



THE NATIONAL FORUM FOR SINGLE WOMEN'S RIGHTS

AND

THE CENTRE FOR EQUITY STUDIES

REPORT:

OVERCOMING EXCLUSION OF SINGLE WOMEN IN THE SOCIETY

APRIL 2015

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1. INTRODUCTION

“It's a man's world!” And without a man in her life, does a woman have a life? What is her identity? How is she perceived by society? Society knows, but doesn't know; society sees but doesn't see. The lakhs and crores of women, who are widowed, abandoned, deserted, thrown-out, divorced, or women who have never married – society knows we are here, but society doesn't see us. Who are we? How do we live, how do we survive?¹

The above are introductory lines to a seminal study (2011) on the status of low-income single women in India. The study, undertaken by single women themselves as researchers, is called ‘Are We Forgotten Women?’ Through this title, the authors, who are single women, stare us in the face and ask, rather question, if we - the society, have forgotten, or worst still, knowingly invisibilised the existence of single women. The authors also make known that instead of waiting for us to pay attention, they have – after centuries of marginalisation and discrimination – organised, mobilised and united as single women to look after each other and advocate for their rights and dignity. The authors identify themselves as members of the National Forum for Single Women’s Rights or the *Rashtriya Ekal Nari Adhikar Manch*.

In a welcome departure from the past and as a result of the sustained advocacy efforts of the National Forum for Single Women’s Rights (hereafter National Forum) in India, single women have received recognition in the Twelfth Five Year Plan 2012–17. The Plan has highlighted the need to respect the status and choice of not just widows and divorced women but also of women who are single and did not marry by choice. In her foreword to the 2009 volume, ‘Our Lives, Our Struggles’ – a National Forum publication that documents case study narratives of single women – Dr. Ginny Shrivastava, who heads the National Forum, notes: ‘The stories [of single women] are not “nice” stories – they tell of human cruelty, of wicked superstition, of systemic corruption, of age-old cruel caste customs. Women discarded, abandoned, murdered. But generally, women have survived, and brought up their children, through the sweat and blood of their labour. They are strong women, not weak women!’

According to the 2001 census, 7.4% of the female population of India is “single”. There were 3,43,89,729 widows in India, and 23,42,930 divorced/separated women – a total of 3,67,32,659 single women – well over 36 million.² ‘This figure is likely to increase with the inclusion of “customarily” separated women and women whose husbands are missing.’³

‘...All too often, women are not treated as ends in their own right, persons with a dignity that deserves respect from laws and institutions. Instead, they are treated as mere instruments of the ends of others — reproducers, caregivers, sexual outlets, agents of a family’s general prosperity.’⁴ In a patriarchal society such as India, a woman’s identity is necessarily perceived in relation to a man (father, husband, brother, son), whom she is subservient to and dependent on for survival. Women not under such ‘male protection’ then represent an aberration in the pattern of social organisation. This earns them the scorn and fear of the larger society, which tries in various ways to deny any assertion of their personhood. These women find themselves having to constantly defend or fight the stigma of ‘singleness’ in the wake of a pervasive ideology of marriage and family. Their ‘well-being’ and social acceptance is often equated with marriage.

¹ *Are We Forgotten Women? A Study on the Status of Low-income Single Women in India*. (2011). National Forum for Single Women's Rights.

² *Our Lives, Our Struggles*. (2009). National Forum for Single Women's Rights.

³ Dhar, A. (2012, September). Good news for single women in 12th plan. *The Hindu*. Accessed here: <http://www.thehindu.com/news/national/good-news-for-single-women-in-12th-plan/article3867569.ece>

⁴ Nussbaum, M. (2000). Wome's Capabilities and Social Justice. *Journal of Human Development* , 1 (2).

For the National Forum and other organisations engaged in advocacy work for single women, ‘single women’ have come to refer to those women who are widowed, never married (or remain single by choice and/or circumstance), separated, divorced or are ‘abandoned’⁵ or cast off by their spouses. These single women in India constitute a disadvantaged, impoverished and vulnerable group who are discriminated in the society and excluded from the policy fold. If included, they are lumped together as a homogenous category, without attention to the specific challenges they face as women who widowed, separated, divorced or remained single by choice or circumstance. Not capturing the diverse, context-specific, yet similar experiences of single women in public policy and law has translated into the continued invisibilisation of single women in the society at large.

The exclusion of single women from public policy and law is an extension of the inherent patriarchal societal bias against them. ‘Despite being both economically and socially vulnerable, single women are hardly mentioned in the literature on poverty, in public debates on social policy or even by the women’s movement.’⁶ While this is gradually changing with the concerted efforts of single women’s rights networks in India, there is a paucity of existing social policy research on single women, especially in relation to the experience of caste, class, religion, indigenous and ethnic identity, gender, disability and illness, sexuality and age and geography. Such interlocking identities frequently disadvantage single women, resulting in indignity and psychological distress, multiple capability deprivations and unequal freedoms that prevent them from exploring their full potential as individuals.

Rooted in the above recognition, the objective of this research was to understand the lived experiences, across rural India, of diverse groups of single women who are socially and economically impoverished. Especially, to examine how single women, individually and collectively, negotiate their identity and entitlements as equal citizens in everyday life, and to grasp the interaction between singleness and identities of caste, religion, illness, disability etc. This report, a joint collaboration between the National Forum for Single Women’s Rights and the Centre for Equity Studies (CES), New Delhi, presents its findings on the lived experiences of single women from three Indian states, namely, Punjab, Gujarat and Assam. The fieldwork for this study was undertaken in 2013 and the findings analyse the personal and group narratives of economically impoverished and socially disadvantaged single women. These narratives constitute the primary data collected chiefly through participatory conversations as part of Focused Group Discussions and Personal Interviews to explore the research objective.

The key research findings that emerged from the discussions in Punjab, Gujarat and Assam are as follows:

- *Social stigma and societal discrimination* - Social norms, prejudice and abusive behaviour that restrict the ability of single women to lead a normal life, as well as broader discrimination against single women remain highly prevalent. While the organisation of single women in Gujarat and of single women as part of women’s groups in Assam is very commendable, *divorced, separated and never married women* remain underrepresented in such collectives, and invisibilised in society and public policy in general. Section 3.1 and 3.2 of the report highlight the causes of single status, the reasons for breakdown of family support and the specific vulnerabilities of widowed, divorced, separated and never married women.
- *Barriers to accessing government services and legal justice* - With regard to entitlements for single women, while they may or may not necessarily face overt

⁵ ‘Parityakta’ or women who ‘were abandoned’ is often considered derogatory usage. The preferred usage is to refer to refer to them as women who separated.

⁶ Chen, M.A. (2000) *Perpetual Mourning: Widowhood in Rural India* (USA: Oxford University Press).

discrimination with regard to their singleness, there is a degree of callousness with which officials view these entitlements. They are not seen as pressing, essential entitlements necessary for the survival of single women, and thus ensuring access to them is not seen as a priority. Such a view makes it that much more difficult for a single woman to gain access to government services and legal justice. Section 3.3 identifies, *inter alia*, corrupt and biased authorities; procedural and documentation hassles and rigid design of schemes for single women as the key barriers.

- *Impact of multiple vulnerabilities* - Social discrimination and difficulties in accessing state support for single women is heightened in the presence of multiple vulnerabilities. This is perhaps most clearly apparent in the case of disabled and HIV+ single women, but also impacts single women with other vulnerabilities to varying extents. For instance, a single woman who is HIV+ is doubly discriminated on the basis of her single status combined with her stigmatising illness. Similarly, a divorced, tribal woman is not only persecuted because of her broken marriage, but also more vulnerable to the social evil of witch-hunting prevalent among Scheduled Tribes (STs) in Assam and Gujarat. This is examined in Section 3.4.
- *Impoverishment and implications of discrimination* - ‘Gender inequality is strongly correlated with poverty. When poverty combines with gender inequality, the result is acute failure of central human capabilities.’⁷ In many spheres single women are not actively discriminated against, but their relative poverty and tight finances mean that they are unable to participate in SHGs, collectives, in private schooling for their children, etc.
- *Strength in numbers, importance of organising* - In the above context, organising women so that they are more aware and assertive about their rights becomes extremely important. For these women, where old or traditional support groups (natal or marital kin) break down upon widowhood or after separation or divorce, the collectives (*sangathans* or *sangha*) become the family. Women are better able to challenge social norms, secure entitlements, fight for legal justice when they are organised, either as single women or as part of another collective. Through collective action, single women have been able to hold both society and governments accountable. Section 3.5 canvasses the mobilisation efforts of women’s organisations and the experiences of single women before and after their membership to a collective.

Collectivising and mobilising marginalised women towards greater awareness about their rights is a crucial step forward in the struggle for gender equity. For women who are organised, the category – ‘single women’ – has graduated from being a reductive label that excluded them on the basis of marital status to becoming a shared, political identity they actively deploy to negotiate their social identity and entitlements. The findings of this report establish that the same women, who were severely abused and too fearful to raise a voice, when organised into collectives, cope differently over a period of time and are able to assert themselves with greater courage. The summary discussion in Section 4 concludes with a commentary on the debilitating impact of societal discrimination and the triple burden of ‘patriarchy, patrilocal residence and patrilineal inheritance’,⁸ which is the cause of acute assetlessness and impoverishment among single woman.

The aforementioned findings and discussion should necessitate the state to make budgetary provisions to support organisational efforts that women’s organisations undertake. This is the

⁷ Nussbaum, M. (2000). Women's Capabilities and Social Justice. *Journal of Human Development*, 1 (2).

⁸ Chen, M.A. and Dreze, Jean. Widows and Health in Rural North India. *Economic and Political Weekly*. October 24-31. 1992.

first recommendation in Section 5. Other recommendations foreground the role of the state in facilitating access to land for women to pursue shared livelihood activities; institutionalising gender budgeting; removal of barriers for accessing social security services; the need for adult education, legal aid cells and thoughtful public awareness campaigns (against alcoholism-induced violence, HIV AIDS stigma, other disabilities); a woman's right to marital property, inheritance, maintenance; ensuring substantive political participation of women in local self-governance bodies; eliminating the practice of witch-hunting; holding tea estate managers accountable for better living conditions of tea plantation workers; the rights of survivors of communal and ethnic violence; and better data collection to visibilise the concerns of single women.

Future research can importantly illuminate understanding about the lives of women residing in geographic contexts and circumstances that are yet uncovered. It can importantly visibilise the specific vulnerabilities that single women *and their children* face in urban, semi-urban areas, including their experience of inhabiting city shelter homes; the plight of women in institutional 'care' ('mental hospitals', prisons) and of single women and transgender groups engaged in sex work; riot, conflict and disaster affected single women; and the nature of single women's political participation in Panchayati Raj Institutions (PRIs). For the purpose of this study, only women who widowed, separated, divorced or never married were met with. However, the lived experiences of low-income 'unwed' mothers, married women with emotionally neglectful husbands, single women in polygamous relationships and women whose husbands have migrated, disappeared or are forcefully detained also constitute a critical inquiry. There is also a great need to map the change and document the positive impact of collective action on the lives of single women. This should include the experiences of field conveners with women's organisations who strive hard to mobilise single women across regions.

2. NOTE ON METHODOLOGY

In all three states, Punjab, Gujarat and Assam, we relied primarily on Focus Group Discussions (FGDs) with single women, involving a broad ranging discussion around the socio-economic aspects of singlehood, the attitudes of family, community and government towards single women, and their own perceptions of their single status. A range of organisations that have been working to establish collectives of single women in particular, and advocating for their rights of women in general, facilitated these FGDs. [See *Appendix* for Questions Matrix].

With the hope that women's personal and group narratives will illuminate understanding of the processes of marginalisation as well as their individual and collective efforts to cope, the research methodology employed qualitative, open-ended FGDs, complemented with Personal Interviews (PIs) where necessary. The FGDs were 'focused' only insofar as they sought to grasp the specific nature of interactions between single women and their families, the community and the government. In essence, these were freewheeling, spontaneous and unhurried conversations that transpired in a setting of empathy and trust; and offered a window into the women's thoughts, memories, experiences and aspirations.

It was felt that a structured survey would inadequately capture the subjective experiences and processes of exclusion that devalue women. The choice of qualitative methods reflects this concern. This is well articulated in Karin Kapadia's introduction to the book, *The Violence of Development*⁹ – an edited volume of essays, which establish that we are in fact witnessing deterioration in women's position in contemporary India. Kapadia argues that 'complex and

⁹ Karin Kapadia (ed.), *The Violence of Development: The Politics of Identity, Gender and Social Inequalities in India* (Delhi: Kali for Women, 2002).

contradictory impact of current development processes and concomitant processes of modernisation cannot be measured solely through quantitative data',¹⁰ for these insufficiently investigate the socio-cultural and political phenomena that impoverish women (for instance, the patriarchal attitudes that deny women the access to their customary share in land and inherited property). Statistical data on female access to education, paid employment and sex-based gaps in life expectancy may evidence a favourable scenario for women's development, but these 'hide more than they show'.¹¹

At the outset, to gain informed consent, the researchers self-introduced themselves and shared with integrity the rationale and objective of the research. The groups mostly gathered at village *anganwadis* or local district offices of women's organisations. The time made available by women for these discussions is what made this research possible. In an effort to collapse the researcher-respondent hierarchy, the team urged the women to facilitate the process themselves and take this opportunity to steer the conversations towards issues they wished to highlight. Engaged in intent listening, the research team occasionally guided the flow of the discussion to draw out any specific or relational narratives.

As the rapport was established, the conversations flowed. The women uninhibitedly shared the deeply personal and frequently painful experiences they had had with husbands, families or wider community. They also shared equally personal accounts of courage, strife and the inspirational role of *sangha* in their lives. On themes such as marriage, sexuality and singleness, the women heatedly debated and defended their opinions, quipped, joked, sang related songs, and in many cases, engaged in light-hearted banter, laughter and dance. The group discussions, with the flexibility to break into parallel personal dialogues, offered a mutually supportive and respectful group environment that enabled women to talk freely. This was true for all FGDs except the one with widowed women in Marigaon, Assam, wherein the tense presence of a widowed mother-in-law and her widowed daughter-in-law in the same group affected the overall flow of the interaction.

In Punjab (March 2013), we facilitated a total of ten FGDs across districts of Fatehgarh Sahib, Ludhiana, Sangrur, Mansa, Tarn Taran and Amritsar city with single women (SCs, Muslims, disabled, HIV+, widows of farmers who committed suicide, General category). In Gujarat (March 2013), across Ahmedabad city and regions of Saurashtra (Amreli), Rapar (Kutch), Anjar (Kutch), Palanpur, Devgarh Baria and Khambhat, we facilitated a total of nine FGDs. Many FGDs were with groups of single women (SCs, STs, Muslims, disabled, HIV+) who face other disadvantages or vulnerabilities, in addition to being single. In both these states, the researchers felt that separated, divorced, never married women were underrepresented in single women groups. To act on this realisation, the research team facilitated fourteen FGDs (in October 2013) with women who separated, divorced and never married, and one FGD with widows, across districts of Middle Assam, that is, Darrang, Marigaon, Nagaon and Sonitpur. These FGDs saw the participation of women from diverse groups in Assam- STs (*Tiwa* tribals), OBCs, SCs, General, Muslims, tea plantation tribals and Nepali community.

The majority of single women who participated in Gujarat and Assam were members of women's collectives or other networks, and therefore organised; while the women in Punjab were most not organised. The FGDs facilitated covered approximately a total of 300 single women across the three states. [See Table 1.1 for a bullet summary of experiences from Gujarat, Punjab and a visit to Rajasthan].

Ethical concerns

¹⁰ Kapadia 2002, p. 32.

¹¹ Kapadia 2002, p. 32.

Privacy: At the heart of the research was a sensitive topic that relied on single women sharing extremely personal and intimate details about their lives and journey of coping. Due care was given to the nature of questions and how they were asked. The privacy of the women was respected to not cause any hurt. In an excessively patriarchal setting like Punjab, most women were reluctant to overtly discuss if they were abused and subjected to violence. Recognising that sensitive issues of domestic violence and abuse could not be approached unless significant rapport was established, the researchers had planned for the FGDs to unfold over 2-3 hours. This enabled the women to open up in a group setting or share their thoughts individually or separately with the researcher(s).

Informed Consent: It is a common experience for researchers to be taken as persons from the government who would help the community with benefits. Saying one thing while intending another misguides the respondents about the goals of the research and may also translate into unmet expectations. Therefore, making explicit the objectives of the research at the outset paves the way for an honest interaction with informed consent from the participants.

Exhaustion: Sharing a painful part of their life is a difficult process for many single women and previous experience cautions against any persistent questioning that might open old wounds for them. Widows of farmers (who committed suicide in Punjab) informed of over-exposure to civil society activists, filmmakers and journalists who came to document their stories and never returned. CES researchers, after they sensed the frustration and anguish of these widows, decided against the FGD.

Linguistic challenge: In Gujarat and Punjab, CES researchers who undertook fieldwork spoke the local languages of the states. This positively influenced the overall experience of establishing rapport, navigating local places and conducting FGDs and personal interviews. Not knowing the local language and relying on translators may, at times, contribute to unintended misinterpretation and misrepresentation of the information shared. In Assam, care was taken to jointly facilitate and subsequently interpret the FGDs with members of Assam Mahila Samata Society.

Follow-up: The research team had hoped to revisit the states and follow-up on a few individual cases to document them as detailed oral histories. However, this remains to be undertaken since constraints of time and resources prevented the collection of oral histories. It is also hoped that, in collaboration with local partners, the analysed findings and recommendations presented in this study would be shared with single women (participants) across the three states.

Table 1.1 Experiences from Gujarat, Punjab and Rajasthan.

Gujarat
<p>In Gujarat, we conducted a total of nine FGDs across Ahmedabad city and regions of Saurashtra (Amreli), Rapar (Kutch), Anjar (Kutch), Palanpur, Devgarh Baria and Khambhat. Many FGDs were with groups of single women (dalits, Muslims, disabled, HIV+) who face other disadvantages or vulnerabilities, in addition to being single. The issue of property rights and transfer of assets to single women came up repeatedly in our discussions. Employment is another area of major concern, and women have no choice but to take up low-paying, hard and sometimes degrading work to make ends meet. Government programs for training and increasing employability of single women have generally been ineffective. For most government programs, the critical issue seems to be difficulty in applying and qualifying for these programs. Eligibility criteria and documentation are extremely burdensome, and the bureaucracy remains largely insensitive to the needs and problems facing single women.</p> <p>Overt discrimination in public institutions, for instance, hospitals and schools, specifically against single women did not come up as a major issue. However, the societal stigma and</p>

discrimination faced by a single woman, especially in rural areas, remains extremely high. Single women's organisations in Gujarat have done a highly commendable job of organising women to tackle to social and bureaucratic hurdles facing them. However, a few areas that remain under-addressed include the inclusion of divorced, separated and never married women in these groups, and a more concentrated approach to involving women facing multiple disadvantages, for instance, disabled, HIV+ and tribal women, into single women's organisations.

