Women's Movement Groups in State Policy Formulation:

Addressing Violence Against Women in India

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Abstract

This paper examines the process by which women's movements access state institutions and influence the process of legal reforms related to violence against women. Typically, policy making or formulation of a law should account for the differential power exercised by state agencies in the vertical masculine structure of the state but it can be overlooked when anthropological concerns are neglected. The primary focus of this paper is the role of the Lawyers' Collective (LC), a non-profit organization, in drafting the Protection of Women from Domestic Violence Act of 2005 (PWDVA) at the request of the National Commission of Women (NCW). The analysis point to the complex relationships between state and non-state actors but more importantly emphasizes that the leverage and power exercised by state institutions (NCW and Parliament) varies considerably. The competing interests and the differential hierarchical power between NCW and Parliament has implications for understanding state power.

Key Words: policy-making, women, violence, law, state

In December 2012, India witnessed a public outcry against the failure of the government to address violence against women. This uproar arose in the context of a gang rape and eventual death of a 23 year old woman in India's capital city of Delhi. This case of rape has led to spontaneous mass protests and also drawn attention to the unusually large number of cases of violence occurring daily in India. In 2011, a total of 228,650 crimes against women were reported by the National Crime Records Bureau (and it is uncertain if all cases are even reported). While violence against women occurs in the public sphere, the private family space has been documented as a critical location for

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violence in the form of physical, mental and sexual abuse against women (Cherukuri, Britton, and Subramaniam 2009; Narayan 1997). Seeking legal reform, women's groups and non-governmental organizations (NGOs) have actively targeted the state to make policies and laws.

Researchers working in the areas of gender, social movements, and policy-making continue to unpack the role of the state and its actions with regard to women's rights and gender equality to identify actors and institutions participating in the full-range of gender specific state actions. They use various labels for these institutions, such as women's policy machineries, gender equality offices, and women's rights agencies. Australian and Dutch scholars referred to the actors as "femocrats" (Eisenstein 1996).

As the study of women's policy agencies gained ground, the concept of state feminism became increasingly associated with specific institutions and actors and less with whether state action was positively correlated with feminists and women. State feminism has come to have two meanings: to describe the phenomena of women's policy agencies in general and to analyze whether the structures are actually effective in making the state more inclusive of women and their interests. The concept of state feminism put forth by McBride and Mazur (2010) is about "whether, how, and why women's policy agencies have been effective partners for women's movements and their actors in gaining access to state policy-making arenas and influencing policy outcomes" (p. 3).

In this paper, we focus on the process by which women's movements access state mechanisms and thereby influence the policy formulation process, specifically the legal reforms related to violence against women both in the public sphere and in the private space of the family. These analysis point to the complex relationships between state and non-state actors but, more importantly, emphasizes that the leverage and power exercised by state institutions varies considerably. Typically, policy making or formulation of a law should account for the differential power exercised by state agencies in the vertical masculine structure of the state which can be overlooked when anthropological concerns are neglected.

Adopting a reflexive stance we, as authors, engage with issues and problems about gender in India and globally. Some recent methodological analysis that adopts a 'reflexivity' perspective, suggests that 'the self' should be fully articulated in research and writing, rather than minimized or neglected (Krieger 1991; Stanley 1990; Subramaniam 2009). Therefore, research 'reflexively' requires being cognizant of, and then including within a research paper, a discussion of the researcher's relationship to those being studied. In this paper, our interpretation of law-making is based on prior scholarship as well as our experience and knowledge about violence against women in India. We

therefore rely on an analytical lens to discern the process of law making even though we did not participate in the process per se.

