

Gender and Human
Rights:
An Understanding

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Foreword

During work with men on various levels on gender equality, violence against women, masculinity and sexuality, it was felt that there was a need to start a new initiative with youth. There have been efforts from time to time to promote education and learning in youth with the help of various activities and games. It has been found that there is a need to start a collective learning activity within a safe environment so that youth can reflect upon gender equality and decrease gender based violence and so that they can analyse their behavior and beliefs. For this, youth and men require the help of peers, friends and mentors to change their behavior and handle their responsibilities.

When youth and adults go through different trainings and try to change their behavior and social indicators, they then face challenges from their family, community and from other social institutions. To face these challenges they need to increase their knowledge as well as their understanding. Keeping these needs in mind, this reading material has been developed to convey the knowledge and myths related to gender, masculinity, sexuality, violence and human rights.

In this book, some information has been taken from the books and manuals published by JAGORI, SUTRA, Naz Foundation and SAHAYOG. The source has been indicated in places where it was used.

Gender

What is Boy? What is Girl?

What is boy? What is girl?

When a child is born, either it is a girl or a boy.

What is a girl?

Some people say that one whose hair is long, that is a girl.

Kuldeep's hair is long but he is a boy.

Some people say that one who wears jewelry, that is a girl.

Meghraj wears a chain and he also wears earrings, but he is a boy.

What is a boy?

Some people say that one who wears short pants and climbs on trees, he is a boy.

Shanti wears short pants and also she can quickly climb on trees, but she is a girl.

Some people say that one who is stronger and can carry heavy loads, he is a boy.

Sayida and Nafis carry two pots and wood bundles, but they are girls.

Some people say that one who helps in housework is a girl.

Joseph helps in cooking food and cleaning the house, but he is a boy.

Some people say that one who works in fields is a boy.

Baljeet and her mother work in the field, but they are girl and woman.

Some people say that one who goes out for work is a man.

Balli goes out to sell fish, but she is a woman.

Some people say that one who is soft and mothering is a girl.

Kabir is soft and has a mothering nature, and takes care of his sister the whole day, but he is a boy.

Some people say those who work on arrangement in the society are men.

As the district collector, Arun handles the full district, but she is a woman.

Then what is a boy? What is a girl?

A boy is one who has a penis and testicles.

A girl is one who has a vagina and clitoris.

Every boy becomes a man.

Every girl grows up to become a woman. Every woman has a vagina, womb and breasts. A child grows in a woman's body and she gives birth and nurses a child.

Apart from this biological difference there is no difference between a boy and a girl. And in the body structure, there is much more similarity than difference. Apart from these sexual and reproductive parts, all other parts are the same.

This body structure is called natural sex. Because of the body structure, a boy's gender is man and girl's gender is woman.

This natural sex difference is made by nature and this difference is similar in every family, community, and country. That means by body structure, everywhere a boy is a boy and a girl is a girl.

Apart from these biological differences, the other differences that are made between a boy and a girl—their clothes, behavior, education and community's behavior towards them—are all social differences, not natural. That's why these differences are not the same in every family and community.

As we have seen some girls can have long hair, some can have short. In some families boys do housework and in some they don't. Some women only do housework, but some also do market work, etc.

The definition of men and women given by society is called social sex or gender.

For example, society makes rules like girls stay at home while boys go out or girls eat or play less than the boys. Boys will go to a good school so that they can earn for the family. No attention will be paid to the girl's education.

These social differences are not made by nature. Nature gives birth to a boy and a girl, society changes them into men and women.

By this social definition, the differences between a boy and girl keep on increasing and it seems that a boy and a girl or a man and a woman belong to different worlds.

The inequality between a boy-girl, man-woman is due to the social gender difference. Society (or we who are part of this society) says that the man is supreme or better than the woman. The work done by men earns more wages; the woman's work has much less or no wage. The man has power; the woman is powerless.

Nature does not talk about inequality. It gives only different parts to men and women for reproduction, nothing more than this. Discrimination and hierarchy are made by society—that means by us. The difference of rich-poor, Brahmin-Shudra, white-black, man-women are made by society, not by nature.

The reality is that in every human, there is both a man and a woman. But often society does not allow the hidden masculinity inside a girl and hidden femininity inside a boy to come out in the open.

Society pays more attention to the difference between a man and a woman rather than giving importance to their similarity and this is the reason that the difference between men and women keeps increasing and their ways get separated. The stress and conflict between them is increased due to this inequality.

In most countries, social gender difference is patriarchal – that means it supports power of men and gives importance to men. This social gender difference is against women, it places many limitations on girls, is biased against them and leads to violence against them.

That's why girls can't grow like boys, can't show their talent. In the same house where boys develop well on the other hand girls are held back.

This gender difference not only impacts girls but also their families, society and whole country. It also gives some special work, qualities and responsibilities to the boys.

We can change this social gender difference as it is made by us. We can give a new definition to girl-boy, man-woman. We can create a society where girls are not hidden and weak and boys are not violent and cruel.

The reality is that every boy and girl can wear what they want, can play, can study, can become anything they want. Just because she is a girl, she does not have to learn housework and serve others. Being a boy does not always mean that he is brave, clever and strong. All these tasks and qualities are learned and taught. A girl becomes whatever her environment allows.

We can create a society where work, qualities, responsibilities, behavior and talent are not dependent upon gender, caste, colour and class. Everyone can work, can acquire skills and can act according to their wish and behavior.

(Source: Jagori, B-14- Shivalik, Malviya Nagar, New Delhi-110017)

Myths Related to Gender

Gender:

Gender refers to the designated differences in economic, social and cultural beliefs and opportunities between women and men in different societies at different situations and time.

Gender is defined by socially learned behavior indicators and expectations related to man and woman.

By this definition, it should be clear that the physical characteristics of women and men are not mentioned. It should be noted that being male or female is a natural phenomenon but masculinities and femininities are social constructs. This means they are not static. These masculinities and femininities change with time. This change can be due to geographic and social reasons. Just like in northern India, every married woman needs to cover her head, this is not so in southern India. Similarly there are differences due to caste also. For instance in north India, a scheduled caste widow can work in a field to sustain her children and herself but in the same region, an illiterate Brahmin widow can not step out of her house to earn a living. The changes are also due to the passage of time. Before the Second World War, women of Japan did not work in offices and factories. As men increasingly went to fight in the war, women started working in the offices and factories. At the end of the war however, the earlier situation didn't return. Today, 90% of women in Japan work in factories, offices and other service centres.