Punjab

In Punjab, we conducted a total of 10 FGDs across districts of Fatehgarh Sahib, Ludhiana, Sangrur, Mansa, Tarn Taran and Amritsar with single women (Dalits, Muslims, disabled, HIV+, widows of farmers who committed suicide). Like in Gujarat, the lack of livelihood opportunities and the want for employment was most pronounced among single women in Punjab. Most single women in Punjab busy themselves with unpaid, care work at home or as marginal farm labour, while many others work as domestic workers (even as animal 'scavengers' disposing buffalo dung) in the pind (or village). Due to societal control on their mobility and concerns about their safety, seeking employment outside is discouraged. NREGA work is haphazard, sometimes sanctioned and otherwise stopped or not availed off by village panchayats. The near absence of fully functioning Panchayati Raj Institutions (PRIs) in Punjab is an unfortunate reality. While a meager pension of Rs. 250 was a cause of extreme distress across all groups of single women, the distress was more pronounced for widows of farmers who committed suicide. These widows, if they have an acre of land to their name, are rendered ineligible for pensions.

In Punjab, the combination of patriarchy, unemployment, decline in agriculture, high illiteracy, caste and party politics and drugs and alcohol, militates against a nurturing environment, which respects the dignity and autonomy of women as equal citizens. Social discrimination, income poverty and the resultant inability to access towns to avail treatment emerged as the chief vulnerability among single women who are HIV+. However, these single women were coping and forging ahead, individually and collectively, despite all odds. With regard to implementation challenges, Punjab (especially, the blocks of Sirhand and Khanna) offered a small window of hope; bureaucratic officials with requisite sensitivity and awareness succeeded in overcoming administrative hurdles to effectively deliver entitlements to single women. We met two CDPOs who exhibited such sensitivity and awareness and were willing to proactively assist single women to access pension amounts.

Both, in Gujarat and Punjab, there is a need for government support to necessarily parallel community awareness and mobilisation efforts on the ground. Meeting widows of farmers who committed suicide or widows (Dalits, Muslims, disabled or HIV positive) highlighted the particular context that acutely disadvantages single women who are already negotiating their singleness in everyday life. Formulating policies, which enable women to gain a rightful share in property and assets, is critical to reducing their dependence on others. Further, a more sustained focus to increasing employability, coupled with priority for single women in certain government jobs (for instance, anganwadi teachers and helpers, ASHA workers, etc.) can go a long way in improving the economic status of single women. A focus on administrative reform, enabling easier access and eligibility for government programs and effective delivery of services can do much to alleviate the suffering of single women.

Rajasthan

In Udaipur, Rajasthan, we attended the Annual meeting of the Widow Leaders of the National Forum for Single Women's Rights or Ekal Nari Shakti Sangathan (ENSS) and went to observe the difference collectivisation and organisation has made to the life of single women with respect to their agency and self-identity in the society.

Around 90 widows attended the three-day workshop, which focused largely on capacity training and awareness-building for the women, with experts from various fields talking to them about education, health, government entitlements, political representation etc. There were also problem-solving sessions where ENSS merely moderated and the widows themselves suggested solutions to problems on themes like land alienation and restrictive social practices. Throughout the workshop, the women were encouraged to evaluate their specific circumstances and discover ways of resolving their issues in a way that makes them self-reliant and independent.

They spoke at length about the confidence they had gained in advocating for their basic entitlements like the widow pension and all other basic services and how they are aiming to mainstream single women's demands into the larger political debates at the gram sabha level in their own villages. The sessions and our subsequent interactions with the widow leaders clearly highlighted the positive impact of organising and collectivisation in the lives of women as part of the Sangathan on the lives of the women. The women themselves reiterated that being part of the collective had reduced the discrimination they faced from people in their own communities and also allowed them to have a greater decision making in the household as compared to earlier.

3. REVIEW: SINGLE WOMEN IN PUBLIC POLICY AND LAW

The Indian state and the perception of women, particularly single women:¹²

During the initial five-year plans, a welfare-ist model governed the state. Welfare policies were intended to cater to the special needs of persons and groups who by reasons of some handicap – social, economic, physical and mental were unable or conditionally denied the amenities and services provided by the community. Women along with SC, STs and physically and mentally 'handicapped' were considered to be eligible for welfare. Women's problem was perceived to be arising from them being 'handicapped' by certain social customs and values. The construction of the women's problems through such a narrative was evocative of an essentially middle class bias – that women were essentially homemakers and sometimes, unfortunate victims who needed help.

Amongst those provisions that addressed women issues first were health care and welfare benefits in their maternal and child bearing roles. For example in the first plan, the health plan included only health services for mothers and children. 'Family limitation or the spacing of children it was said was necessary and desirable in order to secure better health for the mother and better care and upbringing for the child.'¹³ Similarly, the health plan of the second five year did not even mention women in the context of maternal and child health but only in the with respect to family planning. Welfare policies were also directed at single women who were perceived as being eligible for welfare on account of their 'handicapped' status, that is, outside the ambit of the family. Shelter homes, short stay homes, measures for the rehabilitation of destitute women, were some of the measures adopted for single women during this period.

Such welfare policies however did not analyse women's problems and why they existed. They did not attempt to challenge the patriarchal traditions, which perpetuated and created these problems rather they accepted the situation as almost inevitable and treated only their manifestations, that too in a small measure. 'They clearly accepted the unequal economic and

¹² Paper (unpublished) on Social Protection and Single Women, Centre for Equity Studies, compiled by Gayatri Sahgal.

¹³ Steering Committee on Family Welfare, Planning Commission.

social relations without questioning the why and how of these relations and taking the household as the unit for all benefits, looking at the individual particularly women only when they faced specific problems and to deal with them only through the provision of welfare service.¹⁴ The sixth plan onwards the state reluctantly began to recognise women's contribution to economic development and sought to bring in equity considerations in various social security measures. Under the new approach, women were no longer seen as subjects of welfare but as potential agents of development.

A National Plan of Action (1980) for women was prepared during this period, a working group on the employment of women for the planning commission made several recommendations to improve the productivity of women's traditional occupations to improve their access to training and skills and to open up opportunities in non-traditional sectors. The Ministry of Agriculture also constituted a national level committee on the role and participation of women in agriculture. Though the magnitudes of women's problems were defined during this period, the family rather than the woman remained the basic unit of analysis. The response of policy makers was restricted to creating special women's department, women's projects and special components. The various women's programmes remained disconnected from each other such that there was no over all coherence. 'Women's programmes were considered to be the responsibility of the Women and Child Development Department and not of the entire administrative set up.'¹⁵

Further the national perspective plan for women did not focus on single women as a separate category. The plan included 27 schemes for women, which included, strengthening and improving women's work and employment, economic rehabilitation of women, providing short stay homes for girls/women facing exploitation etc. Such schemes only addressed the manifestations of the problem. Consequently the impact of such efforts was limited and piecemeal. The state did not make any efforts to dislodge traditionally entrenched patriarchal norms that pervaded every institution in society. Example, temporary shelter homes for women were established without challenging the very processes that contributed to women becoming destitute.

In the aftermath of the 1984 riots witnessed the state announcing death pensions to the widows of those who had died during the Sikh riots. This was similar to the response of the state in the period immediately following independence, when the state provided for the rehabilitation and training of the widows of those who had died during the partition. The state thus conceived itself as having a responsibility to widows if their husbands had been killed in conflict situations-situations in which the state was unable to protect its citizens. Thus the state stepped in and provided relief to widows, if it felt responsible for the death of the husbands. If the husbands however died routine deaths, there was no substitute 'husbanding' by the state.

The 1990's ushered in the neo-liberal era of economic reforms, which included liberalisation, privatisation, and globalisation of the Indian economy. This was accompanied by a discourse that championed the role of the market economy as being the most efficient in resolving economic problems of scarcity, and called for the retraction of the state from the economic and social spheres. The underlying philosophy of this new approach was that unlike the state where resource allocations are determined by the arbitrary will of the few, forces of demand and supply, predicated on individual choice, determine the allocation of resources in a market economy.

¹⁴ Buch, N. (1998, 19). State Welfare Policy and Women 1950-1975. *Economic and Political Weekly*.

¹⁵ Krishnaraj, M. (2000). Women's Perspectives on Public Policy in India: A Half-Century of Incomplete or Lost Agenda?. *Economic and Political Weekly*, 4. Accessed here: <http://gttd.sagepub.com/content/4/2/161.abstract>.

During this period consequently, the states policy toward women also underwent a change and unlike the previous welfare-ist model under which women's conditions was described as being handicapped and marginalised, under the neo-liberal discourse, women like men were constructed as abstract individuals who were equal as well autonomous in making choices and being responsible for their decisions. Women were encouraged to participate in the formal economy, without any attempts to address the inequities of power in both the public sphere and private sphere that discourage such participation.

Simultaneously, the emphasis on the market economy also led to fiscal austerity – public spending on social sectors such as health, education, social welfare, poverty reduction programmes, was reduced, as economic growth came to increasingly be equated with development. In the first year of the structural adjustment programme, the percentage reduction in expenditure on programmes of poverty reduction was higher than the reduction in overall development expenditure. Spending on programmes benefiting women, in particular single women were drastically curtailed during this period.

Programmes such as the integrated rural development programme to promote self employment witnessed a reduction in coverage, the number of families assisted annually under the IRDP declined from 3.35 million in 1989-90 to 2 million in 1992-93. Government guidelines require that around 30% of those assisted by IRDP be women. Women were thus directly affected by contraction in the IRDP.¹⁶ This trend has continued in current times as well, allocations for schemes on 'women's welfare' under Ministry of Women and Child Development (MWCD) in 2009-10 were lesser than even the 2008-09 and overall these schemes have seen a reduction as steep as 50%.¹⁷

Total allocations for women in the past few years, as a percentage of the total government expenditure have also stagnated at 5.5%.¹⁸ Important schemes for women such as the Swadhar hostels for women support to training and employment programme have recorded an astonishing decline in recent years, 64% in case of the latter. Other schemes such as condensed courses for women, and the short stay homes scheme have stagnated, which in real terms amounts to a decline.¹⁹

Recent years have witnessed a perceptible shift in the neo-liberal discourse, especially with respect to the issue of women's status in society and the economy. This has been in the form of an assertion of the 'agency discourse', which emphasises women's role as 'agents of development'. As more efficient actors, with greater managerial and entrepreneurial skills than men, women are considered to be the logical inheritors of the development project. 'The incredible range of tasks poor women perform and their often greater contribution to household income despite their lower wage earning and ability to make scarce resources stretch further under deteriorating conditions are now reworked; through a crucial shift in signification; these arguments are no longer arguments about exploitation so much as proofs of efficiency.'²⁰

¹⁶ Changing the Terms of the Discourse: Gender, Equality and the Indian State, CWDS.

¹⁷ Budget 2008-09: Reaffirming Rhetoric? Response to the Union Budget 2008-09 Accessed here:

http://www.cbgaindia.org/files/budget_responses/Response%20to%20Union%20Budget%202008-09.pdf

¹⁸ Yamini Misra, G. R. (Ed.). (2009). *Human Rights and Budgets in India*. Human Rights Law Network and Centre for Budget and Governance Accountability.

¹⁹ Jhamb, Y. M. (2009, August). An Assessment of UPA-I through a Gender Budgeting Lens. *Economic and Political Weekly*, XLIV (35). Accessed here:

http://www.cbgaindia.org/files/featured_articles/An%20Assessment%20of%20UPA-I%20through%20%20%20%20a%20Gender%20Budgeting%20Lens.pdf

²⁰ John, Mary 1996 "Gender and Development in India, 1970s-1990s: Some reflections on the Constitutive Role of Contexts", *Economic and Political Weekly*, 31 (47): 3074.

This discernible shift is accompanied by a fragile and contradictory welfarism.²¹ Government intervention is still sought in the social sectors, but the social is parochially defined to include areas such as health, family planning, and primary education. Here too women are uniquely, albeit problematically, foregrounded most frequently through the marketing conception of women's empowerment or in drives to correlate literacy with reduced fertility. 'Development therefore is increasingly being referred to as a social issue rather than an economic or political one.'²² The overwhelming focus on the SHG model is resonant of such a shift. Government schemes for women's employment and empowerment are being discussed within the context of the SHG model, e.g. Swayamsiddha scheme, which aims to bring about the all round empowerment of women, especially socially and economically and ensuring their direct access, control over resources. The enthusiasm for SHG's stems from the view that they are ideal participatory spaces, and consequently likened to a panacea for addressing all concerns for women.

No government schemes exist to specifically assist marginalised single women who face economic deprivations because of adverse domestic circumstances. The Eleventh Five Year Plan (2007-12) did discuss affirmative action/priority benefit for single women in housing and food as well as their automatic inclusion in BPL beneficiary lists. However, several of these goals remain unmet. The inclusion of single women in the Twelfth Five-Year Plan is an attempt to create space for single women and foreground their entitlements, without subsuming them under the family category. Creating a quota for them, reserving a certain percentage of jobs for single women under centrally sponsored schemes (Indira Awas Yojana and Mahatma Gandhi National Rural Employment Guarantee Scheme), provisioning of legal aid and establishing and strengthening federations of single women at the block and district level are among the few suggestions in the Plan.²³

The Justice Verma Committee (JVC) Report too recommends preferential opportunities for single women within wider concerns of rehabilitation for destitute women, overhaul of 'nari nikan' or shelters for women, skill development and livelihood opportunities for their growth.²⁴ The JVC Report regards these changes as necessary to nurture a safe environment for women and to secure the Constitutional ideal of gender justice. It affords a significant focus on the most marginalised and vulnerable sections of women in the society. The Report also proposes a 'Bill of Rights' outlining constitutional guarantees for women. This enlists a host of sensitive and practical rights with respect to securing bodily integrity, dignity, sexual autonomy of women; every woman's right to free education till under-graduate level; freedom to marry of their choice (with reference to 'khap panchayat' restrictions on inter-caste marriage); right to access housing, nutritious food and transport facilities. The aspiration of securing such guarantees is of immense relevance for women, particularly single women.

Budget 2015-16: An analysis of the Union Budget 2015-16 by the Centre for Budget and Governance Accountability (CBGA),²⁵ especially an assessment of the Gender Budget Statement (GBS) 2015-16 and the allocations to the Ministry of Women and Child Development, reflects a reduced priority for women and withdrawal of several important schemes for women. CBGA has examined that the magnitude of funds available exclusively for women declined as a proportion of this Budget. For instance, crucial schemes implemented by the MWCD have either been withdrawn or have witnessed steep declines. Instead of strengthening budgetary outlays for addressing violence against women, important schemes have not been allocated the necessary outlays ('even as there are unutilized funds

²¹ Rajan, R. S. (1999). *Signposts: Gender Issues in Post Independence India*. Kali for Women.

²² Ibid.

²³ Dhar, A. (2012, September). Good news for single women in 12th plan. *The Hindu*.

²⁴ Full text of Justice Verma Committee Report: <http://www.prsindia.org/parliamenttrack/report-summaries/justice-verma-committee-report-summary-2628/>

²⁵ *Of Bold Strokes and Fine Prints: An Analysis of Union Budget 2015-16*. Centre for Budget and Governance Accountability (CBGA), New Delhi, 2015.

under the *Nirbhaya* Fund').²⁶ These schemes include: Women's Helpline, assistance to states for implementation of the Domestic Violence Act, 2005, One Stop Crisis Centre (meant to be set up in each district), scheme for Restorative Justice for Rape Victims, among others.

Meagre honorariums for anganwadi workers, among them several single women, as it deprive them the opportunity to live a life of dignity. With the proposed change in pattern of cost-sharing between the centre and states in the Union Budget 2015-16, the Integrated Child Development Services Scheme, among other schemes, has been transferred to the states. In effect, this would mean that once the Union Government meets the infrastructural needs under ICDS through capital expenditure (say, on construction of Anganwadi Centres, etc.), the recurring or revenue expenditure (on honorarium to Anganwadi workers), which would constitute the bulk of expenditure, will have to be provided for by the state governments.²⁷

Table 1.2 Appraisal of Schemes and Benefits Available to Single Women.

There are no major central schemes for widows in particular or single women in general. The only specialised scheme is the Swadhar scheme run by the Ministry of Women and Child Development.

1. Swadhar Scheme

'It is a shelter based scheme and caters to the requirements of diverse groups of women in distress, including destitute widows. The package of services made available under the scheme include provision of food, clothing, shelter, health care, counselling and legal support, social and economic rehabilitation through education awareness generation and skill up gradation and behavioural training.'²⁸

The training offered to women in these homes however is squarely focused on tailoring and cooking (skills traditionally associated with women), and women are not being taught other skills. As per the report of the MWCD, 2007 the number of such homes across the country was 208 – not even one per district.²⁹ Besides, these homes are unevenly concentrated in very few states like Andhra Pradesh and Orissa.³⁰

The budget allocation for the scheme has stagnated since 2006-07, and has remained at Rs. 13.5 crores and utilisation of funds has not been up to the mark.³¹ Since its inception, the scheme has reached out to very few beneficiaries. The number of beneficiaries covered under the scheme, since 2001, has remained approximately at 3000. This makes the scheme more or less cosmetic.

2. Short Stay Homes

'These homes are meant primarily for those women and girls who are either exposed to moral danger or are victims of family discord and the resulting strain of relationship or emotional disturbances. These Homes should not be equated with destitute homes or orphanages or homes for the aged and in firm' (MWCD). Despite the lack of an explicit reference to the category of widows, divorced or separated women, the reference to women who are forced to

²⁶ Ibid.

²⁷ Ibid.

²⁸ Programmes for Women, Women and Child Development. Accessed here: <http://wcd.nic.in/ar0304/chapter2.pdf>

²⁹ Jhamb, Y. M. (2009, August). An Assessment of UPA-I through a Gender Budgeting Lens. *Economic and Political Weekly*, XLIV (35).

³⁰ Ibid.

³¹ *Budget 2008-09: Reaffirming Rhetoric? Response to the Union Budget 2008-09*. Centre for Budget and Governance Accountability. Accessed here: http://www.cbgaindia.org/files/budget_responses/Response%20to%20Union%20Budget%202008-09.pdf

separate from their homes due to family discord, implies that single women who have broken ties with their families and lack any alternate source of support are implicitly included.