We draw on the concept of state feminism in the context of India. "State feminism is the degree to which women's policy agencies forge alliances with women's movements and help them gain access to policy arenas and achieve their policy goals" (McBride and Mazur 2010: 5). The role of the Lawyers' Collective (LC), a non-profit organization, in drafting the Protection of Women from Domestic Violence Act of 2005 (PWDVA) is our primary concern in this paper. LC actively engaged in the policy making process when the National Commission of Women (NCW) requested the organization to draft the bill in 1993 (Jaising 2009). After the 2005 law became active, LC continues to monitor its implementation. Our analysis focuses on the policy process which encompasses competing interests and the differential hierarchical power between NCW and Parliament by drawing attention to the complexity of understanding state power.

Policy-making: State and Gender

Anthropologists have historically been concerned with analysis of policy making and processes of policy making (Wedel et al 2005). Scholarly inquiries focus on processes of power often calling for studying dominant institutions and groups which affects peoples' lives (cf. Willner 1980). Policies are generally political but they are masked to be presented as being neutral and so anthropologists must be ready to contest unjust systems of domination, seeking to decide along the way what injustice actually is, and to bring potential controversial issues to light (Giddens 1990, 1995). Emphasizing the need to create a synergy between theory and practice Peacock (1997) suggests formulating positive proposals to communicate with political leaders and ordinary people.

A key task for anthropologists is to unravel the political effects of what are presented as neutral statements (Okongwu and Mencher 2000). Anthropologists have been documenting the conditions of the peoples – such as the poor or disenfranchised people - and acting as their advocates (see Okongwu and Mencher 2000 for a review; Cernea 1999). But policy making is not a linear process with predetermined outcomes; it is complex because policy processes often involve unforeseen variables and consequences. Bringing an anthropological lens to analysis of policy enables introducing a more reflexive perspective by including the socio-cultural context in which it is embedded and understood.

Policy-making has been of interest to feminist sociologists and anthropologists especially as outcomes of movement action. Feminist scholars, such as Rai

(2002, 2008) among many others, have contributed significantly to the discussions of state-movement dialogues and outcomes. Rai (2002, 2008) draws on the institutional approach by conceptualizing the state as comprising a network of power relations with relative autonomy across what she refers to as various state fractions (such as the national government, state level government, national level courts, state level courts, local governance structures). Movement groups may well target specific state institutions. We note briefly the ways in which movement groups are typically organized.

Scholars refer to feminist organizing as being both embedded (such as labor unions and anti-colonial struggles) and autonomous (independently working for women's rights). However organized movements, across countries, have shifted in their orientation over time. Autonomous women's movements have worked with NGOs within nations and at the global level but are more likely to face risks as they take on powerful targets such as the state. Further, these movements may work alongside, or form alliances, with state institutions in pursuit of social change. A major goal of movement groups is the gendering of the state.

Anthropological and feminist analysis highlights the cultural and gendered nature of states (Ferguson and Gupta 2002). Rather than taking the boundaries of the state as self-evident or viewing it as a pre-constituted and coherent actor, anthropological analyses of the state grapple with how it is produced through bureaucratic practices, people's interactions with officials, and public cultural representations. Anthropological attempts to "enculture" states have been paralleled by equally important feminist efforts to "engender" state power (Brown 1995; Sunder Rajan 2003).

Engendering the state is complex because of who defines interests or issues, which women's interests are articulated and incorporated, and who is present at the negotiating table (cf. Seidman 1999; Hassim 2002). In addition, the processes engaged in by those representing the variety of women's interests such as state agencies and government representatives, can greatly influence policy outcomes. The complexity and ambiguity of the process "challenges us to think about where a policy begins and ends" (Shore and Wright 2011: 10).

In identifying and critiquing laws, we heed Bacchi's (1999) call to consider "policies as constituting competing interpretations or representations" of issues (p. 2). The recognition and description of the issue is central because some individuals or groups are heard while others silenced, and ideas and data may be partially considered, manipulated or even ignored. These processes are imbued with interpretations and choices that reflect inequities in power and resources (Shore and Wright 2011). This includes one's ability to examine and articulate the numerous and often complex factors surrounding an issue, such as

violence considered here, creating both knowledge producers and knowledge repositories. This structuring of knowledge involves bounded spaces comprising selected activists and scholars.[1]While much of the discussion about knowledge production has focused on the differences between the Global North and Global South, there has been less attention to differences within a nation.