Today the efforts of Savitri Bai Phule in 19th century are remembered for the education of women. This determined woman opened a school for girls with the help of some sensitive citizens. Partly as a result of her efforts, today 54% of Indian women are educated while only 3% were educated in 1901.

Today in all cultures, a hierarchical structure exists between men and women. In India, women get fewer wages for the same work than men. In reality the housework done by women is never even valued financially. Men are the heir to the family property so they get more importance than women.

Difference Between Sex and Gender:-

Sex	Gender
Natural	Depends upon the society and culture
Made by nature	Made by society
Static	Different and diverse
Individual	Structured and institutional
Non-hierarchical	Hierarchical
Static	Changes with time

Prioritize your learning-

Please prioritize what you have learned till now with the chart that follows. Next to the words given below, please write a Y if they are associated with Sex or G next to words associated with Gender.

	Gender/Sex		Gender/Sex
Menstruation		Strong	
Estrogen		Circumcision	
Sensitive		Doctor	
Testosterone		Weak-minded	
Gossiping		Courageous	
Nurse		Sperm	
Pregnant			
Tolerant			

(Source: Gender Kunji, Sutra)

What is Gender Based Discrimination?

Gender based discrimination is associated with all those things which lead to a difference between men and women, exclusion of women—norms which are made by society for gender roles which prevent a person from attaining their full human rights.

Myths and Truths Regarding Gender

We never tire saying that women are good cooks. If this is so, then why is it that in all the known hotels across the world, most of the chefs are men? If men can not repair their torn clothes (this is considered women’s work), then why is it that most tailors are men? Some people think that the difference between men and women is natural but this is not true. Their differences are created and enforced by society due to gender and economic reasons. Even if women are great cooks, they will not get a chef’s job in a hotel, because that is a male dominated place. Another reason there are gender differences is that women do the household chores free of cost while men get paid for the same work outside the house. In the outside world, there has to be economic differentiation and competition and women are considered too weak for this. That is why a woman’s entire life revolves around the men in her life. During childhood, she is under the control of her father, after marriage she is under her husband’s control and in old age, she is under the control of her son. She does not have any resources or money of her own, nor does she have access to education, health or loans.

Within the family, all the gender based values and behaviors that we instill in the children are subsequently continuously ratified and enforced by social institutions. Whether it is in the field of education, media, market, health systems, legal institutions, politics, religion or culture, gender based discrimination is promoted everywhere.

To strengthen these differences, some “social beliefs” are made. Examples: Men are strong, women are weak. Women must be coy. Men are brave and courageous. Women dream of becoming only a mother. Due to these social beliefs, social values develop which strengthen the differences between men and women. Women’s behavior is then molded according to what is wanted by society, like a woman will sacrifice everything for the family while a man will sacrifice for the Motherland.

In this way our social institutions strengthen social beliefs and values. Example: in every religion (such as Hinduism, Islam, Christianity) there are rules regarding men and women. We can think of the story of Adam and Eve or Vishvamisra and Manika. In both the stories, a man falls in the eyes of God and becomes a sinner only due to a woman. In many societies, a woman’s duty is to her husband while a man’s duty is to his country. In Hinduism, if a woman dies for her husband, she will go to heaven.

Educational institutions also strengthen and spread these social beliefs and values. In books in north India, raksha bandhan—when women tie rakhis to around their brother’s wrist—is explained by stating that women are weak and cannot protect themselves and so they must be given protection by men.

Similarly, society establishes symbols for men and women. Examples: a married woman must wear a mangalsutra. She must wear vermillion or a bindi. In many parts of India, men must sport a moustache, which is seen as a symbol of masculinity. If a man has some problems with his masculinity, it is often said that he has got the moustache cut. Social control ensures that everyone live according to these norms and must instill these norms in their behavior.

(Source: Gender Kunji, Sutra)



Human Rights and Eradication of Violence

Equity and Equality

What do we know about equality between men and women? If women also do what men are doing, is that equality? If women become like men will we say that this is equality? Of course not. We will have to understand that by equality or equity, we don't mean similarity. We mean equal and just behavior and complementing each other in equally important ways. This idea considers that in society men and women are in different situations and that while remaining aware of these situations, we have to make some special efforts so that women reach an equal level with men.

Some special efforts/ provisions-

1. Reservation
2. Decision making opportunities
3. Access and control of resources
4. Leadership opportunities
5. Right to Power
6. Favourable environment
 - Other facilities
 - Not blaming if there is a mistake
 - Not mocking
 - Encouraging to participate
 - Respecting and supporting
 - Understanding their needs and helping them

Equity is a process and equality is the expected result towards which we all are looking with anticipation. The basis of equity is identifying diversity and making provisions so that both men and women's status is the same and fair. This is why the process of empowerment is given such importance.

Meaning of Equality-

People have different ideas about equality and choose different paths of equality between men and women. Let us take the example of two stories.

In a jail, the sexual offenders are kept with the other prisoners. So to protect the women jail workers safe away from them, they are given work at the workshop. The work is less interesting in the workshop. In the name of this protection, the women workers suffer.

In a newspaper, there was a rule that women journalists will not be sent out to gather crime reports, but the male reporters will be sent in a car and with bodyguards. When the main editor's post became vacant, women could not fill this post because at the editor post, it was necessary for the applicant to have had experience of all types of reporting. That is why for the sake of safety, women could not get promoted. Therefore, because of the initial discriminatory rule, later it was difficult to compete equally.

There are several meanings of equality, like not discriminating, looking at different people in the same way, etc. Everyone's equal access to the full human rights, keeping in mind their different situations and needs, is called equality.

Several things are done to prevent people from reaching equality.

Giving opportunities to women but identifying them as different from men is one thing. This difference is then used against women, like always employing them in jobs where they need to look beautiful, or not employing them after a certain age, or not giving them necessary trainings so that they will be able to work outside their homes.

Formally calling women equal and accepting them as equal while their situation is different to men prevents people from reaching equality (both have natural differences, women's current situation is not equal to men's because they are suffering from historical prejudices). Ignoring their unequal situations, formal equality makes similar rules are made for men and women to compete, like electoral rules or not having special provision in employment, which perpetuates inequality.

Not providing women equal opportunities, under the pretence of protecting them from danger is another thing that prevents equality. Under this protection ideology, women are labeled as weak and men as strong. Women are then actually rendered weak, because they do not have opportunities for growth. Example- Women are not used to traveling alone.

