immediately issued an ordinance. According to the ordinance, the Panchayat President is the chairperson of the vigilance committee, Panchayat Secretary is the Convener and the ICDS Supervisor is the Member Secretary, but it was expired without being able to pass in time. Perhaps that ordinance would have been able to answer all the queries related to the Samithi. Though it is though that the inability of the governing institutions to organize the Vigilance Committees may be due to the ambiguities associated with it, it goes without saying that some of the Samithis are functioning well out of this ambiguity. Pananchery, Madavoor, Varappetty, Mukkom, Payyoli are the six Panchayats selected as the best performing pilots Samithis in Kerala. Perinad and Kodenchery that can be added at the same list because they are have well-functioning Samithis. After twenty years of its official formation, JSs faces so many difficulties which hamper its efficacy. It is indispensable for all those who are involved in the mechanism to recognize that a society with gender equality is still a dream of many and to reach that destination, a lot to hard work needs to be put in. Time taking, duteous and recurring programmes and activities must be planned and implemented with active participation of the community. Motivating leadership and constant efforts to rejuvenate JSs should go in hand in hand for the success of the mechanism in all Panchayats.

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