One main mechanism which structures intellectual realms is power differences based on a variety of aspects. It includes the differences between those who are knowledge producers and major actors in the policy or law making processes and others not so involved within a nation, as in the case of India, may be education and location in terms of proximity to the 'seat' of power such as the central government. Locational politics, based on rural-urban and proximity to the capital city, as well as the social power based on race, caste and class allow the powerful to define knowledge and influence policymaking. The powerful have the resources to be wherever decisions are being made, the information to have answers ready before questions arise, and the skills to "frame" issues for others. We draw on the above discussed ideas to examine the discourse on violence against women with specific reference to the 2005 domestic violence law in India.

Women, Violence, and Law in India

Feminist legal studies in India and elsewhere examine how law is embedded in patriarchal power. There are some who see no possibility of achieving justice through legal intervention (cf. Menon 1998). While feminist politics rarely makes a dent into the state agenda, feminist involvement with the law provides the state a possibility to enter realms which were closed to it such as the family. In addition, it is argued that feminist intervention also legitimizes state power. Some scholars, such as Menon (2004), therefore call for discarding the legal arena as a fruitful realm for change. Others, such as LC and the NCW, differ in their opinion and have been actively collaborating to pressure the state (also cf. Kandiyoti 1988; Fernandez 1997). The differing notions of working with the state in itself poses a challenge to gendered policy-making. But before turning to analyze the policy making process, we provide an overview of the 2005 PWDVA and a background about LC and NWC.

Overview of PWDVA

The Protection of Women from Domestic Violence Act 2005 was enacted to fill the gaps of existing domestic violence laws in India. This was preceded by three laws which were centered on dowry related violence. The first was the Dowry Prohibition Act which was enacted in 1961 and amended twice in the 1980s. This act explicitly covers both the giver and taker of dowry (parents or other relatives or guardian of a bride or bridegroom) as being punishable. In

1983, Section 498A was inserted into the Indian Penal Code (IPC) through an amendment. It made cruelty to the wife by husband or his relatives as a cognizable, non-bailable offense. The law was introduced into the IPC to address dowry harassment, suicide, and included mental cruelty. The third, Section 304B, was inserted into the IPC through an amendment in 1986. Acknowledging the absence of circumstantial evidence in most cases of murders that happen within the privacy of the family, this law deals with dowry deaths and transfers the burden of proof to the husband or his family.

The above mentioned laws and amendments failed to address domestic violence that was not tied to dowry alone. The PWDVA Act 2005 was the first of its kind to provide a comprehensive definition to domestic violence and includes physical, emotional, sexual, verbal and economic abuse in its definition of violence. While most of the existing domestic violence laws were criminal laws, the PWDVA is a civil law aimed at protecting women from future violence. This law ensures that women have access to their marital home, claim to maintenance and right to custody over children, rather than merely punishing the husband (Suneetha and Nagaraj 2005).

The PWDVA was a milestone in the legal journey regarding domestic violence and was innovative in many ways. First, it included relationships in the "nature of marriages" under its purview. Thus, women in cohabitating relationships now have similar rights as married women. Moreover, this act also includes economic abuse under its definition of violence. There have been cases where men deny maintenance to their wives by questioning the validity of their marriage (cf. Agnes 2011). This was particularly true in the case of marriages which were not registered but were conducted using traditional customs. However, with the inclusion of cohabitating relationships in its purview, women in this situation could claim protection under the law. Yet another innovative aspect of the law is the inclusion of a woman's "right to shared household". Often women are sent out of their marital homes by the husband and his relatives. In order to protect women from such situations, the law provides women the right to the marital home, even if the property may not be in her or her husband's name.