The scheme focuses on women and girls from disadvantaged and underprivileged groups. Case files are developed for all women seeking refuge in these homes, which contain details of their social backgrounds and the diagnosis their problems. Services offered in the home include, medical care, psychiatric treatment, casework services, occupational therapy, social facilities of adjustment, educational, vocational, recreational and cultural activities etc., according to individual requirements.³²

The period of stay in these homes extends from six months to three years. After which efforts are made to reintegrate women into the community and their family. Like the Swadhar scheme, the budget allocations for the short stay home scheme have also stagnated since 2006-07 and remained at Rs 15.9 crores.³³ According to a study conducted by the Centre for Market Research and Social Development, the functioning of the scheme is also crippled by the untimely release of funds, dated financial norms and ineffective monitoring.

3. National Family Benefit Scheme

The national family benefit scheme benefits widows who possess BPL cards by providing them a one-time cash assistance of Rs 10,000, upon the death of the primary breadwinner. 'This scheme provides immediate relief to those who have lost their husbands and are suddenly left to support their families.'³⁴

The cumbersome process of application however limits access to the scheme. 'The bereaved family is required to present several supporting documents (including a death certificate), which are hard to obtain.'³⁵ It also suffers from abysmally low levels of implementation. In 2006-07 the scheme reached only 30% of the beneficiaries and in subsequent years, states such as the Haryana, Karnataka and Delhi reported no beneficiaries under the NFBS, which amounts to a grave abdication of responsibility.

4. National Old Age Pension Scheme

'The scheme is available to all persons above the age of 65 years or older. Under the NOPAS, the central government contributes Rs. 200 per pensioner per month and the states are urged to contribute an equal amount.'³⁶ As per the guidelines the beneficiaries are supposed to get benefits regularly each month before the 7th of the month.³⁷ According to the 9th report of the Supreme Court Commissioners,³⁸ many states including Andhra Pradesh, Bihar, Orissa, Jammu & Kashmir, Assam, Madhya Pradesh, Uttar Pradesh and Chattisgarh are currently paying a monthly pension of less than Rs. 400 per month.

Evidence suggests that NOPAS has benefited sections of the vulnerable population, in the data obtained from the Ministry of Rural Development: in 1998-99, 30% of the women benefited while in 1999-00, 36.7% of the women benefited. A gender breakup also indicates that 13 states had a 30% or more coverage of women in the scheme in 1998-99 and 1999-00.

³² Sourced from, Short stay home for Women and Girls - (Aashray): <http://www.cmpune.org/aashray1.php>

³³ Jhamb, Y. M. (2009, August). An Assessment of UPA-I through a Gender Budgeting Lens. *Economic and Political Weekly*, XLIV (35).

³⁴ *Eighth Report of the Commissioners of the Supreme Court*. Accessed here:

<http://www.hrln.org/hrln/pdf/rtf/reports/Eight%20report%20.harsh%20tanveer%20final%20aug%2020%2008.pdf>

³⁵ Ibid.

³⁶ Remesh, B. P. *Rethinking Social Protection for India's Working Poor in the Unorganised Sector*. Accessed here: http://www.umdcipe.org/conferences/policy_exchanges/conf_papers/Papers/1931.pdf

³⁷ Sourced from: http://www.sccommissioners.org/Reports/Reports/Gujarat_Report_0110.pdf

³⁸ Accessed here: http://www.sccommissioners.org/Reports/Reports/SCC9_0909.pdf

The national old age pension scheme is thus seen to benefit only some sections of elderly single women, however, those who receive an old pension are often denied widow pension. This greatly affects the capacity of widows who are also heads of households to support themselves and their families.

5. Widow Pension

Widow pension schemes have been functional in India since the 1960's. In 2002 the Government of India introduced a new scheme, the Indira Gandhi National Widow Pension scheme that increased the amount of financial assistance given to widows to Rs. 400 per month. This scheme covers widows between the age group of 40-64 years, from families with incomes below the poverty line. Like the old age pension scheme, the centre contributes 50% of the funds, i.e. Rs. 200, with the rest being contributed by the states.³⁹

Despite the emphasis on universal coverage most state governments have shown a certain laxity in the implementation of the scheme. A 2007 study, *Destitution of Widow in Rajasthan*, by the Budget Analysis Rajasthan Centre found that almost 50 percent of BPL widows did not get pensions.⁴⁰

Till 2001 four of the Northeastern states had failed to introduce the scheme. In other states ceiling have been imposed on the maximum number of person to be covered under the scheme.⁴¹ Tamil Nadu and Kerala, however, have been unique in this respect, by totally eliminating the ceiling limit.⁴²

In several states such as Assam, Punjab, Andhra Pradesh, Bihar, Chhattisgarh, Jammu and Kashmir, Madhya Pradesh and Orissa, the monthly widow pension amounts are as low as Rs.250, Rs.200 or even Rs.120 (for widows from BPL families in Kerala).⁴³ Therefore, 'what passes as social security is usually a token 'pension' of a couple of hundred rupees.'⁴⁴ Moreover, procedural bottlenecks prevent women from accessing welfare schemes they are entitled to and most states lack the political and bureaucratic will to execute pro-women programmes.⁴⁵

Though it has the lowest widow pension, the Kerala Government is among the first state governments to have introduced an exclusive Single Women Benefit Scheme for destitute and marginalised widows, separated and divorced women, unwed mothers and unmarried women belonging to the BPL category. The scheme, run by the state's Social Welfare Department/Kerala State Women's Development Corporation, provides one-time grant-in-aid of Rs.10,000 to enable women to establish small enterprises.⁴⁶ Goa's Dayanand Social Security Scheme offers a pension of Rs. 1,000 to senior citizens, the disabled and the aged and to single women through electronic transfers to bank accounts; and an amount of Rs.2000 per year under the Himachal Pradesh government's education scheme called the Mother Teresa Matri Sabal Yojana, for children (5-14 years) of impoverished mothers, is available for all divorced, widowed, separated and deserted women.⁴⁷

6. National Rural Employment Guarantee Programme

³⁹ Remesh, B. P. *Rethinking Social Protection for India's Working Poor in the Unorganised Sector*.

⁴⁰ Singh, K. (2013, p. 198). *Separated and Divorced Women in India: Economic Rights and Entitlements*. New Delhi: Sage Publications, International Development Research Institute.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid, p. 197

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

NREG Act 2005 guarantees 100 days' paid work each year for every rural household whose adult members volunteer to do unskilled manual work. In this way, it envisages improving the livelihood security of rural households.

For single women in particular this act is extremely critical. It guarantees statutory minimum wages, and ensures better and more dignified working conditions. For single women, the availability of work also means that they no longer have to wait or migrate in search of work. Widows who are no longer getting widow pension now have a way of sustaining themselves. Consequently, the NREGA has been envisaged as being a gender sensitive scheme which allows for crèche facilities on work sites, 'insists that one-third of all participants are women, and wages do not discriminate between the sexes.'⁴⁸ The act also ensures the participation of single women by recognising a single person as a 'household'.

In spite of the provisions aimed at improving the participation of women, the NREGA survey 2008, revealed large variations in the participation of women, across states.⁴⁹ The overall participation of women in NREGA was found to be only 32%, with states such as Chattisgarh, Jharkhand, and Bihar recording the lowest rates. The survey also found that women are often deterred from attending Gram Sabhas, which are responsible for the implementation of the projects. Only 33% of women were found to attend Gram Sabhas.⁵⁰ Since one job card is issued per household, typically in the name of the male member, to whom wages are, usually paid, single women who are a part of a larger household are not provided with an independent job card, and often are denied access to their own wages.⁵¹

In areas where there is an excess of workers women are usually the first ones to be turned away, required to work in pairs or refused employment if they come to work wearing a burqa.⁵² This is despite the central tenet of the act, which enjoins that all workers who seek work have a right to work and must be provided work by the government. Women are also found to face routine harassment at the work site. Crèche facilities are also found to be missing at most worksites; the NREGA survey was unable to identify the operation of even a single crèche facility. The lack of these facilities are particularly crippling for women, especially for those with infants who cannot be left behind for long hours.⁵³

Certain types of work such as construction of wells on private land also limit the participation of women. Women stop being employed as soon as digging has reached a certain depth. Additionally women are also paid less than men and the schedule standard of rates makes women's work invisible. 'While the extent of digging and soil conditions forms the basis of the payment for men's work, the carrying of load, its weight, the underfoot conditions and its distance do not figure in wage calculations.'⁵⁴

7. Targeted public distribution system

Access to food and housing are among the key concerns for single women. The targeted distribution system entitles all BPL, AAY and APL cardholders to 35 kgs of rice/wheat at subsidised rates. The Below Poverty Line (BPL) families are identified by the State

⁴⁸ Poonia, J. Critical Study of MGNREGA: Impact and women's participation. *International Journal of Human Development and Management Sciences*, 1 (1). Accessed here: <http://journalshub.com/mrp-admin/journal/pdf/3.jyoti.pdf>

⁴⁹ Reetika Khera and Nandini Nayak. (2009). Women Workers and perceptions of the National Rural Employment Guarantee Act. *Economic and Political Weekly*, XLIV (43). Accessed here: http://www.righttofoodindia.org/data/women_workers_and_perception_of_NREGA.pdf

⁵⁰ Ibid.

⁵¹ Eighth Report of the Commissioners of the Supreme.

⁵² Ibid, p. 196.

⁵³ Reetika Khera and Nandini Nayak. (2009). Women Workers and perceptions of the National Rural Employment Guarantee Act. *Economic and Political Weekly*, XLIV (43). Accessed here: http://www.righttofoodindia.org/data/women_workers_and_perception_of_NREGA.pdf

⁵⁴ Eighth Supreme Court Commissioners Report.

Governments and about 40% of these families receive an additional subsidy under the Antodaya Anna Yojana (AAY) which entitles them to the same quantity of food grains but at roughly half the price of that which is sold to the other BPL families.⁵⁵

The scheme is beneficial for poor single women as it guarantees their access to subsidised food. However, the TPDS is a household based scheme and that is obviously problematic, as it does not address intra household inequities, the ration card is usually in the name of the man and the wife is not given another card in the event of a separation.⁵⁶

Despite the Supreme Court order, which mandates the inclusion of widows and other single women with no support in the scheme, the selection of beneficiaries continues to be arbitrary and ad hoc. States such as Bihar, Delhi, Gujarat, Jammu & Kashmir, Maharashtra, Uttarakhand and West Bengal have more than 1 lakh undistributed cards, West Bengal is the worst with more than 5 lakh undistributed AAY cards. Kerala is perhaps the lone state to have included all female-headed households in the BPL list alongside other vulnerable groups such as fishing community and all SC and ST households.⁵⁷

8. Integrated Child Development Scheme

Health care, nutrition and pre-school education of children upto the age of six as well as nutrition of adolescent girls and pregnant and nursing women are part of this programme flagship scheme.⁵⁸

In spite of these provisions the scheme exhibits a remarkable blindness to gender barriers. There is a resolute neglect of intra family inequities in its design for adult women. A six state study on inclusion within the ICDS discovered that not a single women recipient attributed to these rations any role in improving their own nutrition. Dry rations that they carry home from the state are simply consumed by the rest of the family.

Moreover like other government programmes, the nutritional requirements of the mother are of secondary importance. Thus, single women who are nutritionally insecure, but are not pregnant are effectively excluded from the purview of this scheme. Besides, the allocations to ICDS in the Union Government Budget 2015-16 stand at Rs. 8,754 crore as against Rs. 18,391 crore in BE 2014-15.⁵⁹

Legal Debates of Immediate Relevance:

The Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), which India ratified in 1993, and the Constitution of India that firmly enshrines in it the principle of gender equality – enable and oblige the state to proactively adopt positively discrimination measures in favour of women to overcome the multiple disadvantages they face. ‘Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard’.⁶⁰

⁵⁵ Ninth Report of the Supreme Court Commissioners. (2009).

⁵⁶ Eighth Supreme Court Commissioners Report.

⁵⁷ Singh 2013, p. 197.

⁵⁸ Nutrition Security in the Community. Available online for download.

⁵⁹ CBGA, 2015.

⁶⁰ National Legal Research Desk. Access here: <http://nlrd.org/womens-rights-initiative/legislations-laws-related-to-women/constitutional-and-legal-provisions-for-women-in-india>

Despite these Constitutional safeguards and a bulk of liberal laws, the opportunities for women remain unequal, their freedoms ruthlessly curtailed and their capabilities severely diminished. And with regard to India's legal framework, nowhere is the inequality so stark as in the case of the inheritance and divorce and maintenance laws. Most personal laws, be it Hindu, Muslim, Christian or Parsi, are inherently unequal and discriminate against women. In particular, the Hindu Succession Act and Muslim Personal Law accord differential treatment to women and thus severely curtail women's inheritance rights in property and agricultural land.

According to the Hindu Succession Act 1956, initially, only sons, not daughters, have rights by birth in joint family property. However, the Hindu Succession (Amendment) Act, 2005 made Hindu women's inheritance rights in land legally equal to men across the country. Daughters, including married daughters, were included under the Act and married daughters were also conferred the right to reside or seek partition of the family dwelling house. This does not apply to Muslim women who are covered under the Shariat, where a daughter or widow cannot be excluded by another heir and are protected by the overall testamentary restrictions, even though their shares are lower than men. However, the Shariat excludes agricultural land, which is determined by custom. This tends to virtually exclude women from rights in agricultural land.⁶¹

Both, in Hindu and Muslim law, especially in Northwest states compared to rest of India, 'women are still seriously disadvantaged in relation both to agricultural land and joint family property'.⁶² These laws also do not recognise a woman's right to marital property for divorced and separated women. After the time of divorce then, a woman's position to demand a share in marital property and assets acquired during marriage has no grounding in law and is gravely compromised and her contribution to the household remains unrecognised.

In a survey undertaken by Kirti Singh on economic status of separated and divorced women, it was learnt that the women hoped that they had studied further or got an education and been financially independent and recognised that their household contributions were unrecognised and never acknowledged. The women were also disillusioned with the legal system and the police. 'Almost all women wanted an equal share in the Marital Property and strong, enforceable and easily accessible maintenance laws'.⁶³ However, Singh's examines that accessing the limited right to maintenance is often fraught with difficulties for women. When awarded, maintenance is usually not substantial but a symbolic amount paid haphazardly, or not paid at all. The survey found that most women had no knowledge or documents in possession about the husband's assets or income, when in law they were expected to prove their husband's income.

Husbands continue to escape the obligation of payment of maintenance and of disclosing their incomes. Additionally, in Indian law (under Sub-section of Section 125 of CrPC), maintenance is made dependant on the conduct of the wife and not viewed as an entitlement that accrues to a woman because of her past contribution to the marital home.⁶⁴ Curiously, the core of the economic dispute surrounding maintenance does not revolve around questions of financial arrangements within the family unit but the hinges upon issues of sexual mores.

⁶¹ Mapping Women's Gains in Inheritance and Property Rights Under The Hindu Succession Act, 1956. Lawyers Collective Women's Rights Initiative. Accessed here:

<http://www.lawyerscollective.org/files/LCWRI%20INHERITANCE%20REPORT.pdf>

⁶² Agarwal, B. (2003). Gender and Land Rights Revisited: Exploring New Prospects via the State, Family and Market. *Journal of Agrarian Change*, 3 (1, 2), 184-224. Accessed here:

http://www.uky.edu/~tmute2/geography_methods/readingPDFs/Agarwal-JAC-paper.pdf

⁶³ Singh 2013, p. 187.

⁶⁴ Ibid.

Allegations of adultery and immorality can be hurled against women, which can challenge the legitimacy of women's claims to maintenance.⁶⁵

Under the criminal procedure code, Section 125 no woman can be entitled to receive an allowance if she is living in adultery.⁶⁶ However, such considerations, in determining maintenance support, are regarded as invalid in many countries such as Canada. The recognition that the wife has suffered economic disadvantage because of marriage and in many cases given up her personal advancement to contribute to the well being of the house through child rearing and home-making is paramount.⁶⁷

Inordinately lengthy delays, insensitive divorce procedures, inability of the judiciary to view maintenance as an amount that can substantially assist the woman and her children after separation, overburdened and fewer number of family courts, discretionary powers of the courts to grant maintenance, burden of proving husband's income and linking of maintenance with custody and morality issues, special problems of women from minority communities governed by patriarchal customary laws,⁶⁸ are barriers to accessing legal justice.

Another ploy, which is a barrier in availing maintenance, is the husband's refusal to validate the marriage. This not only results not just in the loss of maintenance for the woman, but also her status as a "wife" and thus renders her vulnerable to scorn and social stigma as a mistress.⁶⁹ Since the law only recognises monogamous marriages, this especially disadvantages women trapped in polygamous relationships, where a man, in the absence of any clear proof of Hindu ritual ceremonies, can claim either his first or the subsequent relationship as the valid one to evade financial obligation to pay maintenance. Agnes argues that in cases of bigamy, since the husband could escape conviction after years of litigation, refusal to validate marriage was particularly crippling for the first wife in case she is unable to furnish a proof of Brahminical ritual ceremonies with regard to the husband's second marriage.⁷⁰ In contrast, it is difficult to refute Muslim marriages, which are reflected as a contract in the form of a signed *nikahnama*.

The rights women who were duped by men into sexual relationship with a false promise of marriage were further eroded in a parochial 2010 Supreme Court judgment by Justice Markandey Katju, who, while denying a woman her due maintenance also excluded women in polygamous relationships from the purview of the Protection of Women from Domestic Violence Act, which thoughtfully included the term 'marriage like relationship' to offer relief to 'women who were denied rights when their husbands pleaded that they are not "wives," as they already have a valid marriage subsisting'. The judge had held that:

'If a man has a 'keep' whom he maintains financially and uses mainly for sexual purpose and/or as a servant it would not, in our opinion, be a relationship in the nature of marriage... No doubt the view we are taking would exclude many women who have had a live in relationship from the benefit of the 2005 Act, but then it is not for this Court to legislate or amend the law (para 34–35).'⁷¹

In another judgment, however, two other judges [Justices Ranjana Desai and A K Sikhari] breathed life into the spirit of the Constitution when they, in 2014, 'upheld the right of a Hindu woman who had been duped into a bigamous marriage and thwarted the attempt of her

⁶⁵ Agnes, F. (2009). Conjugal Property, Morality and Maintenance. *Economic and Political Weekly*, XLIV (44). Accessed here:

<http://www.careerlauncher.com/1stcontent/plansuppliments/attachments/40/64/conjugalproperty%20and%20morality%20and%20maintenance.pdf>

⁶⁶ Ibid.