Eradicating Discrimination

It is now widely accepted that women have been the victims of violence and this has been a huge reason for the unequal status and suffering of women. This recognition of the violence committed against women is based on the realization that discrimination is not a natural ideology of social behavior. It also accepts the need to work towards eradicating the roots of inequality. And it raises a question about those institutional systems which maintain inequalities.

Most local bodies or policies do not end gender based discrimination, although our Constitution ensures protection from it. Why has this not happened? Gender based discrimination can be defined clearly. Like treating two people, in the same situation, differently. If we have two people with different needs (not in the same situation) and one of them is disadvantaged from earlier, then providing advantages for the disadvantaged person without causing disadvantage the advantaged person will not be termed as discriminatory. But in a discriminatory society, the person who suffers is considered guilty. For example, loans are available for both men and women (based on natural equality) on the basis of guarantee or security. But since a woman is not a property holder in society, she can not take a loan against it, but a man can easily take a loan against it. Therefore, loan agencies can think that by offering women loans, they are benefiting women, but they do not understand that under the present circumstances, women can not get loans. Here, applying the unbiased rules or natural rules will discriminate against women. If loans are to be made available to women, then different rules and laws must be made.

Discrimination has to be seen as direct or indirect and intended or unintended discrimination, which is defined in policies. According to paragraph 1 of CEDAW, discrimination against women is any distinction, exclusion or restriction made on the basis of sex which has the effect of impairing or nullifying the recognition, enjoyment or exercise by women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Compared to men, women face a lot of discrimination, which is ratified by many social institutions- like social and religious behaviors and institutions which protect men's rights like political parties, trade unions, religious institutions, court, etc., and harm women's rights. Not actively changing these institutions and laws to benefit women actually hinders women's access to opportunities, and this within the CEDAW's definition, is a form of discrimination against women.

(Source: Training Guidelines on Gender, Sexuality and Health- SAHAYOG)

Constitution-

The Constitution of a country is a document of the citizen's hopes and aspirations. On 10th December 1948, United Nations General Assembly agreed upon the Declaration of Human Rights, containing all the elements which are necessary for people to live in peace and dignity. The makers of the Indian Constitution took most elements of the Declaration and with some modifications made them as the Fundamental Rights and Directive Principles of State Policy.

Rights enshrined in the Indian Constitution

Preamble

We, the people of India, having solemnly resolved to constitute India into a sovereign socialist secular democratic republic and to secure to all its citizens: **JUSTICE**, social, economic and political; **LIBERTY** of thought, expression, belief, faith and worship; **EQUALITY** of status and of opportunity; And to promote among them all **FRATERNITY** assuring the dignity of the individual and the unity and integrity of the Nation; in our constituent assembly this twenty-sixth day of November, 1949, do hereby adopt, enact and give to ourselves this Constitution.

The main aim of the Constitution is to provide to Indians the following rights-

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation.

On the one hand, the Constitution provides rights to people for their growth, on the other hand its aim is also to maintain the integrity of the nation. Liberty, Equality and Fraternity which have been ensured through the Constitution are the main objectives of social, economic and political justice.

Universal Declaration of Human Rights

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people, Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law, Whereas it is essential to promote the development of friendly relations between nations, Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom, Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms, Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore the General Assembly proclaims this Universal Declaration Of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense. (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

(1) Everyone has the right to freedom of movement and residence within the borders of each state. (2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution. (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

(1) Everyone has the right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. (2) Marriage shall be entered into only with the free and full consent of the intending spouses. (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

(1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

(1) Everyone has the right to freedom of peaceful assembly and association. (2) No one may be compelled to belong to an association.

Article 21

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (2) Everyone has the right of equal access to public service in his country. (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. (2) Everyone, without any discrimination, has the right to equal pay for equal work. (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. (4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial

or religious groups, and shall further the activities of the United Nations for the maintenance of peace. (3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible. (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Power

What is Power?

Power or authority is the capacity of control that a person or agency can exercise over another person's behavior or surroundings. This means that power is that strength which is used to control people's decisions. In Hindi we use two terms- Power and *Shakti* or Strength. When we use authority for positive changes, then we call it *shakti* or strength, but when it is used to further hierarchies and differences, then we call it power. In Structuralist social theory, power is a process and is a part of social structure.

Types of Power:

Power over Someone: This indicates the negative use of power over a person or situation, which usually is reflected in corruption, discrimination, abuse and misbehavior. This type of power leads to some form of violation, and the use of it enables someone to establish their dominance or to create obstacles.

Power with Someone: This type is associated with a group. In this a person or group, along with another person or group works at a common platform for a shared goal or common goal. This type of strength utilizes the knowledge and capacity of different persons.

Power in Someone: This is that strength or power which influences and controls our own life. This is reflected in those thoughts, knowledge, agencies, money, tools with which we convince others. And if the same power is in a big group, then it can develop into co-power or co-authority. This is also true with individuals. A victim also feels their strength when they realize that someone is supporting them in their struggle.

Internal Power: This is when we are able to assess or know ourselves. This indicates those capacities with which he/she can imagine a better life, can become hopeful or can try to change the world. This power or strength makes him/her aware of his/her rights and makes him/her realize that because of his/her capacities, he/she has an important role to play.

Masculinity

Masculinity

Masculinity or masculine means “those characteristics and features which have been traditionally associated with men”. This means that masculinity is related to specialties and characteristics- not necessarily to the human body or nature. According to the dictionary, the following words are synonymous with masculine or masculinity- Man, Male, Father, Energetic, Fearless, Brave, Strong, Powerful, Boy, Hot blooded, Resolute, Strong hearted, Controller, Bold, Tough, etc. In slang we use the terms- bull, lion hearted, etc. From the list we can understand what our society (both eastern and western) thinks of a ‘real man.’ In this way masculinity is an identity given to men and boys. Masculinity is socio-cultural and so is different over time and place. Masculinity is not static and keeps changing form because of economic structures, natural or social changes and because of this there are many types of masculinities. For example, the masculinity in the labour class and among intellectuals is very different. Masculinity in Asia can be different from that of Europe and so instead of talking about a single masculinity, we should talk about multiple masculinities.

The other side of masculinity is femininity. In a way the two are opposites of each other. A woman is not a man. In most societies masculinity and femininity are seen in this opposition. A man is allowed to get angry, but a woman must be patient. One is incomplete without the other. If a man wants to show his power and a woman does not bear his brunt, then the mutual relationship and balance will be spoilt. In the same way the position, characteristics and image of men in society are symbolic and a woman must mould herself according to this.