Considering that law-making and enforcement have not always worked in tandem in India, the PWDVA mandates the provision of protection officers, shelter homes, service providers and medical facilities. Besides the provision of rights and protection against violence, this act holds the state accountable to appoint protection officers and service providers to ensure that the law is enforced. The law also provides for maintenance orders, compensation orders, monetary relief, residence orders, protection orders and custody orders providing women a wide range of reliefs in traumatic situations.

Background: Lawyers Collective and National Commission of Women

Lawyers Collective, established in 1981, is a non-profit organization working in the field of human rights advocacy, legal aid and litigation. As per their website, LC was formed with the "specific aim of providing legal services to the community and meeting unmet needs of victims of undeserved wait"[2]. In particular, the LC Women's Rights Initiative aims to use the law to further women's rights. LC was closely involved with the campaign against domestic violence, where they initially created a draft bill on domestic violence. As a result of the campaign which lasted for more than a decade, the Protection of Women from Domestic Violence Act was enacted. In this campaign, LC engaged with the National Commission for Women to provide their legal expertise for the bill. At the same time, LC works with the larger women's movement while using its legal expertise to engage with the government.

In addressing the issue of domestic violence, LC continues to engage with the government at various levels. One, the organization publishes reports based on its evaluation of the enforcement of the PWDVA, scrutinizing the court system, law enforcement agencies and state accountability. Besides monitoring the enforcement of the PWDVA, they also conduct training programs for police officials[3]. Thus the organization has been involved in the conceptualization, framing, and implementation of the domestic violence law.

The National Commission for Women is a government body established in 1992 "to review the Constitutional and legal safeguards for women; recommend remedial legislative measures, facilitate redressal of grievances and advise the Government on all policy matters affecting women"[4]. NCW is a national level agency with commissions at the state level. The commission plays a major role in influencing the policy making process, especially those that affect women. Moreover, the NCW has the mandate to raise awareness of these laws among citizens, leading to the creation of awareness programs and campaigns to reach out to women.

In particular, the legal cell of the NCW reviews legal provisions in the constitution that safe guard women's rights and takes on cases when those rights are violated. The NCW engages with civil society organizations and proposes new laws regarding various issues that affect women. The NCW also provides support to victims when they approach the court to seek redress. The Complaint and Investigation Cell of NCW allows people to directly register their complaints regarding domestic violence, harassment, dowry, rape, desertion and bigamy. Thus, the NCW aims to engage in various stages of the legal process.

Processes and Competing Interests: LC, NCW, and State

As discussed above, processes that lead to the formulation of a law involve competing interests reflecting differences in power. We consider first the role of LC and the NCW in formulating the draft bill for domestic violence, although the 2005 law differed from the draft. We then reflect on who has the power to deliberate on the process itself. Our analysis speaks to the gendered notions of power and includes a reflection of who speaks for women's organizations and whose accounts and interpretations of processes becomes knowledge.

The issue of violence within the family and in the public sphere has been the focus of the Indian women's movement especially since the 1970s. But violence was directly related to dowry. Dowry as a practice has been typically prevalent among upper caste groups but it has found its way among the lower caste groups in contemporary times. The movement targets the state to seek legal reforms and new laws. A very early response of the state to the concerns about the effects of dowry was the creation of legislation, the Dowry Prohibition Act of 1961. This legislation did little to reform marriage, and dowry as a practice continued. According to the law, both the families that gave dowry and those that took it were guilty, but not a single case was registered until the late 1970s. Recognizing the limitation of the 1961 law including its weak enforcement, activists organized protests across the country.

One of the first protests against dowry was organized by the Progressive Organisation of Women in Hyderabad in 1975 (Kumar 1993). In subsequent years, similar protests were carried out in other parts of the country spearheaded by a number of women's organizations such as *Mahila Dakshata Samiti, Janawadi Mahila Samiliti, Karmika, Nari Raksha Samiti* and *Stri Sangharsh,* which included student activists from Indraprastha College Committee, and the Progressive Students' Organisation.