⁶⁷ Justice Claire L'Heureux-Dube, 'Economic Consequences of Divorce: A View from Canada', 31 Hous. L. Rev. 451 in Singh 2013.

⁶⁸ Singh 2013, p. 191, 200.

⁶⁹ Agnes, F. (2015). Liberating Hindu Women. *Economic and Political Weekly*, L (10).

⁷⁰ Ibid.

⁷¹ Ibid, p. 16.

husband to subsequently deny her maintenance. The judgment emphasised that while dealing with the application of a destitute wife under this provision, the court is dealing with the marginalised sections of society. The purpose is to achieve “social justice,” the constitutional vision enshrined in the Preamble of the Constitution of India.⁷²

Agnes hails the above judgment, which further cited ‘as a classical example the journey from *Shah Bano* to *Shabana Bano*,’ which guaranteed post-divorce maintenance rights of Muslim women by carving out new sets of rights within established principles of Muslim personal law. Such favourable developments within the Muslim personal law have been reflected in other rulings (*Daniel Latifi*, *Shabana Bano*, *Shamim Ara*) as well.⁷³ But these have been largely ignored by a selective media and in the wake of loud support for Uniform Civil Code as opposed to Muslim personal law, which, despite the positive developments, is stereotypically described as “barbaric, backward and unjust”.⁷⁴ As the way forward, Agnes suggests the following:

‘To extricate rights from informal customary practices, and locate them exclusively within the domain of courts and statutes is not a viable option for a hierarchical and multicultural society. Plurality and diversity need not be construed as inherently inegalitarian. Women’s agency and autonomy to negotiate rights from multiple locations are critical. We need to broaden rights beyond the narrow confines of monogamous marriages, and include all marginalised and vulnerable sections within the realm of rights. Rather than uniformity, what women need are an accessible and affordable justice delivery system and inclusive models of development that will help to eliminate their poverty and destitution and help to build an egalitarian world.’⁷⁵

According to Kirti Singh (2013), it should not be the responsibility of the wives to fight another round of litigation to retrieve maintenance once the courts have ordered it. A special fund to disburse maintenance amounts and an enforcement agency to recover maintenance from husbands should be established; other reforms should seek to - shift the burden of proof on the man to prove his income and assets and amend the law to curb the judiciary’s discretion in the award of maintenance amounts.⁷⁶

‘...Apart from getting a token maintenance, married and separated women in India have no ownership rights to the home and assets accumulated during the marriage’ through the monetary and non-monetary contribution of both partners in the household.⁷⁷ That the productive nature of women’s household work remains unrecognised both in law and in the household deems her to a subordinate position, which is most often the cause for domestic violence and women’s marginal decision-making power. Working women too are similarly vulnerable and allow their spouses and in-laws to dictate how their salaries are spent.⁷⁸ Moreover, after separation, women become asset-less, since most of the marital property is in the husband’s name.⁷⁹ ‘...The right to divorce without a right to equal division of marital property is violative of a woman’s right to equality and results in further oppressing her.’⁸⁰

Kirti Singh advocates a Community of Property legislation for India in which marital property becomes common property to be divided between spouses in diverse ways. However, in an impoverished context like India, there may be no property/income to divide and a woman upon separation/desertion/divorce may be left destitute. ‘In situations where the

⁷² Ibid.

⁷³ Agnes 2015, p. 16. *Shamim Ara*: ‘...Which curtailed the rights of a Muslim husband to arbitrary talaq by stipulating strict quranic conditions for pronouncing talaq under Islamic law. But these landmark rulings lie buried in law books’

⁷⁴ Ibid.

⁷⁵ Ibid, p. 17.

⁷⁶ Singh 2013, p. 191, 201.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Ibid, p. 192.

woman is deserted by a man who disappears or who becomes alcoholic or is chronically unemployed, it becomes impossible to obtain maintenance from him'.⁸¹ Thoughtful and adequate social security support in such situations becomes imperative to enable single women and their children to live a life with dignity. It is therefore critical that women's economic rights are written in law so that denial of such rights can be challenged as violation of the law of the land.⁸²

In her compelling scholarship, *Single Women in Assamese Hindu Society*, Barooah (1993) highlights that women whose spouses leave them are entitled under the Hindu Adoption and Maintenance Act, 1956, to live separately from the husband without forgoing their right to maintenance. But for a divorced woman to get alimony from the husband for herself and her dependents is difficult. Most often the husband wants to shirk the responsibility or he is financially constrained to make regular payments.⁸³

Single women are also shy to assert their rights in public after divorce or separation and leave the husband's house without claiming any property at home or in court.⁸⁴ In her work with Barooah observed that widows eschewed their entitled share of the husband's property, took whatever was offered and avoided filing a legal suit. In many cases, impoverished husbands had no money or land that the widow could inherit.⁸⁵ Widows without children, and women whose marriages were performed without any consent or negotiation between families on both sides, often voluntarily forwent their share in the husband's joint property.⁸⁶

An impoverished divorced woman, Barooah argues, who is brutally stigmatised stands little chance of receiving any land or money from her husband. In such a situation, a woman's inability or unwillingness to take recourse to law is hostage to the dictates of monetary difficulties, lack of awareness of the court procedures and threats from natal as well as marital family.

4. RESEARCH FINDINGS: PUNJAB, GUJARAT AND ASSAM

4.1 CAUSES OF SINGLE STATUS AND BREAKDOWN OF FAMILY SUPPORT

The journey and causes underpinning their identity as single women, is different for women who widowed, separated, divorced or remained single by choice or circumstance. While the death of the husband due to illness, accident, alcoholism or suicide, were the primary reasons for widowhood; the dominant cause for why women separated or divorced their husbands was mental and physical violence, bigamy and adultery (wherein husbands left their wives for other women).⁸⁷ And among women who did not marry or remained single by choice or circumstance, the motivation or compulsion to support poor parents and siblings in childhood was the foremost reason.

Mental and physical violence may be understood as pain and suffering inflicted on the woman by the husband or/and his family, or even by the parental family in case the woman never married. It can manifest as drunkenness-induced physical violence, torture, abusive language, oppressive control over mobility and neglect and mistreatment by mother-in-law, sister-in-law, uncles and brothers or harassment by the wider the community. It was learnt that interference, incitement and even direct abuse on the part of the marital family critically

⁸¹ Ibid, p. 201.

⁸² Ibid.

⁸³ Barooah, Jeuti, *Single Women in Assamese Hindu Society*, Gyan publishing House, New Delhi, 1993, 191.

⁸⁴ Barooah 1993, p. 137.

⁸⁵ Ibid.

⁸⁶ Ibid, p. 192.

⁸⁷ In her book, Barooah (1993) classifies the causes of dissolution of marriage into – bigamy, adultery, cruelty, unwed motherhood, disappearance of husband and unknown. We found this a useful break up of causes. Her book also discusses cases where adultery on the part of the woman led to a broken marriage.

impacted the instability of the marriage; as did the opinion of the parental family, which often discouraged the woman from leaving the marital home.

In case of women who never married, a few women listed betrayal in a relationship, parental objection to inter-caste marriage, lack of parental pressure and free will and choice as reasons for not marrying. In one exceptional case in Assam, infertility of a woman was deemed a mental disability, as a result of which the woman never married in her life. The women reported that a person with a chronic illness or disability was often ostracised by the society and given a 'special', prejudicial treatment. Women with a disability were deemed unworthy of marriage across rural Punjab, Assam and Gujarat.

Behaviour of in-laws towards widows begins to change or worsen after husband's death. The same is true for women who separate/divorce or whose spouses leave them. While on one hand this deprives a woman of shelter, safety and security, on the other, it compels her to make her own arrangements and seek independent job opportunities for the first time. A child is often, if not always, a bridge between the woman and her husband's family. In Punjab, Gujarat and Assam, where patrilocal residence is the norm, most women face and cope with readjustments in accommodation after a change in marital status.

In terms of their living situation, most single women, regardless of the nature of their singlehood, either stay by themselves along with their children, or with their natal/parental family. There exist rare cases in which widows reported staying with their marital family to care for ageing in-laws. Never married women most often lived with their parents or brothers. In almost all cases, the women contributed substantially to household care work and also worked to earn money to support themselves. This financial independence is often borne out of a necessity to ensure their own sustenance, and at times it also serves to earn some goodwill and respect from the family. Single women who live alone often retain contact with their natal families, but very few of the women reported receiving any support, whether financial or otherwise, from the family.

Reasons for Break Down of Family Support

A number of reasons contribute to the lack of family support and acceptance. Marital family members are often concerned about widows making a claim to their husband's property, in addition to the financial cost of supporting them, and therefore prefer to let their own family care for them. Strained relations may not always be the reason single women leave the marital home, poverty of the household too might compel the women to seek shelter and employment elsewhere, especially with her natal family.

Even natal family support is often not forthcoming, because of economic circumstances, or in the case of divorced or separated women, a lack of awareness about legal procedures. Male heirs may worry about a single sister claiming her share of the family's inheritance, which makes them less willing to support her. A middle-aged widow from Assam said that brothers find it easier to deny shelter to their widowed/separated/divorced sisters if parents are dead. 'There is nothing then – no help, no food. It is better to die,' she rued.

Divorced or separated women, most of whom have had to deal with abusive or violent husbands, also face a particularly difficult time in their interaction with the family, due to the high degree of social stigma associated with them having left their husband's home or having been abandoned. As one woman told us, parents are okay with keeping an unmarried daughter in their house, but one who has been divorced and then returned home is seen very differently.

4.2 FIGHTING SOCIAL STIGMA AND DISCRIMINATION

SPECIFIC VULNERABILITIES OF WOMEN WHO WIDOWED, SEPARATED, DIVORCED, NEVER MARRIED

WOMEN WHO WIDOWED

Widows face the most severe forms of social stigma and discrimination from the family and the wider community across the states of Punjab, Assam and Gujarat. Traditional biases towards widows remain intact as they continue to be held responsible for the death of their husbands. They are routinely subjected to the wrath of the community and blamed for any misfortune. The model of a chaste and subservient widow still dominates consciousness resulting in the denial of a life of dignity to the widow.⁸⁸ This is manifest in superstitions and social customs that curtail her mobility and her freedoms – to dress (wear colourful clothes, *bindis*, bangles and jewellery), eat (only vegetarian food) and behave on her own will – as widows still must give up the signs of their married status.

In Punjab, a Muslim single woman, after her husband's death, was not only asked by her in-laws to wear black clothes and mourn his death for four months, but also instructed to cover her head (observe 'purdah') in front of strangers, told to stay indoors ('lest you step on the chest of the dead') and barred from attending religious and social functions. For this widow, in her mid-forties, her brother's four-year-old son, whom she had adopted, was her only source of joy amidst a stifling atmosphere. She was engaged in home-based stitching work and took solace in reading the *namaz* five times a day.

Many widows do not participate in their children's marriage ceremonies since they are perceived as inauspicious. Instead, other relatives perform these ceremonies. Family members avoid seeing the widow's face before the beginning of a journey, wedding or other happy occasion. A woman related the story of her nephew, who saw her before he was about to leave for an interview and then rushed back into the house to be 'purified'. She was then forced to hide behind a banana tree until he left. People also spit in the way of widows crossing the path and rebuke them for ruining the day. Such disrespect and discrimination further extends to exclude widows from attending social events and festivities. Neighbours and family taunted had taunted elderly widows in Punjab for desiring to play Holi.

In Assam, a woman (OBC) shared that soon after marriage, she discovered that her husband was sexually involved with his sister-in-law. Despite this, they stayed married until he fell sick and died, leaving behind a teenage son who is the woman's only source of support. Community support for women like her has been completely absent. Support networks are almost inescapably tied to the husband, and disappear after his death. These women could not ask anyone for help, especially other men, fearing for their reputation, since they have to deal with being called 'prostitutes' for venturing out of the house.

After she lost her husband to jaundice and alcoholism, a widow (General category, Punjab) decided to stay with her in-laws, who had supported her. After the mother-in-law's death, she continued to care for an ageing, alcoholic father-in-law whose presence acted as a buffer against severe societal condemnation. She has two children and works as a schoolteacher. Immediately after her husband's death, she was fired from her previous school, where a group of older women spoke ill of her character. Subsequently, her agony was aggravated in the wake of her brother-in-law's attempts to deny her the legitimate share in property.

Neighbours in the *pind* (or village) further mocked and ostracised her to avenge her husband's aggressive behaviour. Once, they maligned her character for assisting an SC boy with money.

⁸⁸ Paper (unpublished) on Social Protection and Single Women, Centre for Equity Studies, compiled by Gayatri Sahgal.

She said their malicious behaviour threatened her everyday mobility and safety; and her children too stayed indoors for the same reason. She confessed that while her troubles had made her contemplate suicide several times in the past, she decided to live for her children, who deeply understand their mother's situation. The woman said she had always taken the side of truth and even testified in a case where someone in the *pind* was burnt. She was proud of her children, who excelled in studies.

Tribal women (STs) in Gujarat and Assam said they were ill-treated, both in their natal and marital village, largely on account of property disputes and forced out when seen as a threat. Attempts to silence their claims to land and property often also led to arbitrary torture, violence and cold killings justified in the name of *dayani/dayan pratha* or 'witch-hunting', a superstitious social evil that has widespread social sanction in Assam and Gujarat.

Falsely singled out as a dangerous 'witch' accused of black magic, the woman is publicly tortured by the community till she breaks down and forcefully accepts herself as a witch. The traumatised woman, if she is not lynched to death, is perforce displaced or compelled to migrate. The social evil of 'witch-hunting' then compounds the vulnerability of a widow. Other vulnerabilities, like a disability or HIV+ status, also result in high levels of societal discrimination. In such cases, single women also have to face the substantial additional social stigma associated with their disability or HIV+ condition (See Section 4.4).

Widows are usually abandoned both by their in-laws and children, who come to view them as a burden. Those who find some kind of support in either their children or then in-laws are mostly reduced to a living arrangement best described as adjacent living; sharing as little as possible of available resources. Even separated and divorced women reported having separate living areas and kitchens from the rest of the family, for the natal family is not always welcoming, sympathetic and compassionate towards the single woman's suffering.

WOMEN WHO SEPARATED, 'WERE ABANDONED', DIVORCED

'They are described as women 'even more despised... in a twilight zone of neither being respectably married nor widowed – especially those who have themselves left their partners.'⁸⁹

Women who are alone despite living spouses are even more discriminated in a patriarchal society.⁹⁰ Many married women are victims of abuse, persisting in tolerating violence, physical and mental cruelty, unable or unwilling to rescue themselves from such a situation.⁹¹ The few women, who are able to muster the courage to escape such dehumanising conditions, rarely receive any support from the larger society or their parents. 'This is partially because of the prevailing social and cultural beliefs which enjoin that it is the duty of women to continue to live with her husband even if she suffers cruelty, and that a woman's social acceptance and security in the community are necessarily derived from her married status.'⁹²

'Parents are often unwilling to accept a married daughter who leaves her husband and therefore a woman is trapped having nowhere to go if she breaks ties with her husband's home.'⁹³ Some women however may be deprived of choice altogether if they are 'abandoned' or cast off by their husbands. Larger society tends to adopt an unforgiving stance towards these women who are cast as perpetrators and are blamed for their condition. Such women are forced to bear the trauma of standing alone, coupled with the tremendous responsibility of

⁸⁹ Singh 2013, p. 1.

⁹⁰ Harsh Mander, D. S. (2012, February 26). Lone Warriors. *The Hindu*. Accessed here: <http://www.thehindu.com/todays-paper/tp-features/tp-sundaymagazine/lone-warriors/article2933814.ece>

⁹¹ Ibid.

⁹² Eighth Report of the Commissioners of the Supreme Court, A Special Report on Most Vulnerable Social Groups and Their Access to Food. Accessed here: <http://www.hrln.org/hrln/pdf/rf/reports/Eight%20report%20harsh%20tanveer%20final%20aug%202008.pdf>

⁹³ Harsh Mander, D. S. (2012, February 26). Lone Warriors. *The Hindu*.

supporting themselves and their children, without any kind of support or outside help. Such desertions are becoming an increasingly frequent in all social classes, partly because of the breakdown in social restraints in the city.⁹⁴

Even in many rural communities, such desertions by men tend to be unencumbered and receive wide social sanction. Women whose spouses leave them are forced to live on the margins of society. Deprived of any help or assistance from their families, and labelled as perpetrators, such women are compelled to live lives of isolation and despair. Remarriage amongst such women is also rare as a consequence of the dictates of customary practices, which seek to control women's sexuality while allowing men the free access to remarry for the sake of their progeny and lineage.⁹⁵

A long history of domestic violence and insufferable abuse was the most common reason for separation among women. A *Tiwa* tribal woman in Assam, aged 35, looked older than her age. She separated from her husband after he married another woman, and used to work as a daily wager in the house across from her own. One day, in the absence of his wife and child, the owner of the house sexually assaulted her and had her pregnant. Five months later, when she was visibly pregnant, the villagers learnt of the incident and forced him to marry her. The night they were married, he and his first wife took her to the hospital and made her undergo an abortion. They would beat her and starve her, not allowing her to leave the house.

She bore this for seven months, until she finally managed to leave, and came home to her natal home. She works as a daily wager now and can support herself but her humiliation continues. When she passes by her ex-husband's house, his first wife and he spit at her and taunt her, encouraging others to do the same. They even filed a case against her for stealing their household utensils. Even her father and brothers blame her for what happened and ask her repeatedly to leave but, as she is earning for herself, she has managed to remain in her natal home.

An Oriya woman who worked as a tea plantation worker in Sonitpur district separated from her husband fifteen years ago, as he was addicted to alcohol and used to beat her regularly. As she is illiterate and unaware of the legal process, she did not get a divorce. Three of her sons died from an illness, as food was not easily available for her tribe, there was little knowledge of healthcare and doctors were not easily available on the tea estate. She lives now in her mother's home. Life is difficult for a single woman of the tea tribe, in such an environment.

The ability of women to negotiate the option of divorce is severely constrained by their unequal position within the family unit and the larger society as well as no to marginal awareness of the court procedures and prohibitive litigation cost. The plight of Muslim women is particularly vulnerable in this respect. The Muslim personal law recognises the right of married men to divorce their wives, with relatively few legal or social restraints. Muslim women on the other hand are much more constrained if they choose to leave their spouses, and their right to maintenance from their spouse is contested by patriarchal interpretations of religious law.