Anyone who has a masculine or feminine traits is called man or woman. A sensitive man who does not show aggression is called effeminate and made fun of. The women who are bold and empowered are called masculine. Transgenders are male by birth but by behavior they are feminine. This means that masculinity and femininity are not biological classifications. Although these have nothing to do with the male and female bodies, societies enforce these differences so strictly that they seem to be natural/ biological differences.

By focusing on masculinity one can see the gender issue, which is a huge issue for men. Violence done by men firmly establishes gender inequalities and makes women disempowered and weak. Once men are aware of gender, their lives change as they take a step towards challenging gender inequalities and violence against women.

With changes in economic, social and family structure, masculinity comes under threat in many parts of the world. Masculinity can be recreated so that there is a change in the traditional roles and a creation of new roles in family and community where a man can find alternative ways to create his masculinity setting aside irresponsible sexual behavior and violence against women.

Global economy and economic slowdown and increasing job insecurity are changing that role and identity of a man as someone who earns and supports his family. Similarly women's roles are also changing as they take part in public life and also earn a living. Women's rights are being acknowledged and the traditional division of labour and femininity are being redefined. Where masculinity and femininity were complementing as well as opposing each other, now the changes in women are seen as challenging masculinity.

Now men must understand how the structural influence, cultural symbols and patriarchal norms socialize them towards violence. Understanding violence historically and culturally helps to reduce men's violence. The way we talk about masculinity as something which is naturally aggressive and leading to militarism to fulfill political aims, this is actually the masculinisation of violence. This must be questioned today.

- Masculinity is related to some special characteristics and qualities which are traditionally associated with men
- Masculinity is a social construct which establishes men as controllers, power holders and violent.
- Masculinity is created by society. Society decides the behavior of men, character specialties, habits and attitudes and promotes and teaches these.
- Masculinity is a social construct which changes with time and from place to place, therefore it is spatial due to which there are several types of masculinities.
- Masculinity also includes those feelings like sensitivity and love and so masculinity is not synonymous with being a man.

Factors which strengthen masculinity/ Socialization of Masculinity-

Our socialization and gendering start right from our birth and we learn the socially accepted behaviors, attitudes and characteristics at home, in the family, in school, in religious places and it feels like masculinity is naturally inherited. If indeed this was so, then all men and women around the world would have been the same.

Family- Family plays an important role in our socialization and through it different roles, attitudes, behaviors for boys and girls are decided as well as their value. Where a family expects a man to be strong, protector, leader, controller and provides all opportunities for his growth, it does not allow him to show his weakness or insecurity. If a boy cries, he is told that he is crying like a girl. He is made fun of. He is taught not to express his weakness. The birth of girls is considered an ill omen and they are given fewer opportunities than men in all spheres. Service and sacrifice is taught to girls. This process is based on the patriarchal ideology which considers men to be superior and due to this the large scale violence against women is not considered violence. Families see violence as a form of discipline, it resolves arguments and enables someone to get what they want.

Religion- Masculinity and religion are deeply interconnected socially. In all religions, men are considered superior to women due to which men have a right to all religious institutions, ideologies and texts. Religion decides the ideal behavior and roles of men and women. The status and responsibilities of husband, wife, son and daughter are decided by religion. In all religions, marriage, divorce, inheritance, etc., all have rules which strengthen the inequality between men and women. In some religions, if a woman strays from her path, her husband has the right to punish her.

Means of Communication- The means of communication have a big role to play in strengthening the concept of masculinity. The different advertisements, tele-serials, films, and plays shown on different channels, develop a mindset which idealizes and promotes the violent and aggressive image of masculinity. Role models in the media are usually more aggressive and violent, which in turn established extreme behavior as the masculine norm. Those whose image is weak, have low status in the media, which is why weaker boys and girls are the targets of violence.

Other Social Institutions- Police, military, and sports organizations promote an aggressive masculinity. These organizations try to create a structured and functional masculinity to confirm the ideal male characteristics.

Types of Masculinity-

Aggressive Masculinity: Because masculinity is related to power and power is mostly held by men, men usually have an image of being aggressive. This is called aggressive masculinity.

Hegemonic/Dictatorial Masculinity: In hegemonic masculinity, the man has full power to control others, particularly the weak. Those men who do not reach a superior position as expected of them are called feminine and are mocked. They may also be sexually abused.

Group Masculinity: Groups hold power, whether good or bad. Group masculinity can take the form of a road block or an exhibition or a demand for their rights.

Equitable/Alternative Masculinity: If we believe in gender equality then we must develop a balance between a positive woman and man. This balance is only possible when we let go of our need of power and oppression, let go of the wrong use of power and also let go of our habitual weakness, servitude and oppression. For this we must bring a change to ourselves, our relations, family, community and all other institutions. We have bridge the gap between theory and practice, economics and political science, science and morality. Till now men have been part of the problem but now they have to be part of the solution of changing gender roles and power structures.

Relationship Between Masculinity and Power:

If we look closely, we realize that men are not always powerful, but are also powerless. Because of the prevalent inequalities in society, the form of power keeps changing and therefore our different identities (sex, caste, race, education, politics, power, etc) make us feel powerful and powerless in different situations. In our patriarchal social structure, men are considered superior to women and they have some privileges through which they show their strength to others. Those who show power are male and those on whom power is used are called female.

But this is not always the case. Those men who are not aggressive, are soft hearted, take care of others and keep away from the herd are called feminine and are insulted. Similarly those women who are controllers are called manly as a praise- like "*khoob ladi mardani, who to Jhansi wali raani thi*" or "She fought like a man, she was the queen of Jhansi." This means that it is insulting for a man to be like a woman but an honor for a woman to be like a man.

There is pressure on women who work outside the home to act like a man because unless she accepts the attitudes and behaviors of men, she can not take control of the masculine structure of power. In this way, whether a man or a woman comes to power, whoever is at a leadership position is considered a man. Power, strength and control over others are a sign of masculinity and so real men do not exhibit their feelings and weaknesses. Thus, masculinity, femininity and power are related. Challenging and understanding masculinity requires that we understand power and strength.