At this time, the state's involvement in the dowry issue began with the Prime Minister's declaration of measures to combat dowry in 1978 (Kumar 1993). A number of activists, for example, the members of Forum against Oppression of Women (FAOW) in Mumbai, exposed and resisted violence against women in general by seeking legal changes. FAOW, which originally began as an anti-rape campaign in 1979, raised awareness regarding dowry-related violence in later years. It specifically demanded new laws and effective implementation of existing laws to protect women's rights.

At the national level, dowry as a gender issue and as an act of violence against women gained momentum in the scholarly work of several activists (Kumar 1993; Kumari 1989; Kishwar 1988), as well as through the women's

movement. The literature on violence against women and dowry often grew out of women sharing their experiences in small consciousness-raising groups. Following the campaigns and protests in the 1970s and 1980s, violence against women became a central issue for women's movement groups and organizations (Kumar 1989).

Women activists became disillusioned with the state's inability to enforce dowry laws and redefined the problem by drawing attention to 'dowry deaths' that began to be increasingly reported in the media. Activists in India, however, disagree on the framing of dowry deaths. For instance, Kishwar (1988) points out that the issue of dowry was not linked to women's rights to property but that instead dowry-related violence was connected to domestic violence. Others, such as Agnihotri and Mazumdar (1995), note that the campaign itself projected the 'women as victim' image to seek change. While there is an overarching concern and recognition to challenge dowry, there are differences in projections amongst activists.

Follow-up of such deaths by women's organizations led to the appointment of a Joint Committee of the two Houses of the Indian Parliament (Lok Sabha and Rajya Sabha) to re-examine the existing law. Scholarly work does not include details of which women's organizations, if any, were engaged in the drafting of the bill. The ensuing legislation (Section 498A of the IPC) in 1983 raised the punishment for accepting dowry and decreed that in cases where a woman died an unnatural death, her property would devolve on her children or be returned to her parents. The IPC states that a woman's death any time within the first seven years of marriage will be investigated, and the Dowry Prohibition Act now requires the government to maintain statistics on dowry deaths (Banerjee 1999). In spite of this legislation dowry deaths continued (Purkayastha et al. 2003).

As a consequence of lobbying and campaigning against the practice of dowry, a second amendment, Section 304B, was introduced into the IPC in 1986. It created a new offense of 'dowry death.' This provision made it possible to prosecute the husband and in-laws of a woman if she died of an injury or burns within seven years of marriage under suspicious circumstances or if it was shown that she had been subject to cruelty by her husband's family. But the provision had two main weaknesses. First, women's organizations realized that the sole focus on dowry and related violence and death was narrow and failed to encompass other forms of violence women faced within the home. While Section 498A could still be evoked, it was not possible to use 304B if the violence and/or death were not related to dowry. The second weakness was the ambiguity in the definition of 'cruelty.' The vagueness in the definition made it difficult for women to prove sexual violence or threats of violence (Jaising 2009).

The shortcomings in these amendments (Sections 498A and 304B) made it imperative to seek a new law that would combine civil and criminal elements. In 1993, the NCW approached LC to prepare a draft bill on domestic violence. LC engaged in a campaign to develop a final version of the bill. We use the account of Indira Jaising of the LC to provide an overview of the process. The intent of the draft bill was to recognize domestic violence as occurring within the framework of intimate relationships in a "situation of dependency, making reporting and access to legal aid and other support services difficult" (Jaising 2009: 52).

Although the first draft of a civil law was presented to the NCW in 1994, a campaign for the law began only in 1998. Recognizing the need for a consensus, LC organized a national colloquium on domestic violence called "Empowerment through Law." It involved lawyers, academics, activists and appellate judges (Jaising 2009). The draft bill was discussed and revised. It specifically defined domestic violence and focused on shared household and the right to residence, the need for protection officers, and reliefs under the law.