In states like Assam, regressive and conservative forces such as *diwani pratha* – the rule of the religious heads or village *diwans* – are further responsible for giving sanction to child marriages, quick divorces and other customary restrictions on Muslim women. Larger society however continues to view both divorced men and women differently. Divorced women are looked upon with contempt, whereas divorced men are scarcely ever subjects of societal castigation. In societal perception the category of divorced women appear to occupy a

⁹⁴ Paper (unpublished) on Social Protection and Single Women, Centre for Equity Studies, compiled by Gayatri Sahgal.

⁹⁵ *Ibid.*

continuum, which is characterised by sympathy/pity at one end and abhorrence at the other. Simultaneously, their sexuality is also reconstructed and seen as oscillating between extremes of licentiousness and priggishness.

In Punjab, a woman who never married on account of her disability (Polio in the right leg) was later married to a widowed father of three children. Before her marriage to him, she was self-sufficient and earned an independent income as an anganwadi worker and confidently navigated the distance between work and home on a tricycle. Her stepchildren, who recognised her as the breadwinner, loved her. Their father was unemployed and would abuse them and their stepmother. In protest, the woman spoke up and decided to separate from him and returned to her natal family. After her separation, the marital family were cruel to her on few occasions and tried to break her tricycle one time, obstructed her path another time and disrupted her work the third time.

A Muslim woman, who had had a child marriage, left her husband after he married a younger woman who refused to share the house with the first wife. As a result she was driven out and came to Guwahati, to try and earn a living to support herself and her children. She reported that single women, who came to the city after their husbands remarried, comprised nearly half the families in the settlement. These women still send money home to their ageing parents, even if they have other married siblings – it is clear that the idea, that the child who is single bears primary responsibility for the non-earning members of the family, is prevalent even in this community. This is often the primary reason why many women never marry or remain single by choice or circumstance.

WOMEN WHO ‘NEVER MARRIED’ OR REMAINED SINGLE BY CHOICE/CIRCUMSTANCE

Many of the women who remain single do so out of personal choice or as a consequence of family circumstances or a mixture of both.⁹⁶ The early death of parents and the need to educate younger siblings or to look after children of widowed siblings have also been identified as contributory factors. Irrespective of whether the reasons for their unmarried status are circumstantial or voluntary, these women are routinely condemned for defying the conventions of society.⁹⁷ ‘They are neglected, humiliated, harassed and accordingly doled out the least status in society.’⁹⁸

The status of both employed and unemployed never married women is poor and characterised by insecurity. Within the context of their family, employed women are treated as income earning machines. Despite their financial contributions, many perceive themselves to be a burden on their families. Women belonging to this group contribute a bulk of their earnings towards the maintenance of their families, reserving little for themselves.⁹⁹ Unemployed unmarried women on the other hand face more problems as a consequence of their financial dependence. They are made to feel like an economic burden and are often subjects of castigation and ill treatment. Outside the home, in public spaces as well, unmarried women are subjected to harassment and victimisation. Society either sees them sexually available or as a social unequal.¹⁰⁰

In Assam, a group of women who had remained single explained that it was a marked sense of responsibility towards family after the loss or illness of a parent or sibling that compelled them to discontinue schooling or higher education. Many of them work more than one job –

⁹⁶ Krishna Kumari, N. (1987). *Status of Single Women in India*. New Delhi: Uppal Publishing House.

⁹⁷ Ibid.

⁹⁸ Neshla, (1994). *Single Women in Indian Perspective*. Nirmal Book Agency.

⁹⁹ Kumari 1987.

¹⁰⁰ Paper (unpublished) on *Social Protection and Single Women*, Centre for Equity Studies, compiled by Gayatri Sahgal.

domestic workers, agricultural labourers, daily wagers, schoolteachers, shopkeepers and NGO staff – to provide for their families. Living either with their parents or brothers, they manage the affairs often as unacknowledged breadwinners of the house. ‘My brother could turn his back on our parents but how could I?’ a woman despaired, criticising a societal mindset that presumes it to be the responsibility of a girl to care for the family. She further lamented that her efforts were rarely recognised, instead, she felt humiliated and thanklessly burdened with more work.

Women who were residing with their brothers recounted spending years willingly bringing up their nieces and nephews with love, but not being loved in return. A woman, after a dominant caste lover spurned her, spent her life educating her brothers but the brothers were ungrateful. A sense of betrayal and hurt among these women, routinely demoralises them. Even if they so desire, thinking about marriage is not an option. ‘There is a *right age* to marry. Once you cross that, society mocks you, they call you – ‘boodhi’ (old), ‘besha’ (prostitute)!’ said a woman, stressing the prejudicial treatment that single women are subjected to.

Aged 30 years, a quarry worker in Assam was a victim of this socially prescribed ‘right age’. Given the prevalence of child marriage in Assam, the young woman, who did not initially marry at 18, was later deemed unworthy of marriage altogether. Through her adolescent years, she had assumed responsibility of the natal family after her mother’s death and had lived with her brother. The woman was deeply traumatised and expressed a wish to marry in order to escape the sexual violence her brother was inflicting on her. She thought her brother’s inhumanity was too painful an experience to be shared and so she withheld it from *mahila sangha* members, who learnt about her plight only during the FGD. She was ineligible for the now discontinued ‘Baideo’ scheme (for elder sisters), which catered only to women 40 years and above.

Another woman, who was initially hesitant to speak, attributed her reticence to a ‘mental disability’. On probing the specific nature of disability, she was unclear: ‘I do not know but I am mentally unsound,’ she repeated. Aged 45, she had never married because of her ‘mental disability’ and had lived with her brothers ever since her parents died. She is the coordinator at one of the AMSS Jagriti Kendras. In her adolescent years, after she exhibited signs of amenorrhea (the absence of a menstrual period in a woman of reproductive age), her worried mother consulted the doctor. The mother and the doctor, shamed at the girl’s inability to conceive in the future, jointly declared her mentally unfit! Her entire life, the woman had lived a stigmatised existence, both as a single and a disabled woman. The group comforted her and assured her against any disability, to which her innocent response was: ‘So I am okay? You mean I do not suffer from any illness?’ She smiled and was the only one who remembered the lyrics of the *sangha* song.

Harassment in Everyday Life

Single women, who widowed, separated, ‘were abandoned’, divorced or never married – all face substantial social pressure and condemnation in everyday life. Neighbours and family members constantly raise questions about their activities, even if it is to attend self-help groups or meetings of the single women’s *sangathans*. People also tend to pass comments if they wear colourful clothes or jewellery, or if a man comes to a single woman’s house. They face constant harassment from men, who regard them as an easy target. In such situations, even if the single woman protests, she is generally regarded as the one who is in the wrong. And while it is usually acceptable for married women to work outside the house, single women going out to work (which given their financial condition, is often an absolute necessity) often have to face questions and comments from neighbours and family members.

To an extent, such forms discrimination have been internalised by single women and many single women follow these norms out of choice, and not as a result of societal pressures. Others said that wearing white clothing, associated with widowhood, constantly reminded them of their husband's death, leading to guilt and depression. However, some younger women said that they followed the restrictions around dressing and jewellery because of fears about what the family and community would say if they chose not to.

While most single women agree that the restrictions on their participation in marriages is unfair, particularly since the same does not apply for widowed men, very few have been able to challenge these norms and participate in their children's marriages. Such restrictions, on dressing and participation in social functions, do not always apply to divorced, separated or never married women. However, most single women, and not just widows, reported that during weddings, festivals and other social functions, they are either invited less frequently or, if invited, were not given the same respect and dignity as others.

There is also substantial inequality in the way the singlehood is perceived for men and women. While it is generally acceptable for a divorced or separated man to remarry, women who do so face a lot of social censure. Most single women reported that they would find it difficult to marry again, even if they wanted to do so. However, there are differences based on societal norms in the case of remarriage, with Dalit and tribal single women, and particularly widows, generally having greater freedom to remarry. Remarriage, especially for older, if not younger widows, is staunchly opposed by the society.

The Status of Children

While most single women are able to stay with their children, some women reported that the children had continued to stay with their in-laws even after they had left (or in some cases, been forced to leave) their marital home. In cases of remarriage, often the single woman's children have to be left at her previous in-law's home. In many cases, women reported not remarrying so that they could care for their children and did not have to leave them after marriage.

A single woman's ability to claim her children can vary significantly depending on her socio-economic status and the nature of her vulnerability. For instance, in certain dominant caste families in rural Kutch, Gujarat, single women have to stay in the marital village if they want to keep their children. In the case of HIV+ single women, typically if the child does not have HIV, the marital family will want to keep the child, but will otherwise refuse to care for the child.

In tribal societies, remarried women are not allowed to take their children, particularly older children, to the second husband's house. This is largely so that they cannot claim property in the stepfather's household. Sometimes, younger children may accompany their mother, but their claim is only to their biological father's property. They are only entitled to their stepfather's property if it is given to them in writing.

In Punjab, the teenage daughter of a widow worked eight hours to earn Rs. 3000 in a garment factory, where she sewed pockets as part of the assembly line production of jeans. At 17, the girl was compelled to work and support her mother (who was suffering from a slip-disc) as well as five other siblings, who were in school. In the absence of any state support, her mother was grateful for the income her daughter was contributing. Their house had a decades-old, leaky roof, which they feared would collapse at any point and aid from panchayat was to no avail. The young girl expressed a wish to complete her education, which she had to quit.

One of the biggest issues that single women who live alone reported facing is the care of their children when they have to leave the house for work. Despite this, there is little societal

support for single women and their children, apart from a few organisations, which do give financial help, but tend to do so for members of a particular community or caste.

4.3 BARRIERS TO ACCESSING GOVERNMENT SERVICES AND LEGAL JUSTICE

Single women face significant barriers in accessing welfare services specific to them (such as widow and old age pensions), other welfare services (such as BPL ration cards, cash assistance and employment schemes and health and education for children) and legal justice (maintenance, divorce, inheritance rights) from the state. ‘The government should provide us with welfare services, not as charity, but because we are entitled to such services as citizens of this country,’ a woman said, acknowledging the *sangha*’s role in her ability to articulate these demands.

With regard to entitlements for single women, while they may or may not necessarily face overt discrimination with regard to their singleness, there is a degree of callousness with which officials view these entitlements. They are not seen as pressing, essential entitlements necessary for the survival of single women, and thus ensuring access to them is not seen as a priority. Such a view makes it that much more difficult for a single woman to gain access to government services.

Across Punjab, Gujarat and Assam, the following emerged as the common barriers to accessing services – corrupt, discriminating authorities and local party politics; procedural and documentation hassles; rigid and inflexible design of schemes for single women; irregularity and delay in pensions and delivery of other services; lack of individual entitlements in the name of women; and information vacuum combined with lack of administrative coordination. Specific barriers faced by single women with regard to employment and legal justice are also highlighted in this section.

Corrupt, Indifferent and Discriminating Local Authorities

Single women identified discriminatory and insensitive attitudes and rampant corruption among panchayats and other local authorities as a severe barrier in accessing entitlements. The women reported with anguish that village level panchayat and local officials extorted large bribes before they agreed to list them as beneficiaries for any of the schemes designed to support them. In Assam, a woman who was sanctioned rights to a house under Indira Awas Yojana found her name was struck off the rolls, as she could not deposit the Rs. 5000 demanded by the panchayat members. A complaint was sent to the DC but remained unanswered. She asserted that corruption is rampant, with village level officials demanding a share of the pensions, NREGA wages or IAY funds in exchange for listing them as a beneficiary.

Extortionate middlemen too intervened to siphon off funds. One woman even received money for an IAY house but was cheated by the tout and only left with enough to buy a tin roof. Some of the older women who had widowed 15 years ago had not been receiving a widow pension. Applications had been made at the block level; officials had been bribed, but to no avail. Repeated visits to the panchayat had also had no effect – a woman said that her children had to starve each time she missed work to go to the panchayat office.

Overt bias against women too denied them their entitlements. Denied the post of ASHA worker (under National Rural Livelihood Mission) for her ‘bad character’, a woman highlighted that single women were no strangers to such insults from villagers who tried to colour the opinion of frontlines service providers. Another *sangha* member who was elected

as a panchayat member regretted the male-dominated environment in which her women-centred demands were completely sidelined.

Tea plantation workers in Sonitpur, Assam, too experience worse forms of gender discrimination in the award of basic services by tea companies. Facilities of ration and accommodation that are extended to a male permanent labourer are not similarly extended to a woman in spite of her permanent labourer status. If a couple are permanent labourers, the family are usually denied a double quota, instead, the facilities were provisioned in the husband's name. Plantation workers who are single women are extremely dependent on this work for survival and feel excluded from the most essential social welfare services.

In addition to paltry wages and exploitative work conditions in the tea gardens, dissenting voices of women are often muzzled and punished by company management. After she bravely raised her voice against unjust wages and inhuman working hours, a *sangha* leader from the tea community faced a suspension. Following this, another *sangha* woman who demanded her due was also suspended. Such news travels fast in *chai bagans* – a suspension from one tea estate equals a social boycott at other estates, which means to find work is acutely difficult for women facing suspension, especially single women.

HIV+ positive persons, whether single or not, are entitled to a BPL card. HIV+ single women applied for BPL cards under this scheme, but according to the women, government officials tend to ask difficult questions about their status when they went to apply, for instance, they may ask how they got HIV. It takes about 2-3 months to get a BPL, but the process can be quite difficult. In one woman's case, her BPL card was stamped with 'HIV+', even though this is not supposed to be revealed on the document. For them, discrimination faced at ration shops, hospitals, and other government offices is largely due to their HIV+ status. Nonetheless, they faced problems similar to other single women when trying to obtain widow pensions, the most prominent being a lack of proper documents. Like Muslim women, they too felt they were made to run around more than others.

For Muslim women, added stigma and discrimination meant that getting documents from the government was more difficult than before, in order to prove that one is both BPL as well as single. Even with the right documents, they are made to make more trips, and run around more. Muslim women in Gujarat alleged that 'even Dalit women find it easier to access pensions than us'. In the absence of government support, Muslim women relied on religious charities that help them out during the 4-5 month mourning period known as *iddat*, by providing rations and a small amount of money each month. Older Dalit single women we spoke to had only recently applied for widow pensions, claiming not to have known about them so far. One older Dalit woman told us that when she submitted the form and it did not come through, she was told by officials that she should continue living without state support as she had done all these years.

The role of sensitive and competent block and district level leadership can overcome the above barriers. For instance, In Khera block, Punjab, a sensitive CDPO was aware of the barriers single women faced with regard to pensions, and had previously organised pension camps to expedite delivery of pensions. He identified erroneous BPL identification surveys that excluded the most marginalised beneficiaries as a challenge. To bypass corrupt panchayats that delayed enlisting, he suggested that lists of beneficiaries be submitted directly to him for approval. He informed that in Punjab, young widows were also recipients of widow pensions and that dependents of widows only needed a certificate from school to avail pensions.

Acutely familiar with the ill-behaviour of the in-laws towards a woman after the breakdown of her marriage, another CDPO, who doubled up as a Protection Officer under the DV Act, worried about the extreme deprivation and violence that single woman face. Amidst other things, she expressed concern over arduous court delays, restrictions on women's mobility

(who only ventured out of the pind to avail pensions or attend trainings and not otherwise), alcoholism and denial of property rights to women. She hoped to introduce market links for SHGs engaged in home-based work. She further cautioned against a 'one size fits all' approach, stating that officers should be mindful of the diverse groups of single women and the multiplicity of challenges they face in different contexts.

Cumbersome Procedure and Party Politics

A major barrier to accessing entitlements is lacking the knowledge of the procedure and securing the requisite documents. In availing widow pension, the women were facing occasional harassment and difficulty in paper work. Many reported that procuring the right kind of documentation is far from easy. For some, their in-laws kept ration cards, identity cards, death certificates or other necessary papers with themselves, and further resist this access to documentation. In other instances, convincing government officials, or having to make repeated trips became a problem.

Pensions are often given in clumps of 3-4 months, or 6 months, as and when the grants arrive. A pension must be renewed every two years, and the process of renewing itself can take up to a year. To renew a pension, women must produce the original letter received when they began receiving the pension, and in the absence of this it is very problematic to renew. Even though government offices are supposed to keep copies of these letters, women must fight to access them. Such arguments with officials, women said, were easier when they were organised, either with other single women or with an organisation, which would support them in the process.

Single disabled women said they generally found it difficult to obtain BPL cards even outside the disability scheme since they did not have the right documents in their name. Until exposure to legal training sessions with *sangha* members, similar procedural and documentation hassles prevented the women from filing FIRs, divorce suits and maintenance claims.

In Punjab, a dominant caste sarpanch who reserved the post of an anganwadi worker for a General category woman denied that post to a Dalit single woman who was eligible for it. The woman believed that the sarpanch deliberately acted in the interest of his community and wrongly accused her of incomplete documentation. Overall, single women's narratives offer a depressing commentary on the state of Panchayati Raj Institutions in Punjab, with local panchayats that are self-serving, uncaring towards the most vulnerable and politically exploitative.

Rigid Design of Policy or Law

A large number of younger single women are disadvantaged a consequence of rigid, often inflexible age caps and guidelines in schemes/judgments that can otherwise bring them temporary relief. In Punjab, widows over 58 years received Rs. 250 as old age pension and below that received a widow pension, but not both or double. In Gujarat, since June 2011, it is mandatory to possess a BPL card to secure access to government schemes like a widow pension, or to receive the one-time assistance of Rs.10,000 for a woman who recently widowed.

At present, the pension amount in Gujarat is 750 rupees per month, and 950 rupees if the widow has two children. However, if the widow has a son who is over 21 years old, she is no longer eligible for the widow pension. This provision exists regardless of whether the son is able to provide for a widowed mother, and in many cases sons either do not or cannot do so. In several cases, women reported that they either lived separately from their sons, or, equally,

were supporting their sons instead of the other way around. Before 2003, divorced women would also receive a pension, but this scheme has been discontinued.

For disabled persons, there is a Supreme Court order that AAY cards be given to disabled persons, among other categories of vulnerable groups. To qualify for a disability pension, a person must have either a BPL or an AAY card, as well as a certificate from a doctor stating a disability of 80%. This is a recent rule from 2000, one that has left many disabled people without access to pensions. The pension amount is Rs 200 per month for children under 17, and Rs. 400 per month for person between the ages of 18 to 64. Moreover, if the person has a 21-year old son, they no longer qualify for a pension. With a 75% disability certificate, a person can qualify for a rail pass, and with a 40% certificate, a bus pass. Such persons are allowed to travel free on buses, a provision that causes a fair amount of resentment among bus drivers and conductors, participants said.