Sexuality

Sexuality

We live in such a society where only one type of sexuality is accepted - a man and woman bound in marriage. Only this sexuality is considered natural and normal. In this scenario, a man's sexuality is dominant and controlling. A woman's sexuality is only for the purpose of producing heirs to the family. Being a man or a woman means that there is a relation between them, but what will be their roles, what will be the shape of the family- all these are shaped by social forces in such a way that inequalities always persist in society. Among these social forces, the key one is patriarchy- to sustain which, heterosexuality (the type of sexuality in which a man and a woman are attracted to each other) and gender need to be defined clearly. If a woman does not have feminine characteristics and a man does not have the requisite masculine characteristics, and after marriage, they do not play their pre-decided roles in creating a family, then how will patriarchy survive? All those brave enough to live outside this 'ideal construction' are considered a threat to morality and society. Due to this threat, the social structure either discredits the identity of all those living against the 'ideal construction' or does not accept them, stating that this is an outcome of Western influence. It is said that our society does not have lesbian women or that only a few Western influenced upper class city men are gay. When it is hard to ignore them, then they are punished in such a way that it is impossible for them to live a free and dignified life.

In the last few decades, homosexual people from across the country, including lesbian (women attracted to women), gay (men attracted to men), bisexual (men or women attracted to both men and women), transgendered (not confined to the definition of man and woman), transsexual, etc., have been demanding their constitutional rights to a life of dignity without violence or fear.

Homosexual Rights are Human Rights! Sexual orientation is not just an issue of personal freedom. This is a fundamental human right because laws and norms which force someone to change their sexual orientation or punish them by not accepting them deeply affect human nature and personality. Such norms and laws, while denying the physical and mental integrity of homosexuals, also do immense psychological and physical violence as they hurt the basic dignity and status of such people. Thus, punishment of different sexual identities or orientations and homosexuality between consenting adults is considered a violation of human rights.

Homosexuality: Homosexuals identify themselves as men who are attracted sexually to other men or women who are attracted to other women. Homosexuality is a personal issue. The personal identity of a person is their personal choice and has little to do with their sexual behavior. In India, it is common that men enjoy other men's sexuality but do not identify themselves as homosexuals.

Each person can be found somewhere within the spectrum of sexual attraction. It has been estimated that about 10% of people are sexually attracted to their own sex. 80% of people fall along a spectrum between attraction to their own sex and attraction to the opposite sex. Due to immense social pressure and expectations from parents and friends, 80% of people (including many from the 10% homosexuals) primarily choose a heterosexual lifestyle. Both women and men can be homosexuals. More men are overt homosexuals because society allows men to express their sexuality more openly and experimentally compared to women.

Homosexuality is a human characteristic and is not related with nationality. It can be said that the conduct and realization of homosexuality has been from time immemorial. Homosexuality is described at length in many ancient texts, of which Kamasutra is an example, and is depicted in Khajuraho and other ancient monuments. Having a transgender housewife or keeping a young boy in the harem have been practices since at least 1500BC.

Men and women both hold this homosexual attraction. People feel attracted to different persons at different times. Most people do feel attracted towards someone from their own sex at some point of time or the other. This is normal and common.

(Source: NAZ Foundation Guide)

Gay

Homosexual persons who are part of movements for recognition of rights of this group may call themselves gay and say that they are working for gay rights.

Hijra/ Eunuchs

A eunuch is a castrated male, meaning his testes were removed, often before puberty so that the secondary sexual characteristics do not develop. In other cases, eunuchism may be due to atrophy, that is wasting and decrease in size of an organ or tissue. Absence of the male hormone that comes from testes prevents males from developing typically male characteristics such as the deep male voice or facial hair.

In Middle Eastern and some Asian countries, eunuchs were employed to guard the woman of harems. In India, eunuchs often identify themselves with females so they dress and behave like females. They enjoy clothes and jewelry; they wear bright coloured clothes and lots of make-up.

Eunuchs are not accepted in Indian society. They are not given work and so they resort to begging or dancing in the streets. They often intimidate those who are fearful of their unusual appearance and their outrageous, often embarrassing behavior.

(Source: Education in Human Sexuality)

MSM (Men who have Sex with Men)

Not all men who have sex with men identify themselves as homosexuals or gay. Many men who have sex with men are also married to women.

Kothi

Self-defined kothis engage in anal sex and are always only penetrated. They use their charms to attract panthi males (see below) for sex. Panthis in turn, accept for oral sex, masturbation and anal sex. A kothi identifies himself with this role through social interaction and learns about it from other kothis.

Panthi

These are men who generally penetrate (supposedly more masculine role in relation to the kothis). It seems that most of these persons do not identify as 'homosexual' or 'gay'. These are generally men in search of some excuse for discharge. They are relatively indifferent to the sexual identity of the partner. Some of them frequent cruising areas and they may have a relationship with a particular preferred kothi partner.

(Source: PRAYAS Network, Language and Sexual Behavior of Men)

Lesbians

While homosexuality would technically cover same sex preferences among both males and females, lesbianism is a term which specifically implies female-female sexual attraction. Two or more females will kiss, fondle and masturbate each other and thus derive sexual pleasure.

(Source: Education in Human Sexuality)

Transvestites (Cross Dressing)

A transvestite is a person who derives sexual stimulation by dressing in the clothes worn by the opposite sex. A man may dress in exaggeratedly 'feminine' clothes with lacy underwear, elaborate wigs, facial make up and so on. Such a man is said to be 'in drag.'

A female dressed as male with short hair is more easily accepted in society and may be termed butch. But a male dressed exaggeratedly as a female is more often looked down upon because he stands out more.

Transsexuals

A transsexual is someone who is biologically a male or a female but identifies as a member of the opposite sex and desires to be accepted as such. The transsexual feels trapped in the wrong body, and may even seek surgery and hormonal treatment in order to change his/her sex. Transsexuals are provided in-depth psychiatric help before they undergo surgery.

(Source: Education in Human Sexuality)

Sexual rights that are important to us

Sexual rights are important because they are based on certain ethical principles (Correa and Petchesky). These are principles of:

Bodily Integrity- the right to security in and control over one's body. This means that all women and men have a right to not only be protected from harm to the body but also to enjoy the full potential of the body.

Personhood- the right to self-determination. This means that all women and men have a right to make personal decisions for themselves.

Equality- all people are equal and should be recognized as such without discrimination based on age, caste, class, ethnicity, gender, physical ability, religious or their beliefs, sexual preference, or other such factors.