This was followed by a series of consultations with women's groups across the country. In addition, the draft bill was circulated to lawyers for comments and feedback. This wider deliberation between 1998 and 2001 led to debates on various aspects of the law. Specific aspects of the law were discussed and decided upon, including making the bill gender-specific as the violence faced by women is gendered, only a mother as an aggrieved person could bring an application on behalf of her minor child, and the provision for a woman to bring action against her husband and his relatives, limiting the effects of dispossession on women alone.

The final version of the bill was submitted to NCW and other government departments. The bill was introduced by the government in March 2002. It differed from the draft prepared by LC in that the government's emphasis was keeping the 'family' intact rather than preventing violence against women. The government bill also lacked a clear definition of cruelty. As women's groups expressed outrage at the bill, it was referred to the Parliamentary Standing Committee on Human Resource Development to examine the provisions again.

The report of the Standing Committee submitted in 2002 accepted most of the suggestions made by LC. But there was no initiative from the government to reformulate the bill. Although women's groups continued to lobby the government, the bill lapsed as the *Lok Sabha* was dissolved. The bill was eventually taken up by the United Progressive Alliance (UPA) government in 2005 and passed as law. Between 2004 and 2005, the bill moved across government departments and was revised substantially.

The above narration of the process of law making by the state was at least somewhat in response to the intense protests by women particularly in Delhi and in other parts of the country. Protests against specific cases of dowry related violence and death further compelled the state to act which led to the two amendments, Section 498A and 304B. Although LC existed at the time of these amendments, there is no direct evidence of their specific involvement in the resulting amendments. In addition, there is also no evidence of any consultation between other women's movement groups (besides LC) and state agencies or departments. So state feminism or access to the state policy making arena and influence of outcomes was limited or perhaps non-existent prior to 1993. More importantly, it raises concerns about whether state structures (law making and enactment by parliament) are inclusive of women and their interests.

Although LC is an NGO, it was not entirely outside the purview of the state because the Indian government has monitored NGOs through registration laws and through funding stipulations. Moreover, as LC attempted to blur and transcend the boundary between state and non-state arenas by doing the ground work for the content of the law (the national colloquium and consultations with women's groups) and somewhat doing the work for NCW as well, it also set the boundary between the two arenas apart. Yet it demarcated the Parliament as being the powerful and dominant actor as it can create legislation (cf. Ferguson and Gupta 2002).

The discourse, particularly for the two amendments, was narrow and focused exclusively on violence related to dowry for women's organizations. But the government, as mentioned above, exerted its power to define this violence in specific ways without deliberations with women's organizations. However, the relevance of legal intervention for change in gender relations and for women's power is itself debated among scholars – both activists and those in the academy (anthropologists, sociologists and political scientists).

The period between 1993 and 2005, when the new law on domestic violence was enacted, differed from the previous decade. The PVDWA's origins lie in the efforts of LC to initially formulate a draft bill and then develop a final draft through a consultative process with both women's groups across the country as well as scholars and lawyers. In this effort, the state interpretation of violence is narrow as the emphasis is on dowry as the basis for the violence. In addition, provisions in the law convey the state's interest in keeping the 'family' intact rather than address the violence women face.

LC's primary objective, with NCW's support, appears to be women's rights and protection from violence. LC partnered with NCW to create a draft bill

which failed to be adopted by parliament pointing to the power of the state to make a law that does not reflect the concerns that emerged from the broader consultative process. Therefore, the alliance between LC and NCW was not completely effective in making the state more inclusive of women and their interests.

Why was this policy-making process ineffective? This, we speculate, is because NCW, despite being a state agency, has relatively less power when compared to other state departments to be able to challenge the competing interpretations of what constitutes domestic violence. Both LC and NCW were not heard by Parliament. The initial deliberative process became what Shore and Wright (2011) describe as infused with interpretations and choices that reflect inequities in power and resources.