With regard to the specific disadvantage of being both a single woman and disabled, women said they found it particularly difficult to access schemes relating to housing and land, also citing that the government never tried to accommodate them within the rules, instead using the rigidity of the rules as a means to exclude them completely. For instance, the *Baideo* (elder sister) scheme under the department of social welfare in Assam provided one-time cash assistance of Rs.10,000 to older women, aged 40 years and above, who never married. This excluded women, aged less than 40 years, who remained single by choice or circumstance.

Entitlements Not in the Name of Women

A socially and economically marginalised single woman owns little to her name. A chorus of voices debated this: 'Entitlements are always either in the name of our father, brother or husband, and sometimes even the mother's name, but never in our own name!' To be secure and ensure that male members do not own everything, the women discussed the need for individual entitlements to avail direct benefits. They believed their entitlements were subsumed within 'household' entitlements. This was most visible in the case of women who had never married, were living with their natal families and were not considered individual citizens for the issuance of separate cards (PDS, IAY).

The group regretted the invisibilisation of single women in policy and demanded a head-of-household status from the government. Hopeful, a woman commented: 'It is a matter of our right! If I can avail the benefits under my name, and not under somebody's shadow, it will boost my confidence and restore my dignity. But when will that day come?' Living with her brother, she came to recognise the absence of her individual entitlements.

Informational Vacuum and Poor Administrative Coordination

In Punjab, a young girl who suffered from a Polio-affected disability said that the poor are always keen to learn more about government schemes but the government does not match this demand. She regretted this awareness vacuum and desired information on disability schemes, scholarships, computer courses and colleges for girls. 'If more parents decided to educate their daughters, the girls would surely make them proud,' said the young girl, disappointed that parents in Punjab invested unequally in their sons and daughters.

Awareness among the women who are not organised as part of collectives or networks was found to be usually low. While the women were familiar with widow and old-age pensions, they had not heard of *Baideo* scheme. Also, there was minimal awareness in general about government schemes and benefits. Most women were unclear about the procedures to avail all these schemes. On being told about *mahila sanghas*, the women felt that sanghas could be a positive influence in their village.

In Gujarat, there is also a scheme specifically to help disabled widows build houses, assistance to the tune of Rs 40,000, but no woman in the group had availed of this scheme, perhaps because it is recent (2008) and women were not aware of it.

Poor administrative coordination among concerned departments (especially, women and child development, social welfare, child protection, district legal services authorities, police), where officials themselves were unaware of the women-centric schemes and laws, emerged as another barrier in accessing entitlements. Many officers explained that they were overworked and understaffed and complained about ‘punishment posting’ in return for good work.

Unemployment and Food Insecurity

Most single women have no choice but to work, but such employment is generally low paying or irregular. Their poor economic condition also makes it difficult to ensure proper education, nutrition and care for their children, particularly since government support in such areas is difficult to access. Their social exclusion rooted in patriarchal attitudes further includes taboos regarding what a woman can and cannot do. One of the most direct impacts is restricted mobility. In particular it makes them invisible and unable to access work outside the home. Across all three traditionally patriarchal societies, Punjab, Gujarat and Assam, a change in the marital status upon widowhood, separation or divorce compelled single women to seek work outside home and become earners in wake of acute need and desperation to support themselves and their dependents.

The majority of single women barely earn enough to save and eat well. A woman in Darrang district, Assam, who had separated from her husband, shared that she earned between 20 to 100 rupees a day and survived by working in the agricultural fields in the summer and raising chickens in the winter. She worked for ten days straight, before Eid, to earn 150 rupees a day, so she could buy clothes and sweets for her son and daughter. She borrows money for her medical expenses from some rich families who live nearby. She then works for them to pay off the debt. Another woman, a young widow, did not work and was dependent on her family for food and daily expenses for herself and her children – they fasted on the days her father, also a daily wage labourer, found no work. There are 4-5 days every month when they had to do with one meal a day. Hunger and illness among single women is inextricably tied to the denial of employment opportunities, without which they cannot secure food or medicines.

Even though the need for gainful employment is high amongst single women, finding such work is fraught with difficulty. Single women are entitled to be given preference for jobs as anganwadi workers and anganwadi helpers, although it is necessary for them to fulfil the criteria of being either 12th pass or 10th pass respectively. If they do take up these positions, however, they must forgo their pensions in Gujarat. Women reported that single women do get a preference when they are educated, but since many single women remain uneducated, they are unable to secure government employment either in anganwadis, or as ASHA or ANM workers. In Punjab, a woman (mother of two children) whose husband committed suicide said she was employed as an ASHA worker but felt exploited and unfairly compensated for her tireless work.

NREGA implementation was uneven across the rural groups of single women we spoke to, with women saying that work happened sporadically, and that they were not particularly discriminated against when it came to accessing such work. They did say, however, that being single implied that single women would have to undertake such jobs, involving strenuous physical labour, even when they were much older. For disabled single women in Gujarat, there were few jobs they could do under NREGA, and also found that they were actively discriminated against in taking jobs as MDM or anganwadi helpers, anganwadi workers and ASHAs. The scenario was better in Punjab, where a greater number of women we interacted with, including women with disabilities, were employed as anganwadis and ASHAs. Tribal

single women claimed that being single meant that they were unable to migrate in search of work like others. If women migrated, they did so with families and relatives, thus single women were unable to migrate alone for work.

In Punjab, the Loomba Foundation scheme, which sought to provide market links for home and machine-based skilled stitching and embroidery work, had impacted a few women. However, single women claimed that its reach was scattered and impact, patchy. Even when they are able to find work, single women invariably find problems in relation to the type of work they can undertake. A middle-aged widow in Fatehgarh was the first in her *pind* to be working as a bus conductor. While she enjoyed spending time with children on the bus, she found the 5 am – 7 pm shift physically tiresome and sought less hectic, self-employment opportunities. Like most others, she too expressed distress at the 3-5 month delay in delivery of pension amount (Rs. 250 in Punjab).

Like the bus conductor, elderly single women were required to perform some amount of work in exchange for food and shelter from their families. The case of an older woman from Assam is instructive. She was born with a congenital disability in her left hand. She never married and lives with her brothers. They treat her well but her attempts at earning her own livelihood have not been successful. She ran a *paan* shop for a short while but soon there were thefts, which she could not control partly on account of her disability and partly fearing for her own physical security. She is now unemployed and depends entirely on her brothers to meet her daily expenditure.

Even with regard to employment, an intolerant society is a major barrier. Self-reliance on the part of single women is also rarely tolerated by a society that is quick to accuse them of immorality. Additionally they also face gender discrimination in the payment of wages.

Legal Justice

Divorce and Maintenance

Single women, especially women who are not organised or not members of a *sangha* often sat out on securing the maintenance amount, which the husband is legally bound to provide. Reasons included financial constraints, low awareness of laws, perceived procedural hassles, lack of support groups, but also embarrassment and shame. Lawyers we spoke with in Ahmedabad and Darrang (Assam) stressed that even where single women do pursue justice in courts, they are forced to back down sooner than most because they lack the financial resources to continue with court cases for long periods of time.

A woman in Punjab, in the absence of pension or land, lamented her decision to move court for divorce after she separated from her husband in 1992. She was thankful that her natal family had supported her to claim maintenance back then, however, a 20-year-long judicial process, wherein she only received a one-time cash assistance of Rs. 25,000, had left her frustrated. There was a preference for out-of-court settlements, even in matters of maintenance. In cases of domestic violence, divorce proceedings were not initiated immediately, and in general the attitude of courts, lawyers and the police was to encourage a woman to stay in a marriage. Single women criticised the patriarchal mindset of judicial officers who asked for unnecessary justifications and always held the woman responsible.

Single women, like women in general, tended to avoid police stations, claiming that men found it easier to manipulate the police and the system, and could bribe policemen into doing things in their favour. If they did go there, their morality and honour was questioned. For women who decided to claim their maintenance, securing the right, which is an important economic support to divorced women, could be an extremely humiliating experience as a high degree of sexual morality surrounds the question of maintenance. Muslim women felt it was

easier for Hindu women to go to police stations, because in filling forms and so on there was far less hassle for them. The experience of courts and police was particularly stark in the case of Muslim single women in Ahmedabad. While Muslims have generally faced more discrimination in Gujarat after the riots of 2002, being a woman, and especially one who is single, creates other barriers of access. Many of the divorced single women reported difficult battles in court in either securing a divorce itself, or consequent alimony payments.

Muslim divorces are covered under Muslim personal law, where many women say religious leaders tend to side more with men. For instance, despite a provision under Muslim personal law that even a woman may divorce her husband through the process of *khulla*, religious leaders generally understand divorce as being the man's prerogative, and do not recognise this provision. Several women reported men refusing to consent to the divorce, despite sending notices for as long as ten years. The courts often do not intervene, since it is under personal law. Several suggested that perhaps provisions could be made to extend the jurisdiction of the courts to these areas to help women out, as it was in the domestic violence bill of 2005, which covers all women regardless of personal law. If they do approach the courts, they are asked to secure a *fatwa* from the *maulana*.

An Assamese woman, 40-years-old, married a subedar, from the Army in 1990, with whom she has four children. There were complications when she delivered twins, causing her to bleed excessively. Thereafter she was unable to satisfy her husband sexually, as a result of which he started cheating on her with her cousin and his own niece, who was underage. When she protested on his niece's behalf, he made her strip and beat her brutally. Unable to deal with her husband's violence, she left to live with her brother. A local NGO fought a case on her behalf but, when asked to pay maintenance, her husband agreed to take her back as his wife. When the NGO workers went to her husband's house, they found the door locked – he had run away with his niece. The woman has since contacted the Army headquarters, alerting them so that he is not allowed to register the niece as his wife, thereby depriving the woman of her rights as his wife.

In some of the cases, the marriages are not registered at all, making it difficult for the women to claim entitlements and maintenance after separation. In other cases, the issue of non-receipt of summons and notices by the husband is also widespread, especially in out of state cases, which can make it difficult for proceedings to progress. Sometimes the husband would initially request the magistrate against annulling the marriage so as to avoid paying maintenance, thereby leaving the woman unaided and vulnerable to further exploitation.

There is also widespread lack of awareness about the particular rights of women under the Domestic Violence Act and other provisions, an ignorance that is common to both women themselves as well as the police.¹⁰¹ Many women, unaware of the Domestic Violence Act, file cases under Section 498 or CrPC 125 instead, which contain provisions for punishment of men but not for the protection of women in the more comprehensive way the Domestic Violence Act does.¹⁰² Protection Officers under the Domestic Violence Act are only designated at the district level, which makes access to them difficult in large districts like Kutch. In Punjab, a Child Development Project Officer doubled up as a Protection Officer under DV Act. She had a sensitive grasp of the issues that afflict single women but was severely understaffed and overburdened with work.

For women who were members of a *sanghathan*, the reasons for not moving court were rooted in formal court delays and steep costs and not in the lack of awareness about the procedure. Many of these women double up as *nari adalat* paralegals for the wider

¹⁰¹ See the full text of the Protection of Women from Domestic Violence Act 2005 here: wcd.nic.in/wdvact.pdf (accessed 26 January 2015).

¹⁰² Section 498 of the Indian Penal Code prevents married women from being subjected to cruelty by a husband or his relatives, while Section 125 of the Criminal Procedure Code compels a man to pay maintenance to his wife.

community [See Box on *Nari Adalat*] and have a meticulous grasp of the necessary procedure.

Denial of Access to Property

One of the barriers of access common across all kinds of groups of single women was the denial of access to property, whether women were divorced or widowed. Under the law, a widowed woman is entitled to have land belonging to her husband transferred to her name within two months of his death, but this is rarely the case in theory. In most cases, women were prevented from accessing this right either by husbands or in-laws, who would not transfer women's share of land in their name. Psychologically traumatised after her experience of a marriage with a man who first cheated on her and then died, a woman in Punjab said she was so spent that she did not want to engage in any way with his family and therefore decided to forgo her share in the property.

The current IAY scheme functioned too much like a lottery for it to be of any support to women. It seems widely accepted that if a woman is widowed, she may receive financial or other kinds of support from her in-laws (in some cases), but will almost never get a share of the land, even if it is rightfully hers. Women suffered many such injustices from their in-laws, including having compensation for their husbands' deaths taken away, having their share of the land sold off, and so on. In the case of HIV+ single women in Punjab and Gujarat, they found that they were denied their share to property rights, often because of a perception that they would 'die soon in any case', and so did not need their share.

In the case of tribal women in Gujarat and Assam, it was the particularly insidious practice of witch-hunting - to declare a woman, especially a single woman a witch, thus expelling her from the family and village, and denying her share of property. Typically, family members themselves approach a local witch doctor when someone falls sick, and the witch doctor blames the single woman in the house for the family's misfortunes. After this, the woman may be beaten, tied up, driven out of the village, and in extreme cases even murdered.

In Assam, single women stated that given their dependence on the natal family for shelter and security, they feared that assertion of their rights to parental property. Such assertion would likely be a source of family discord and backlash against them. 'I know I can claim my share but if I ask for it, my brother will not tolerate me,' a woman said. However, with support and assistance from *sangha* members, a greater number of women were more confident of negotiating their rights.

4.4 EXCLUSION ROOTED IN MULTIPLE VULNERABILITIES AND IMPOVERISHMENT

Discrimination and ill treatment within the household and outside can be heightened in case a single woman also suffers from other vulnerabilities, for instance, if she has a disability, is HIV+ or a religious minority or faces the added stigma of being a 'suicide widow'¹⁰³.

In the case of women who were HIV+, the stigma and discrimination that surrounds the disclosure of their status impacts them doubly given the lack of state support in the form of pensions and scholarship for children. One HIV+ single woman mentioned how she and her children were made to use separate soap and toiletries at their home. Another was blamed by her in-laws for infecting their son and made to leave her marital home, when the family found out she was HIV+. Many divorced and separated women worry greatly about the impact that the breakup of their own marriage has on the societal perception and marriage prospects of

¹⁰³ Commonly used in Punjab to refer to widows of farmers who committed suicide.

their children, particularly unmarried daughters. In a similar manner, many HIV+ women mentioned how the stigma associated with the disease had made it difficult for their children to get married. As a result, many HIV+ women avoid revealing their condition. A volunteer at a HIV treatment centre mentioned the case of a single woman would not take medication from the link centre in her village, because she was afraid people would find out and that it would affect the prospects of her daughter's marriage.

There have been a number of instances where children have been denied school admission because of their HIV+ status, or have been thrown out of school once their HIV+ status was revealed. Children of HIV+ parents, whether or not they have HIV themselves, are often teased and troubled by their peers in school and in the neighbourhood. In a similarly manner, people often doubt whether disabled people will be able to take proper care of their children. Schools think their children may not be properly socialised, or that disabled parents may not be able to pay the fees on time. In such cases, single women also have to face the substantial social stigma associated with their disability or HIV+ condition. Both disabled and HIV+ single women reported great difficulties in renting housing and securing employment, as well as in accessing the various government schemes that they are entitled to.

Similarly, some Muslim women complain about discrimination in accessing government services on account of their religion. The women, while they dismissed the existence of any conflict between Jats and Muslims, regretted the absence of even a single mosque in her *pind*: 'Belief in God helps us cope better and a mosque is also important for our children's cultural socialisation. There are three gurudwaras but no mosque here,' said a group of women in Punjab.

As a woman with disability mentioned, while a man with a disability may get a non-disabled wife, for women the spouse is typically more disabled, a drunk or unemployed person, or a divorcee looking for a second wife. Probably as a result of such discrimination in the family, there are a substantially higher proportion of never married women among women with disabilities, as compared to other groups. In most families, disabled sons are better taken care of, educated and also treated to restrict the spread or extent of the disability, irrespective of cost. Even in terms of marriage, parents tend to take up the responsibility of finding a bride for their disabled son, but a daughter is seen as a burden.

A young SC woman in Punjab felt discouraged at the lack of unity and solidarity in her *pind*, where the rich, dominant caste families actively tried to oppress the lower castes and feared their upward mobility. Her own mother was asked to discontinue the young woman's education. The young woman opined that such a climate of insecurity among the rich bred inequality and entrenched caste hierarchies. To counter this, she voiced a demand for better governance, information systems, awareness about schemes and higher education courses for SCs from the state government. 'To dream in a caste-unequal society is the first step,' the young girl concluded.

Sangrur is an area in Punjab that has witnessed a large number of farmer suicides. Reasons abound, from cut in subsidies, low agricultural productivity to increasing debt. Women whose husbands committed suicide face multiple disadvantageous that cause them profound psychological distress. As they struggle to overcome the loss of a loved one, these women are castigated as single women, blamed for abetting suicide, stigmatised as 'suicide widows', burdened with the responsibility of relieving the family off the debt, expected to work in the fields and at home and raise their dependents. They police often, by not registering a case of death, further harass the women, who are frequently denied compensation in the absence of a death certificate. Despite an SC order that mandates compensation for families of farmers who committed suicide after 2000, a woman had received compensation eight years too late, that too in the run up to elections.

Assamese Muslim women with a Bangladeshi descent were often disparagingly labelled as – “Bangladeshis”, “Bengali Muslims” or “miyan log” – to suggest their ‘otherness’, despite two-three generations of these families having lived and settled in Assam. The women then had to constantly defend themselves and resist such differentiation in everyday life and in negotiating their entitlements with the state: ‘Our ancestors of Bangladeshi descent too were born in Assam, as were we. We are Indians, not Bangladeshis. We have a voter identity card.’

Impoverishment and Credit Unworthiness

Extreme penury had compelled a widow, including her children aged 6-7 years, to illicitly produce and sell alcohol in the absence of decent work in Punjab. The experience of impoverishment for single women compounds in the wake of the husband’s death, break down of marriage, or if one never married, the devaluation of one’s status in the family. Despite their high vulnerability, very few single women we spoke to had assets like land or a share in family property; in a few cases, women had a house in their name.

As women point out, having to earn one’s own money, most often in the absence of assets and without any support in the form of a pension or BPL ration card, means that money is always tight, and this also forms the basis for other kinds of vulnerabilities and exclusions. The incidence of disease perpetuates poverty, which in turn worsens the disease. For a young widow who was HIV+, the expenses on immunity-boosting green vegetables, fruits and medicines were overbearing. She rued the lack of state support in the form of free medicines or scholarships for her children, who were also HIV+. Years later, she was still angry that her husband never disclosed his status and thereby infected their children.

Thus, while there may be no explicit discrimination against single women joining a micro credit collective, their inability, without a steady income or assets, to regularly contribute to the pool excludes such single women in a practical sense. This drives them into the hands of extorting moneylenders, which creates a further cycle of debt.