Diversity- respect for difference. Diversity in terms of people's sexuality and other aspects of their lives should not be a basis for discrimination. The principle of diversity should not be misused to violate any of the previous three ethical principles.

(Source: TARSHI, Common Ground: Sexuality- Principles of working on sexuality)

Quiz on Sexuality and Health

Masturbation leads to weakness:

Masturbation is a safe and natural sexual act, it has no adverse effects on the body. The sense of guilt around masturbation created by different religion and other sources is perhaps the only adverse effect of masturbation. Masturbation is very common and is performed by men and women. Masturbation is in fact a form of safe sex.

Sterilization of men leads to decrease in sexual desire, ability and pleasure

Sterilization of men does not lead to decrease in sexual desire and ability. After sterilization men can have orgasms as before. They also ejaculate; the semen just does not contain sperm. The currently practiced non-scalpel vasectomy is a very simple procedure and one can resume sexual activity within ten days or a fortnight. From the perspective of gender equality it is imperative that men share the responsibility of contraception. Around 98% of all sterilization is on women, even though female sterilization is a more invasive and complex surgery than vasectomy. In other parts of the world, the proportion of vasectomies to tubectomies is the reverse with up to 80% of all sterilization being vasectomies in the US. Both men and women need to be encouraged to choose male sterilization.

Women's sexual needs are less than men's

Women and men are socialized to believe that women have lesser or no sexual needs and desires while men are supposed to be the opposite. Women who express their sexual desires are considered loose and of doubtful moral character. Sexual desires or drive is actually moderated through the hormone testosterone, which is present in both women and men.

Widows should not eat non-vegetarian and fried foods– these foods will increase their sexual desires.

Food has nothing to do with sexual desires. Restricting food of widows on the grounds of sexuality is unjust and discriminatory. Restricting of widows' sexuality is also against their sexual rights. It is the social order that states that widows should not feel sexual desire whereas it is actually be perfectly normal for a widow to feel and express her sexuality. The double standards related to a widow's sexuality are clear in that widowers (men) are not only allowed but also encouraged to marry again while many restrictions are imposed on widows (women).

Homosexuals are abnormal and rare

Homosexuals are people who have a sexual attraction towards persons of the same sex. There are three broad groups- gays who are self-identified male (or female) homosexuals, lesbians who are self-identified female homosexuals, and bisexuals who are sexually attracted to both sexes. MSM (men who have sex with men) is a group of men who may not necessarily self-identify as homosexuals but have sex with men when the desire and opportunity arise. Homosexuals are not rare and have been described in Indian literature and temple architecture for a long time. MSM are common in India and are a focus of AIDS related interventions. The idea that homosexuals are rare and abnormal came into India from the British during the Victorian period (1860's) though now the discriminatory idea no longer exist in England. Interestingly, homosexuality was earlier classified as a mental disorder by the DSM (a classification of mental disorders). But is now no longer classified as a disorder and is considered a normal variation of sexuality.

Having a sexual relationship with only one partner will prevent HIV and other infectious diseases

This would be true if both partners had only one partner- i.e. each other as a partner. The reality is that because of different gender norms for men and women, most wives have only one sexual partner (i.e. their husband) but their husbands may have extra marital relationships (or pre-marital relationships). In these cases, the risk of HIV and other sexually transmitted infections does not decrease, even for the woman who is monogamous. There have been a few studies which have shown that women in single partner relationships still contract HIV.

Contraceptive services are not necessary for single adolescent boys and girls

Contraceptive services are necessary for single adolescent boys and adolescent girls. Research in different parts of India shows that sexual activity among boys begins quite early, long before they are married. If these boys do not use contraceptives, they risk contracting sexually transmitted diseases and impregnating their female partners. Experience of community based adolescent health and development work indicates that once boys and girls have accurate information related to their bodies and sexuality, their demand for condoms increases. Adolescence is a period of increasing curiosity and exploration. Adolescents should know that they can access contraceptives if they want them.

A girl should not have sex before marriage

This is a differential social value for girls. The value of a woman's virginity leads to number of extremely demeaning and often violent rituals for women. The differential risk of pregnancy for a woman in the case of sex before marriage is easily negated by the proper use of contraceptives. According to research in India, both men and women have sex before marriage, though the proportion is higher for men. If we believe in equal rights for women and men, this social value that girls should not have sex before marriage needs to be reexamined.

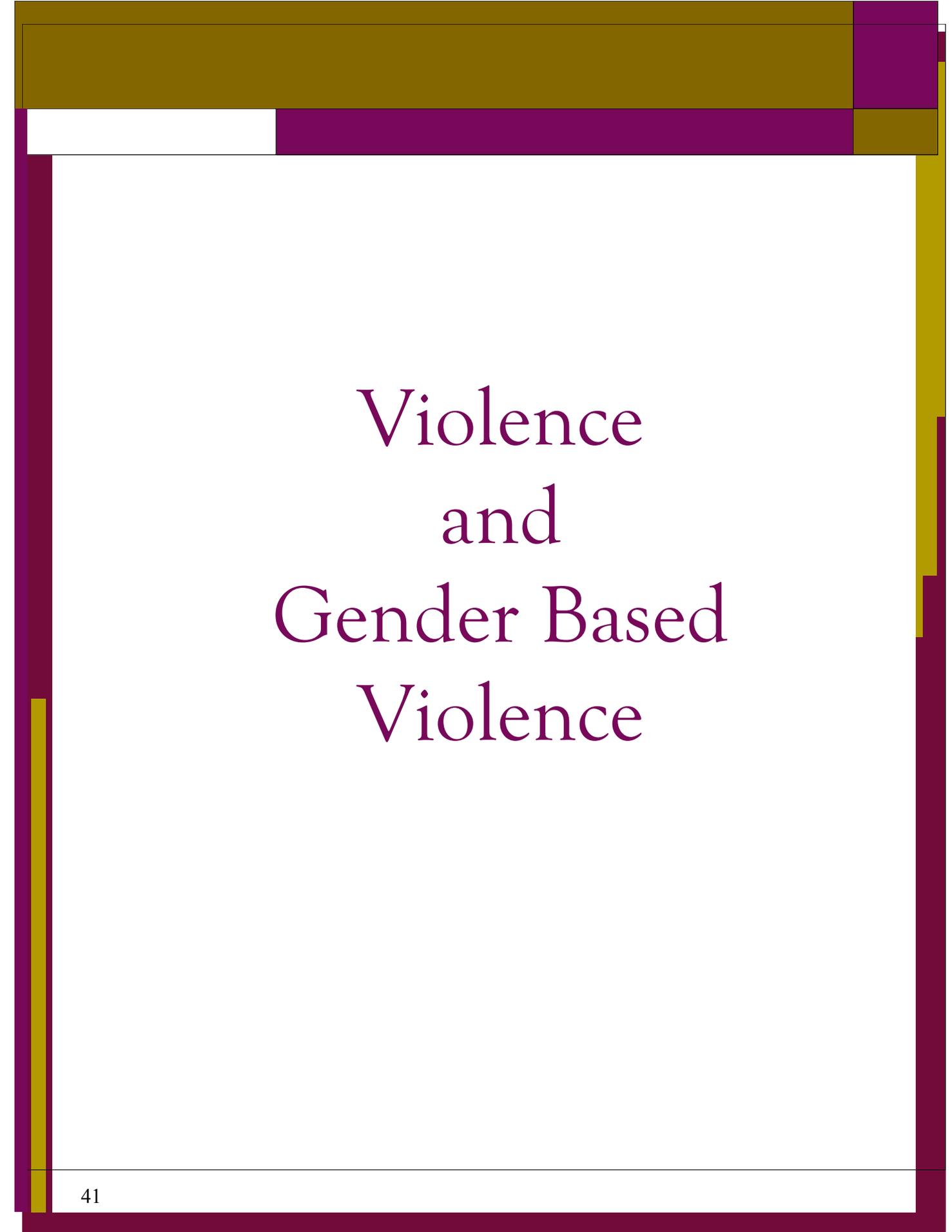
The main purpose of sex is to have children