At one level, LC and NCW had the same goal which was to maintain gender at the center of the law but both were marginalized as Parliament determined the content of the law. More interestingly, in spite of being a state institution charged with reviewing the legal safeguards for women and advising the Government on all policy matters affecting women, NCW was clearly set apart as having less power than the masculinized Parliament. According to Wendy Brown, "The masculinism of the state refers to those features of the state that signify, enact, sustain, and represent masculine power as a form of dominance" (1995: 167). However, the hegemonic image of the state is complex as the various institutions of the state may exert varying authority and power.

It is also important to note here that in the absence of information on which women's groups participated or how selections/invitations were made, it is not possible to determine clearly the steps in the process. Therefore, the above narrative draws attention to three aspects. First, who has the power to construct knowledge about both the violence against women and interpret the process of law making and second, who engages in the deliberative process initiated by a women's group such as LC. Third, NCW as a state agency, collaborating with LC, exerted considerably less leverage and power relative to the masculinist national parliament. Therefore state institutions may exercise varying power.

Concluding Remarks: Policy Process, Violence and Knowledge Construction

The women's movement has brought the term "violence against women," as related to the family, into the public sphere since the 1970s. And while there are differences between women's organizations and the state (specifically Parliament) on the definitions of violence and what constitutes women's rights, it is necessary to consider what is encompassed within 'violence against women' as advocated by women's rights groups too. For instance, while caste

based violence has been protested by women's groups, only specific cases are often addressed. Dowry itself is a predominantly an issue among the upper and middle level castes. Poverty and the notion of associating specific rituals and practices with caste categories make dowry almost a non-issue among the lower castes. But, this does not imply the non-existence of other forms of violence against women from the lower castes.

Despite a large body of legislation and other mandates assigned exclusively to deal with the predicaments of Scheduled Castes (SCs), the persistence of caste based prejudices and the denial of access to land, education, and political power have all contributed to an atmosphere of increasing intolerance. Violence against *dalits*, and *dalit* women in particular, which has steadily climbed since 1994, is the extreme form of that intolerance (cf. Rao 1999; Subramaniam 2006). The tendency of women's organizations has been to emphasize commonalities among women rather than acknowledge and incorporate differences in the processes of law making. Not completely visible in the processes within the women's movements is the power dynamics associated with the differences based on caste, class, and the activist-scholar overlaps.

One cannot also dismiss the locational politics in who gets heard and who participates within the women's movement as well as in deliberations with state agencies. Our reference to locational politics is about both the social location and geographic location in terms of being closer to the seat of formal politics, Delhi. The failure to actively gender, by recognizing intersections with caste and class, the representation of the problem and process and to tackle the apparent demarcation between the public and the private, facilitates an individuated and a gendered response to the gendered intersectional nature of violence.

An anthropological approach to the study of policy incorporates the full realm of processes and relations involved in the production of policy; from the state's policy makers (including state institutions) and their strategic initiatives to other non-state actors. However, we point to a significant aspect of the process that has received little attention in policy research; that is the recognition of complexity and challenges involved as non-state actors work with state institutions to create policy. But it may require social scientists to view the apparatus of the government as being inclusive of non-state actors as well in an effort to understand the politics of gender policy-making. This complicates the debate about whether feminists engage or not with state institutions.

In contemporary times, the blurring of the boundary between state and non-state actors makes it more difficult to determine whether states should directly aim to make gender related policy and whether feminists should get involved with state institutions and processes. But NGOs and other women's movement

groups do not work in an isolated space unaffected by the state and its practices. They are compelled to rely on government processes to make and enforce laws. It may therefore be useful for activists and women's movements groups to consider 'femocrats.' The process analyzed in this paper raises another major concern often overlooked by those interested in policy; state institutions exert differential power and those engaged in women's issues are generally at the lower rungs of the vertical masculinist power of the state.

Notes

[1]For an elaboration see Purkayastha and Subramaniam (2004) and Subramaniam (2004).
[2]http://www.lawyerscollective.org/about-lawyers-collective/history.html
[3]http://www.lawyerscollective.org/domestic-violence/activities.html
[4]http://ncw.nic.in/frmABTBreifHistory.aspx

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