Often the women take loans from people in the village for small expenses and then work as daily waged employees to pay them off – they don’t have to pay interest on this amount, if they are doing housework. For large sums, they must approach the moneylender, who charges 10% interest. At times, they first borrow the lumpsum from the *mahajan* and then take small loans from the villagers to pay him back. This is because single women face severe restrictions in trying to access credit. Even if they have the same earning capacity as a man or a married woman, they find it more difficult to get a loan. As a single woman, it is difficult to borrow money unless you are able to show something as collateral, such as a piece of land or jewellery, in the absence of which people may not trust a single woman to be able to pay back the loan. At best they can expect to receive charity or loans in kind.

Similarly, educating children in private schools or being treated in private hospitals is a desire expressed by most, but one few are able to fulfil. Having to rely on government services like public hospitals and public schools was something they did out of necessity, and while they did not feel particularly discriminated against in these settings because of their single status, they nonetheless felt these services were of sub-standard quality. Even without overt discrimination against single women, a de facto situation of exclusion persisted because of their financially precarious existences.

Single women often find themselves alone in their struggle, and in this context, education, age, employment status, income, assets, ‘duration or marriage and quality of support groups’ (Barooah 1993), caste, class and other socio-economic aspects are important determinants of the quality of life of a single woman since these influence her capabilities to cope with the changed situation and negotiate her identity and entitlements. It was observed that single women coped positively if they were organised, that is, as members of *sangathans* or

collectives that enabled them to recognise their oppression and offered them the acceptance, encouragement and motivation they were otherwise denied.

4.5 STRENGTH IN NUMBERS: IMPORTANCE AND EXPERIENCE OF ORGANISING SINGLE WOMEN

It is noteworthy to understand the journey and experience of women's organisations in reaching out to and mobilising rural single women. Their efforts at strengthening women's collective voices across states merit a discussion in this section. The values, work ethics and solidarity of the network of grassroots women leaders with the National Forum for Single Women's Rights, Assam Mahila Samata Society and CSOs in Gujarat, facilitated and positively mediated our access to and interaction with single women in Assam, Gujarat and Punjab.

Years of gendered socialisation teach a woman about her duties – to marry and raise a family. The venerated act of matrimony confers on her the status of a dutiful wife who is expected to bear a child to further the clan. The husband, she learns, is always the breadwinner. The internalisation of such gendered roles since childhood is a critical, psychological force that discourages the woman from leaving an abusive marriage. The society, even her natal family, reminds her that a 'patibhrata' woman's place is in her husband's house. Fearing shame and ridicule, she persists in tolerating violence. The absence of an independent income and her dependence on the husband's family for survival further instills the fear of social insecurity.

The women who muster the courage to leave a violent marriage are not always offered unconditional acceptance and support from their traditional kin groups. In such a scenario, women who widowed, separated or divorced continue to suffer alone, without recourse to reliable support networks. Consequently, the woman loses her self-esteem, is fearful, bitter, frustrated and dejected. The opportunity to join the women's collectives at this stage enables a single woman to find common cause and recognise the injustice in her situation. The act of organising or collectivising is powerful especially for the solidarity and strength in numbers that it offers to disadvantaged women, particularly single women.

- **National Forum for Single Women's Rights or Ekal Nari Sangathan: Single Women Leading From The Front**¹⁰⁴

*'It was clear – widows working with and for other widows could bring about change.'*¹⁰⁵

After a year and a half of efforts to organise marginalised widows in collaboration with NGOs from four other states, Astha Sansthan, a Rajasthan-based NGO, was initially disappointed with the outcome. However, the recognition, that as a result of these efforts widows themselves had emerged as leaders willing to bring about change, came later. It was felt that the goal of bringing together single women could be expedited if widows were first assisted in organising other widows. In 1999, at a state-wide Widow Convention in Rajasthan that witnessed the participation of 450 widows from 11 districts – government officials, administrators, other NGOs and lawyers analysed the ills that oppressed widows. The realisation that an ongoing, united struggle, not a four-day Convention, was the way forward, gave rise in 2000 to the collective, *Ekal Nari Shakti Sangathan (ENSS)* or the Association of Strong Women Alone.

At the outset, ENSS leaders, mostly widowed women, decided the objectives, structure and membership criteria of this new collective. The widows consulted each other and agreed to

¹⁰⁴ Summary of journey from *Are We Forgotten Women? A Study on the Status of Low-income Single Women in India*. (2011). National Forum for Single Women's Rights.

¹⁰⁵ Ibid.

also mobilise ‘women who were abandoned by their husbands’ or those who separated and divorced, since these women, from low-income backgrounds, faced stigma and disadvantages similar to that encountered by widows. State and block-level ENSS committees were tasked with lobbying their respective state and block level officials for better laws, policies and entitlements. Their hardwork bore resounding results. These committees, of local single women leaders in Rajasthan, mobilised women in large numbers and championed several demands – land rights and ownership for single women, sexual harassment, witch-hunting, free education and care for children, widow pensions, preference for single women on drought relief sites and caste and community customs. They even assisted each other to lodge police complaints and take court action, if necessary.

As the women in Rajasthan united as a force, 1,500 single women from 11 different states attended the National Single Women’s Convention hosted in Rajasthan in 2004. At the Convention, the Rajasthan ENSS team shared their inspiring journey, triumphs and lessons for others to learn, and other state participants engaged in songs, drama, slogans and dance to highlight state-specific challenges faced by single women. Widows from Gujarat, who suffered in the wake of both, the 2001 Gujarat earthquake and the 2002 riots, too spoke about their suffering and pendency or denial of justice. After the Convention, members of other states (acknowledging the courage and self-confidence of the ENSS family of single women) came forward and sought the active guidance of ENSS for mobilising networks of single women in their own states.

As Rajasthan women leaders travelled to other states to help form similar collectives, their work expanded and grew across regions, with support partners in each state. For instance, SUTRA in Himachal Pradesh; Shramajivi Mahila Samiti in Jharkhand; Kashtakari Sangathan in Thane District and WRAG (Women's Research Action Group) and Saheli (a Muslim single women group) in Mumbai, Maharashtra; NGOs IZAD and JAN in Bihar and Voluntary Health Association, Punjab (VHAP). In 2011, *sangathans* of single women were making broad strides in the following states: Rajasthan, Gujarat, Maharashtra, Himachal Pradesh, Jharkhand, Bihar. Work had just begun in Punjab.¹⁰⁶ Such expansion of the work sparked the need for a national body, with low-income single women representatives from each member state, to advocate with the Central Government at the national level.

The above is the journey of the birth of that national body, the National Forum for Single Women’s Rights (NFSWR) or the *Rashtriya Ekal Nari Adhikar Manch* (See Appendices for organogram), which has marched for over 15 years, enabling single women to know their rights, challenge their oppression and action the change they desire. Their Secretariat is located in Astha Sansthan, Udaipur, Rajasthan and the National Committee meets three times a year to review, monitor and plan the steps ahead. A seminal movement in the history of India, this Forum represents the coming together of separated, divorced, widowed and women single by choice/circumstance (be they Hindu, Muslim, tribal, Christian, Jain, Sikh, young, middle-aged or old) to become aware and then claim their human rights, personhood and dignity. Most importantly, they describe themselves as ‘single, but not alone’.

• **Single Women and Network of CSOs in Gujarat**

In general, civil society organisations in Gujarat are actively involved in single women’s issues, and the majority of the women we spoke to were organised and connected to single women’s movements, albeit to varying extents. Some organisations, like Niswa and ANANDI, have been working directly with women and issues relating to single women are thus an integral part of their organisational focus and activities. They are also closely associated with the state and national level single women’s networks, like the Ekal Nari

¹⁰⁶ At the time of data collection, single women in Punjab were largely unorganised. However, the process of collectivisation at present is gaining ground after the entry of a new ENSS state partner.

Shakti Sangathan (ENSS). On the other hand, organisations like the Disability Action Group (DAG) and the Gujarat State Network of Positive Persons (GSNPP), which work with persons with disability and HIV+ persons respectively, primarily deal with single women's issues in the context of these other vulnerabilities.

While the DAG has fairly limited interaction with other single women's collectives, the GSNPP and other HIV support networks have been active participants in the single women's movements for some time now, probably due to substantial proportion of single women among HIV+ persons. Other organisations which facilitated our interactions with single women, like Sneh Samuday, Shikshan & Samaj Kalyan Sangathan, and AVSC, are involved more generally in social and developmental activities, and in recent years have increased their involvement on single women's issues, including in terms of establishing single women collectives in the areas they were working in. To varying degrees, these collectives are also linked with the state level single women's networks.

Given the deep inequalities and discontent in Punjab, it was harder to mobilise marginalised single women, who were not motivated to attend sangathan meetings unless it was a source of monetary support. The state conveners had been gradually building rapport and uniting woman. Since 2013, the organisation of single women in Punjab has favourably strengthened.

• **Mahila Samakhya, Assam: A Voice From Within The System**

'A society where women have equality in socio-economic and political spheres with dignity and recognition.' – Vision statement, Assam Mahila Samata Society

Deeply committed to pursuing justice for women and challenging unequal patriarchal structures that serve to oppress women, the Assam Mahila Samata Society stands out as a rare a voice from within the system, akin to a pressure group holding the government accountable. A unique initiative under the Ministry of Human Resource and Development (MHRD), Government of India, the Mahila Samakhya Programme began its journey in 1989 as an adult education and empowerment programme for women from socially and economically marginalised groups. In Assam, it is implemented by the Assam Mahila Samata Society (AMSS),¹⁰⁷ which has diversified – from adult education to girls' education, *Mahila Shikshan Kendra* (Women's Education Centre), *Kishori Manch* (Adolescent Forum), *Shishu Vikash Kendra* (Child Development Centre) – and mobilised a grassroots network of rural women across 12 districts (2,845 villages) in Assam.¹⁰⁸

AMSS facilitates an environment in which women from rural Assam are organised into village-level collectives called *Mahila Sanghas*, based not only on the village-specific social issues that disadvantage them but also on values of empathy, respect, dignity, affection and solidarity. Activities are then planned taking cognizance of women's existing skills and knowledge. Most of its predominantly working class, women staff members, motivated and driven, have worked with AMSS for as long as or just under a decade. Their enduring association bears testimony to the organisation's commitment to advocating for women's leadership over the years.

AMSS consciously distinguishes itself from a pre-independence organisation called *Mahila Samiti*, which worked on welfare issues in Assam, later became politicised and eventually redundant. The primary reasons for its collapse were – a leadership structure that prioritised male members from privileged classes, the lack of emotional engagement with rural communities and the absence of a system of rotation for key grassroots leadership positions. In contrast, AMSS endeavoured to evolve as an organisation that sought to organise women around social issues and strengthen women's leadership, with the ultimate aim of securing

¹⁰⁷ AMSS is an autonomous body registered in 1996 under the Societies Registration Act 1860.

¹⁰⁸ 2011-12 figures, Annual Report, Assam Mahila Samata Society, Mahila Samakhya.

psychological and emotional well-being of women. In a law and policy context that short-circuits quality implementation in favour of apparent managerial efficiency and scale, the AMSS team explicitly recognises the emphasis on shared values and emotional care as among its core strength for deepening rapport and trust with community.

In 1990s, AMSS first began work in three districts and 150 villages of Assam. Back then they identified restrictions on women's mobility as a formidable challenge to the task of organising women. The scope of working towards increasing women's access to government services too was limited since there were very few government programmes specifically for women. Thus, AMSS started by organising women around social issues (violence, dowry, marital discord) and persevered in encouraging women to step out and attend meetings. With the popularity of micro-credit schemes channelled through Self-Help Groups (SHGs), it was soon realised that economic hardship and monetary concerns, not social issues, were driving the formation of collectives. Quick to adapt, AMSS initiated micro-credit based SHG collectives, which women joined in the hope of achieving credit security from government. Subsequently, efforts to introduce legal-aid training were unsuccessful and rolled back since this was believed to be too much too soon. That women had gradually begun to push their boundaries, question the control over their mobility and engage with the public sphere in itself deserved acknowledgment in the first place.

The mobilisation of 3,464 *mahila sanghas*, further federated at panchayat and block level, has seen the participation of almost 1,81,088 women.¹⁰⁹ These *sanghas* participate in regular leadership and advocacy training, adult education workshops, need-based counselling and awareness sessions on women's rights (health, education, violence against women), essential laws (including information on how to file Right to Information requests). A few block federations are also actively working on district-specific issues of food security, dowry and rights of girl child, trafficking and NREGA.¹¹⁰

• **The Merit of Collectivisation (*Sangathit Aur Asangathit*)**

'...What these women need is 'Organization' – not 'Ashrams'! The organization of single women, into large associations with knowledgeable and aware leadership, brings new self confidence, solutions to problems – and an “alternate family” to the natal and the marital family, both of which usually abandon their widowed, deserted, abandoned, unmarried female relatives.'

While single women, irrespective of whether they are organised or unorganised, continue to face substantial exclusion and discrimination from both society and the state, the interactions with single women in Gujarat, Assam and Punjab suggests that their collectivisation has played a crucial role in helping them challenge the social norms and restrictions they face, as well as being more vocal and assertive about their rights and entitlements, including on issues of domestic violence, property rights, and access to government programs. More generally, for many single women, such groups of single women are a crucial source of emotional support, where they can talk freely about their situation and the issues they face. Despite such efforts, divorced, separated, and in particular, never married women, have remained underrepresented in single women's collectives, and greater efforts are necessary to ensure their inclusion.

Sangha women in Assam who had separated and divorced shared similar personal experiences of abusive and violent marriages that they left. 'My husband used to control me,' said a young mother of a three-year-old in Darrang district, whose husband once controlled her movement, to the extent that he barred her from even visiting her mother. Any resistance on her part amounted to physical torture. She eventually mustered the courage to leave him. To her dismay, the natal family, especially her father and brother, instead of sympathising

¹⁰⁹ Ibid.

¹¹⁰ Ibid, p. 3.

with her situation, asked her to return to the husband's house. It was her mother who rescued her.

Prior to their membership of the *sangha*, women who had widowed, or decided not to marry, or those unable to leave their marital home, frequently faulted themselves in the face of societal abuse and mockery. They confessed to low motivation and self-esteem as a result of having embodied the prejudicial treatment that their relatives and neighbours meted out. The majority described their earlier selves as weak, submissive and too fearful to raise a voice. 'We were extremely ignorant about our own situation and our rights and entitlements before,' said a 40-year-old woman from Marigaon district who never married both out of choice and circumstance.

In Punjab, a young SC widow, who lost her husband in a road accident when he was on his way to see their new born, was grateful to her parents and the National Forum for Single Women's Rights for their support. She asserted that without the unconditional support of her parents, who even partitioned their house to separate her brother (for he refused to accept his widowed sister at home), she would have struggled to cope. She worried about the health of her ageing parents and described the *sangathan* as her other support group. Initially too distraught and shy to demand her share in the husband's property, she found the courage to fight for her share after encouragement from ENS members. She shared that the role of a local coordinator with National Forum enabled her to step outside the *pind* independently for the first time in order to mobilise other single women in Punjab.

A 34-year-old woman who was HIV+ had contracted the virus from her husband, a truck driver who shuttled between Ambala-Leh-Ladakh. Her daughter had tested negative. Support from her natal family, the neighbourhood boy who cared for her as well as the hospital staff at the ART Centre in Ludhiana where she worked had encouraged her to forge ahead and battle the virus. Her in-laws had blamed her for their son's death, mistreated her, denied her the share in property and also separated her utensils and belongings, compelling her to leave. Initially pained and broken, she eventually decided to fight the illness for her daughter's future. At the hospital's ART Centre, she never hid her HIV status from her patients so as to relate with them from a place of genuine empathy. She believed that a support group could make a critical difference in the life of an HIV patient. 'At the ART Centre, we care for each other, go out for weddings, eat together and monitor each other's health,' she said.

After a young woman's husband, who was in the army, infected her and died, her father-in-law encouraged her to remarry. Luckily, the woman found a companion in someone who did not discriminate. Similarly, the ART ward in a hospital in Patiala maintained a matrimonial register for +ve persons who wished to find a match.

Crucially, while single women in urban areas like Ahmedabad, Patiala were able to overcome this stigma because of a certain degree of anonymity granted in the city, rural women were generally reluctant to avail the benefits as they were not keen that their HIV+ status be revealed in their villages, where people would get to know about it much faster, and possibly expel them. In some cases, such as in Palanpur (Gujarat), the organisation of HIV+ persons applied for 1600 BPL cards altogether, thus saving people the stigma of having to go personally to apply in their villages and declare their HIV+ status. Even in these cases, apprehensions persist as to whether their status will be revealed on the ration card. Without this kind of assistance, however, women are reluctant to apply. In some cases even this may not produce results. A large group of single women got together in Anand district to apply for widow pensions together, but have not received any so far.

Among single women workers of tea plantations in Sonitpur, the neglect of health and nutrition is common, and maternal mortality rate is high. This is a result of strenuous working hours, no rest and the consumption of alcohol to tide over fatigue. Maternal health and safe delivery is often a casualty in the absence of quality public health and low awareness. During

the initial years of engagement, the Assam *mahila sangha* said the most critical challenge was to rouse the interest of the women, away from their work. They found it difficult to find the space and time to work with the women on the issues of rights since plantation workers get only one day (Sunday) off. Regardless, the field staff persisted, made repeated visits, engaged in door-to-door advocacy, gathered for night-meetings after work hours and gradually gathered support to form the *sanghas*. ‘Before attending the meetings, we did not know we too had potential and self worth,’ said a *sangha* woman who worked at a *chai bagan* (tea garden).

Single women strongly affirmed that their self-esteem was restored and awareness sharpened with sustained motivation from family, collectives and support networks. To a great extent, women were able to brave and ignore the abuse. With exposure to diverse and issue-based trainings on health, nutrition, gender and legal entitlements, women find themselves emboldened, aware, more confident and self-assured. Participation in *sangha* meetings and trainings, in which they can speak out and are listened to, has enabled the women to boldly hold out against misbehaving family and community members. It has also instilled in many the confidence to claim their rights and demand accountability from duty-bearers.

Sangha women in Assam even participated in a sexuality rights workshop and realised for the first time, that instead of passively tolerating sexual violence, they had the right to say no – to develop zero tolerance towards sexual torture.¹¹¹ At that workshop in 2013, a *sangha* member took responsibility for counselling another woman’s husband about the adverse impact of his sexual cruelty on his wife’s health. Proud and amused, she reported: ‘I asked him to feed her a well-balanced and nutritious diet and have sex only once a week! Later, his wife thanked me while confessing that the sexual experience was in fact pleasurable.’