In humans, sex and reproduction are biologically de-linked—the human female can have sex at any time but can become pregnant only on a few days. The human process of menstruation is thus very different from menstruation in other mammals. Thus the purpose of sex is not only to have children. The other purposes of sex include having pleasure, expressing loving affection, doing one's marital duty, a show of power and so on.

Having sex with a woman who is having her period may lead to diseases in men

This belief is connected to the ideas of pollution around menstruation, but it is false.

(Source: Working with Men on Gender, Sexuality, Violence and Health- SAHAYOG)



Violence and Gender Based Violence

Definition of Violence

World Health Organization definition- The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal-development, or deprivation.

The United Nations Declaration of Violence Against Women defines violence against women as 'any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.'

What is Gender Based Violence?

Gender Based Violence can be defined as-

“Violence involving men or women, usually against women, that is based on women’s subordinate status in society. Such violence is based on and strengthens the inequality between men and women.”

Violence against girls and women is seen as gender based violence because it is made possible by the secondary status of women in society. Most cultural and traditional beliefs maintain and give rise to women’s low status.

Gender based violence gives a new context to understand the far reaching consequences of violence against women. Instead of seeing women as the victim, it tries to focus on the unequal power relationship between men and women which maintains the gendered social structure and tries to reduce the incidence of violence against women.

Gender based violence includes sexual violence, domestic violence, emotional and mental abuse, forcing into sex work, sexual abuse, harmful traditional practices like forcible marriage, sex determination, etc.

Types of Violence-

Physical	Mental/Emotional	Financial	Sexual
Strangling	Forcing	Taking away	Forcing sexual relationship
Unwanted touching	Taunting	money	Forcing marriage
Teasing	Tricking	Dispossessing	Forcibly holding
Beating	Instilling Fear	from inheritance	Rape
Using force	Threatening	Not giving pay	Forcibly touching
Burning	Bribing	Not allowing to work	Unwanted caress
Breaking limbs	Verbally abusing		Kidnap
Murder	Insulting		Showing pornographic material
Hanging	Evicting from home		Whistling
Drowning	Forcing marriage		Playing music
			Kissing

Protection of Women from Domestic Violence Act 2005

Important Definitions:

Aggrieved person: Mother, sister, daughter, wife or any woman who is or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent.

Respondent: Any adult male person who is, or has been, in a domestic relationship with the aggrieved person and against whom the aggrieved person has sought any relief under this Act.

Domestic relationship: A relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family.

Shared household: A household where the person aggrieved lives or at any stage has lived in a domestic relationship either singly or along with the respondent.

Child: Any person below the age of eighteen years, including any adopted, step or foster child

Domestic violence (Section 3): Any harm done by a man to a woman living with him in a shared household. The victim can be a wife, relative by blood or marriage, or any person with whom the respondent has had a domestic relationship. Domestic violence includes physical, emotional, verbal, economical and sexual abuse.

Physical abuse– Any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force.

Verbal and emotional abuse– Insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and repeated threats to cause physical pain to any person in whom the aggrieved person is interested.

Economic violence– Deprivation of all or any economic or financial resources to which the aggrieved person is entitled, any alienation from stridhan, assets and other property, not providing for household necessities for the aggrieved person and her children, not allowing to work for a living, not allowing to enter any part of the house, not giving rent, taking away the pay, etc.

Sexual abuse– Any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman including rape, forcing to see pornographic material or sexual abuse of children.

Who can register the Complaint and with whom?

An aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Magistrate provided that before passing any order on such application the Magistrate shall take into consideration any domestic incident report received by him from the Protection Officer or the service provider. The application may be provided to-

- Protection Officer
- Service Provider/Women's group
- Magistrate or
- Police Officer of nearby police station

No liability, civil or criminal, shall be incurred by any person for giving in good faith of information for the purpose (Section 4.2)

Duties of Police Officers, Protection Officers, Service providers or Magistrates (Section 5) –

A Police Officer, Protection Officer, Service provider or Magistrate who has received a complaint of domestic violence or is otherwise present at the place of an incident of domestic violence or when the incident of domestic violence is reported to him, shall inform the aggrieved person-

- of her right to make an application for obtaining a relief by way of a protection order, an order for monetary relief, a custody order, a residence order, a compensation order or more than one such order under this Act
- of the availability of services of service providers- 1. Legal Services; 2. Medical services; 3. Shelter homes; 4. Psychiatric counseling; 5. Family counseling 6. Awareness programme; 7. Any other
- of the availability of services of the Protection Officers
- of her right to free legal services
- of her right to file a complaint under section 498A of the Indian Penal Code

Rights of an aggrieved woman -

- Support of Protection Officer and Service Provider or Senior Police Officer in lodging complaint, receiving support for application for compensation under the Act.
- Medical support, protective place, psychological and legal counseling
- Getting support from Protection Officer and Service Provider to understand the support that is available to her
- Receiving the stridhan, jewelry, clothes and items of daily necessity
- Getting protection for self and children from domestic violence
- Getting copies of the application or complaint or medical report that she filed
- Getting protection for specific threats or dangers that a woman or her children are facing
- Restraining the respondent or any of his relatives from entering any portion of the shared household in which the aggrieved person resides and ensuring relief consistent with the standard of living to which the aggrieved person is accustomed (Section 17)
- Restraining the accused from attempting to communicate in any form, whatsoever, with the aggrieved person, including personal, oral or written or electronic or telephonic contact
- Monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person as a result of the domestic violence
- Lodging a complaint under the Act or giving application for relief to the court
- Taking copies of any statement given by any official related to domestic violence
- Taking support of police or Protection Officer in case of any threat of violence.

Date and Procedure of the Hearing- The Magistrate shall fix the first date of hearing, which shall not ordinarily be beyond three days from the date of receipt of the application by the court (Section 12-4). The Magistrate shall endeavor to dispose of every application within a period of sixty days from the date of its first hearing (Section 12-5).

Service of Notice (Section 12)- A notice of the date of hearing shall be given by the Magistrate to the Protection Officer, who shall get it served by himself or any other person-

- within a maximum period of two days or such further reasonable time as may be allowed by the Magistrate from the date of its receipt.
- A declaration of service of notice made by the Protection Officer shall be the proof that such notice was served upon the respondent and if notice can not be served then it will be affixed at the residence.

Action following complaint- It is the Protection Officer's duty to make a domestic incident report to the Magistrate, in such form and in such manner as may be prescribed, upon receipt of a complaint of domestic violence and forward copies thereof to the police officer in charge of the police station within the local limits of whose jurisdiction domestic violence is alleged to have been committed and to the service providers in that area. If the aggrieved person wishes, the Protection Officer will also make and deliver an application to the Magistrate, claiming relief for issuance of a protection order.

Protection Orders (Section 18)- The Magistrate may, after giving the aggrieved person and the respondent an opportunity of being heard and on being prima facie satisfied that domestic violence has taken place or is likely to take place, pass a protection order in favour of the aggrieved person and prohibit the respondent from-

- committing any act of domestic violence;
- attempting to communicate in any form, whatsoever, with the aggrieved person, including personal, oral or written or electronic or telephonic contact;
- alienating any assets, stridhan, jewelry, clothes, etc.
- operating bank lockers or bank accounts used or held or enjoyed by both the parties, jointly by the aggrieved person and the respondent or singly by the respondent
- causing violence to the dependants, other relatives or any person who give the aggrieved person assistance from domestic violence

- committing any other act as specified in the protection order
- entering the place of employment or education of the aggrieved person
- if the respondent may be harmful to the interests of the aggrieved person's child or children, the Magistrate shall refuse to allow such visit.

Residence Orders (Section 19)- The Magistrate may pass a residence order which allows the aggrieved woman to residing peacefully in the shared household and

- restrains the respondent from dispossessing or in any other manner disturbing the possession of the aggrieved person from the shared household, whether or not the respondent has a legal or equitable interest in the shared household
- restrains the respondent from alienating or disposing of the shared household or encumbering the same
- prohibits any loan on the place of residence of the aggrieved woman or keeping in bondage
- directs the respondent to remove himself from the shared household

Monitory Relief (Section 20)- The Magistrate may direct the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person as a result of the domestic violence. Compensation may be for

- the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person
- medical expenses
- loss of earnings

Custody Orders (Section 21)- The Magistrate may, at any stage of hearing of the application for protection order or for any other relief under this Act, grant temporary custody of any child or children to the aggrieved person or the person making an application on her behalf and specify, if necessary, the arrangements for visit of such child or children by the respondent:

If the Magistrate is of the opinion that any visit of the respondent may be harmful to the interests of the child or children, the Magistrate shall refuse to allow such visit.

Compensation Orders (Section 22)- The Magistrate may on an application being made by the aggrieved person, pass an order directing the respondent to pay compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of domestic violence committed by that respondent.

Power to grant interim and ex parte orders (Section 23)- If the Magistrate is satisfied that an application prima facie discloses that the respondent is committing, or has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence, he may grant an ex parte order on the basis of the affidavit in such form, as may be prescribed, of the aggrieved person under section 18-22 against the respondent.

Court to give copies of order free of cost- The Magistrate shall, in all cases where he has passed an order under this Act, order that a copy of such order shall be given free of cost, to the parties to the application, the police officer in charge of the police station in the jurisdiction of which the Magistrate has been approached, and any service provider located within the local limits of the jurisdiction of the court and if any service provider has registered a domestic incident report, to that service provider.

Duration and alteration of orders- A protection order made under section 18 shall be in force till the aggrieved person applies for discharge, and then only if the Magistrate is satisfied that there is a change in the circumstances requiring alteration.

Penalty for breach of protection order by respondent- A breach of protection order, or of an interim protection order, by the respondent shall be an offence under this Act and shall be punishable with imprisonment of either description for a term which may extend to one year, or with fine which may extend to twenty thousand rupees, or with both.

Duties of Government- The Central Government and every State Government shall take all measures to ensure that

- the provisions of this Act are given wide publicity through public media including the television, radio and print media at regular intervals

- the Central Government and State Government officers including the police officers and the members of the judicial services are given periodic sensitization and awareness training
- protocols for the various Ministries concerned with the delivery of services to women under this Act including the courts are prepared and put in place.

Appointment of Protection Officers– The State Government shall appoint such number of Protection Officers in each district as it may consider necessary. The qualifications of a Protection Officer include

- Member of Governmental or Non Governmental Organisation
- Minimum 3 years experience of working in the social sector
- Minimum 3 years of work experience

The Government will provide official support in the carrying out of duties.

Duties of a Protection Officer-

- Lodging a domestic incident report to the Magistrate upon receipt of a complaint of domestic violence
- Making the victim aware of her rights and of all the services providers providing legal aid or counseling, shelter homes and medical facilities in the local area
- Making available a safe shelter home
- Providing support in filing application under Section 12 or 23
- For application under Section 12, preparing protection plan in pro forma 5
- Ensuring that the aggrieved person is provided legal aid under the Legal Services Authorities Act and making available free of cost the prescribed form in which a complaint is to be made
- Providing help in accessing medical help and providing vehicle for this and forwarding a copy of the medical report to the police station and the Magistrate