‘We really like it’ was how a group of Muslim *sangha* women from Darrang described their association with AMSS, which they believe brought about evident changes in a village with rampant illiteracy, poverty, poor sanitation and ills such as early marriage. Women’s knowledge of their rights and active participation in the village affairs resulted in increased school enrollment among girls, decline in marriages below 18 years, adult education, rejection of the customary veil and greater workforce participation (in loan-based fisheries and banana cultivation). A group of ‘Bengali’ Muslim women shared that after *sangha* meetings alerted them about the plight of widows, they sensitised their village community towards showing respect for widows. ‘People care now. They also offer extremely poor widows clothes, *iftaar* food and money on Eid,’ a *sangha* member said. After their persistent efforts won the appreciation of the wider community, women did not have to lie to their families about attending monthly meetings. ‘Now I tell them – ‘why should I stay at home?’’ a woman said, smirking.

Similar confidence, however, was lacking among women who were not members of collectives or networks in Punjab, and non-AMSS areas of Assam. These women reported high dropout rates, child marriage, poor adult education, greater information and awareness gaps and low self-esteem and confidence in their villages. The women welcomed the idea of awareness trainings through *sanghas*. A group of migrant single women in the Guwahati settlement advised that the formation of *sanghas* in urban areas would demand an organisation to factor in the exacting nature of city life for migrants who are busy round-the-clock and identify a special time (preferably, at night) for training. A young married woman, a new Muslim migrant to the settlement, wisely counselled one of the single mothers: ‘If the teacher beat your daughter in school, you should go to the school and talk to the teacher. Get her readmitted,’ suggested the young woman, stressing the value of education and requesting the single mother to take self-initiative. For women’s organisations, motivated young women like her become important leaders to impel *sanghathan* formation in new areas.

¹¹¹ The sexuality training was facilitated by Nirantar, a Delhi-based organisation that aims to engender learning and education among marginalised communities.

In their interactions with women over many years, the AMSS staff have observed the stark difference in the confidence and self-initiative with which *sangha* women are able to negotiate their entitlements. Their confidence stems from a greater awareness about their rights and is firmly anchored in the support and strength they draw from the *sangha* family.

Table 1.3 From *Sanghas* to *Nari Adalats*: Low-cost Justice Forum for Women

Nari adalat (or women's court) is a justice forum that evolved as a natural response to serious concerns of domestic abuse and gender violence that economically and socially marginalised rural women voiced over time at *mahila sanghas* initiated by *Assam Mahila Samata Society*. Facilitated with the objective of spreading awareness, these *sanghas* or women's collectives provided a safe and respectful space for rural women to collectively meet, share, discuss and reflect on personal and village-specific issues and grievances that needed redress. Gradually, women grew to trust the *sanghas* as a platform where they were being listened to and understood without judgement. Awareness trainings for *sanghas* allowed women to recognise the oppressive influence of patriarchal traditions in the society and how these impacted them negatively.

A greater number of women wished to be associated with the *sanghas* after they observed that other women were openly sharing their personal suffering and in return gaining valuable advice and guidance. This resonated with rural women who were otherwise silently tolerating abuse and suffering. They acknowledged the potential for informal redress and social justice in this forum, which appealed to them in contrast to the perceived inaccessibility, delays and prohibitive costs of formal courts.

Dowry-related atrocities, domestic violence, marital discord – there was an increase in the number of cases coming before the *sangha* and the need for a separate legal forum was felt. While initially all women jointly solved these cases, later the *sanghas* were divided into four core groups – social, educational and economic and legal – to be handled by different *sangha* members. The legal core group comprised of women representatives from several village *sanghas* who were confident in addressing these cases without any legal training. They were then trained as paralegals to hold *nari adalat* hearings at a specified venue, time, day and frequency. To robustly argue their cases in the community, the women have a thorough grasp of the provisions of laws such as – Dowry Prohibition Act, Hindu Marriage Act, Muslim Marriage Act, Child Marriage Restraint and Abolition Act, Domestic Violence Act, Right to Information, Indian Penal Code, Child Labour Restraint and Prohibition Act, Maternity Benefit Act.

Skilfully discharging their role as community mediators, these women arbitrate cases that range from dowry, domestic violence, sexual violence, extra-marital affairs, polygamy, family dispute and child marriage to property, trafficking and witch-hunting. The local police, members of the village and panchayats are kept in the loop. After receiving a complaint, the women organise social meetings to listen to both the complainant and the defendant in an unbiased manner and endeavour to reach a peaceable solution by counselling both sides. 'It is easy to get emotional and take sides but maintaining objectivity is key,' a *nari adalat* member said, and narrated a case, in Darrang district of Assam, wherein the mother-in-law beat her daughter-in-law, holding her responsible for the husband's death. The members of the *nari adalat* counselled the mother-in-law and made her realise that the daughter-in-law is as pained at the husband's death as she is at the loss of her son. They also asked her to treat the daughter-in-law like her own daughter so that they could find strength in each other to overcome the difficult period. I

n another case, wherein the husband beat his young wife and bribed the *Diwan* (religious village head) against interference, the *sangha* members, upon receiving a written request from

the wife, questioned and counselled the *Diwan* and sent a written notice to the husband to end the physical torture, failing which, the wife would be separated from him.

The more critical cases registered with *nari adalat* such as dowry-related torture or deaths, divorce matters, sexual assault and land and property cases are referred to the police. The active expansion of their work has resulted in necessary and dynamic collaboration with the local police, district courts, youth clubs, deputy commissioner's office, excise department, village panchayats, local NGOs, activists and lawyers, among others. Convergence or taking the police into confidence is important since these women paralegals disapprove of the discrimination (in registering complaints, prejudice) that women encounter in police stations. All these actors have come to respect and appreciate the *nari adalat* members as frontrunners for ensuring access to justice for marginalised women. And their growing credibility is reflected in the referrals they get from the local people and especially from the local police who acknowledge their proactive role and refer cases to them and seek advice for appropriate solution and settlement. NGOs and local departments invite *nari adalat* members to many key meetings and also attend and support events (like women's day, anti-liquor day) organised by *nari adalat*.

The *nari adalat* then serves as a platform where marginalised women are encouraged to uninhibitedly voice their suffering, identify the injustice in their lives and raise their voice against it. As a forum for justice distinct from the courts, it is specially appreciated by the community members for its promise of accessibility (swift registration of complaints) and inexpensive as well as time-bound delivery of justice. The outcome of the strength of their dedicated work has been an increased number of rural women who are aware and conscious about their rights and have recourse to legal remedy. *Sangha* women are confident, and in many cases, bold decision-makers, who are unafraid of protesting acts of oppression, in personal and social life. In *nari adalat*, they have a support group they can count on in distress.

In its own assessment report¹¹², Assam Mahila Samata Society identified as challenges – the high number of cases registered with *nari adalat*, the decline in frequency of *nari adalat* meetings and the lack of a full-proof mechanism of regularly following-up cases. Also, according to *nari adalat*, single women often refrain from filing cases or withdraw cases against their families for fear of reprisal or backlash.

• ‘Single Women’: A Label, Shared Identity or Policy Category?

Is ‘single women’ a discriminatory label, a shared identity or a political category? Based on group discussions with single women across Punjab, Gujarat and Assam, this section examines the reflections and perceptions of single women about themselves on diverse factors, among them: the nature of their singlehood, thoughts on marriage and re-marriage, other vulnerabilities that overlap with being a single women, as well as whether they were organised as single women, or along other lines.

Most single women were conflicted about re-marriage, with no consistent opinion among them all. Some felt it would yet again mean curtailed freedoms and exploitation at the hands of husbands and in-laws. For some, it is not even an option. Among Darbar-caste (one of the higher castes) women in Kutch, for instance, to keep one's children after being widowed one was obliged to live in the village of one's in-laws, or forgo the children to the in-laws. Being separated from their children was one of the most pressing reasons for women to avoid remarriage. Many were also apprehensive about whether a second marriage would work, particularly if they were divorced or separated.

¹¹² (2013). *Report on Nari Adalat*. Assam Mahila Samata Society.

Single women hoped to live for their children and invest in their future. There was a shared consensus among middle-aged and older women who had remained single that they were 'old' and their 'time to marry was up'. They preferred singlehood given the number of 'failed marriages' of close siblings and relatives they had witnessed. 'We are better off as single!' they said, and noted that life was harder for a dependent, married woman and also for women not organised into collectives. Among single women who never married out of choice or circumstance, there existed a chorus of voices, albeit in a minority, of those who believed that a woman's identity of a woman and the social recognition she gains should not be defined in relation to marriage or her 'reproductive duty' but in relation to her education and work in the society.

In Punjab, a group of women described the institution of marriage in Punjab as 'sada dikhava' or 'rotten pretence' – a 'barter system of give and take', in which individual aspirations were completely disregarded since marriage is considered a social obligation that the children must honour for their parents.

There were also voices in favour of marriage/remarriage. Several women hailed marriage as advantageous for reasons of the economic and physical security; others regarded it necessary for enjoying respect, prestige and acceptance in the society; and yet another group thought it would help them overcome societal prejudice and exclusion. They were hurt that single women denied the respect that married women were accorded. 'Guardian ke bina, dal chawal se lekar rajneeti tak problem hota hai,' said an elderly widow, who explained that the presence of a 'guardian' [husband] offered them company, confidence, security, respect, as well as the ability to make decisions in the family. Many others were disappointed that while they did not consider themselves a burden, the society considered them as one.

For some of the groups, multiple vulnerabilities meant multiple identities, and which identity comes first or is primary is sometimes clearer than in other cases. Muslim women, for instance, within their own network of Muslim women identified overwhelmingly as single women, and were more against re-marriage than most other groups of women we met. Despite the struggles of singlehood, they felt life was simpler, and more peaceful without men. However, they were acutely aware of the discrimination that they also faced because of being Muslim in circles outside of their own, and this identity too, was thus reinforced by interactions with the outside world, including government officials.

HIV+ women, especially in urban areas, while acknowledging the additional burden of being single, identified first as HIV+ women. Perhaps this was also because many became single as a result of being HIV+, and also because the primary form of discrimination they face from others in society and government is due to their HIV+ status. Both in rural and urban areas, HIV+ single women were organised in a larger network of HIV+ persons, and thus identified with this group primarily, and were also struggling with obtaining entitlements from the government based on their HIV+ status. But single women among these networks, whom we met, also expressed the fear of growing old alone, and particularly about dying with HIV or AIDS. Many worried that their being single implied that their children may not have support systems after they died.

For disabled single women, similarly, the primary identification was with disability rights groups, with one disability rights activist, Neeta, even stating that links between disability rights and groups of other single women were not strong enough. There is a perception that if a single woman is also disabled, she belongs and should ally with other disability groups, even among networks of single women. According to them, however, disabled single women needed the support of other single women's groups, as well as other women-centric organisations even more than they needed government support. Disabled single women were fairly divided on the question of whether life would be easier if they were married. Some felt they would have liked to have children to look after, and in turn have those children look after

them when they were older. They resented that disabled persons were often considered incapable of raising children. On the other hand, some felt they would have been treated badly by in-laws, and that it would have added to the hardship.

While tribal women faced additional hardship and poverty because of their marginalised backgrounds, there were generally fewer restrictions on single women, with tribal women given much more leeway to remarry. They did, nonetheless, still face discrimination as single women in their communities. Among higher castes, control of women in general was much tighter, and single women especially. Dalit women in Gujarat also felt they were controlled by their communities, particularly with regard to what they could and could not do or wear, and some felt that theirs was a more controlling and harsh environment than those of upper castes like the Patels.

As Dalit women were poorer on average and had to go out to work, they felt they were taunted more on this account, whereas Patel women did not necessarily need to fend for themselves, had more family support and money, and thus faced less taunts for going outside the home. They did say, however, that in Dalit society there is more freedom for women to remarry. In Punjab, Dalit single women said that the hateful behaviour of dominant caste Jats towards their community aggravated the marginalisation of Dalits on the whole. CSOs in Punjab too faced greater difficulty in organising single women from dominant caste Jat families, who severely curtailed the mobility of their own women.

Singlehood was also experienced differently in rural and urban areas. Women in rural areas overwhelmingly felt that the relative anonymity of the city made it easier to be a single woman in an urban area, where people had fewer opportunities to taunt or talk about them, because they probably wouldn't know they were single. In addition, they felt there was more earning potential in cities.

After meeting with many diverse types of groups of single women in Gujarat, Assam and Punjab and observing how they have been ably organised, either by single women's groups linked to ENS, or through other networks like disability rights organisations, those working with HIV+ persons, or women's organisations working on women's adult education (AMSS), with Muslim women, tribal women and so on, the importance of being organised cannot be underestimated. Nearly every single woman we met with admitted that being part of a network is a large part of deriving pride in one's identity as a single woman, in claiming rights as a single woman, as well as in garnering support and strength from other single women. To this end, Neeta's call for greater linkages between single women across different groups could not be more important.

For these women, 'singleness' is a shared identity that helped them connect and find common cause with each other. It awakened them to recognise, question and remedy the injustice in their lives, away from tolerating everyday violence. It forged solidarity and organised and oriented them towards political advocacy for their dignity, identity and entitlements. The women acknowledged that it was as members of collectives that they began to see themselves as individuals for the first time; and learned about their rights, their self and their potential and capabilities as a person who could earn, contribute to society and not be dependent on others for survival. Being a part of a network or collective offered them a family where traditional support groups collapsed.

'This is a rotten society. We hope God will take care of us': Many single women, without hesitation, spoke about their loneliness and extreme penury. 'You share your joys and sorrows with your husband. After he is gone, you are alone,' said a woman who was among the few widows in Punjab who spoke about companionship. Yet another woman earned the acknowledgment of the group when she said: 'Difficult times in life make you strong.'

Yet others shared their inspiring and enterprising journey to withstand humiliation and contempt to securely establish themselves as financially independent and respected ‘guardians’ or breadwinners of the house. On being asked about their view on the term – single women – women in Assam said that they would reject such a label if it were deployed to exclude and ostracise them. However, they would accept it if it gave them a political consciousness and distinctly positioned them as *sangha* members who were ‘single’, that is, independent, but not ‘single’, as in, alone or lonely.

5. SUMMARY DISCUSSION

Coping with hard-nosed and scathing societal prejudice and abuse has a profound psychological impact on single women, who most often internalise such stigma and negative behaviour towards them. This results in extreme self-doubt, self-blame and an intense experience of shame, which erodes a woman’s self-esteem and manifests as dejection. Further exclusion of single women rooted in multiple vulnerabilities and impoverishment causes acute stress of providing for herself and her dependents. This stress, at times visible in the form of wrinkles even on a young single woman’s face, aggravates in the wake of denial of basic freedoms, property rights and legal support, welfare entitlements and opportunities for growth. Undernourishment and illness often accompany this stress as a consequence of which single women are afflicted with an overall capability deprivation, in violation of their right to live with dignity.

The stigma of singleness is a discriminatory social construct. A woman has to fight off in the wake of a change in marital status that is perceived to defy patriarchal conventions about marriage. Since the Indian society sees the single woman not as an individual but as someone dependent on a male figure, a single woman without a husband is denied the social acceptance and respect that a married woman enjoys. This unjustly begets her the ridicule and wrath of a society, in which she is often cast off, considered inauspicious and humiliated by her own parental and marital family, in addition to the wider community. Often the natal family, having little compassion for the torture and abuse she suffers, dissuades her from leaving the husband’s house. Faced with the onerous responsibility of coping alone and providing for her dependents, a single woman usually faces difficulties in readjusting to changes in housing arrangements, new identities and even new occupational statuses. Without any property, assets or steady income, most women are compelled to seek work in order to survive. The harassment and victimisation they encounter in personal and social life also extends to political life, where biased attitudes of service providers act as barriers to accessing government services, legal entitlements and justice.

The stigma of singleness further intersects, *inter alia*, with the experience of caste, religion, disability, ethnicity, indigeneity and age and illness to marginalise a woman doubly or triply. These crippling vulnerabilities are rooted in the restrictions on remarriage, patrilocal residence, patrilineal inheritance, the sexual division of labour and community neglect.¹¹³ Patriarchal authority and gendered division of labour that expects a woman to be subservient to a man, confines the woman to the domestic realm, engaged in unpaid and unrecognised work that restricts her participation in the workforce. A patrilocal residence that demands her to adjust to a new life at the husband’s place fosters further dependence on the marital family for everyday survival. This interlocks with patrilineal inheritance and unequal personal laws that deprive a single woman her right to property and maintenance. Her position in the family is further subordinated due to illiteracy and low educational and informational awareness. This in turn influences her ability and unwillingness to seek formal legal assistance. A resulting assetlessness leaves the woman utterly vulnerable and impoverished. For instance, denial of property rights means that most widows are impoverished and property less.

¹¹³ Dreze 1990.

For these women, where old or traditional support groups (natal or marital kin) break down upon widowhood or after separation or divorce, the collectives or networks become a family. A *sangathan* or *sangha* then is a support group that steps in to encourage the women to stand tall and counter the unjust treatment with sharpened awareness of her rights. In the experience of Mahila Samakhya, Assam, many *sanghas* evolved into *women's courts* or *nari adalats* as women came to value the *sangha* meetings as a justice forum that could potentially redress their shared tribulations.

6. RECOMMENDATIONS

1) State and civil society should recognise the merit in outreach and mobilisation activities and budget for it

Organising and collectivising women is an important act of solidarity. It rouses in women a political consciousness about their rights that enables them combat violence and injustice. The act and effort, with dignity and respect, of organising women around issues of shared concerns must be distinguished from micro-credit driven Self Help Groups (SHGs), where economic concerns take primacy over women's personal suffering. Organisations like National Forum for Single Women's Rights, Mahila Samakhya (Assam), networks for persons with disability and HIV AIDS have reached out to the most marginalised individuals through door-to-door counselling, essential training on legal and health rights and sangathan meetings that offer an environment of trust and empathy for redressal of grievances. These activities are time and labour intensive and often form the foundation of any meaningful community engagement.

In addition to providing greater resources for state-led Mahila Samakhya (MHRD) programme, the state governments should consider collaborating with women's organisations in their jurisdictions to further reach out to single women in India. A special effort should be made to extend support and include elderly women who separated, divorced, widowed or never married, but remain invisible due to reasons of health and mobility. Also, Ministries and government departments should recognise the efficacy of nari adalats or women's courts and deepen state-sangathan collaboration for social justice delivery.

2) Prioritising access to land and credit for women to pursue shared livelihood opportunities

Independent land rights continue to be important for women's right to live with dignity. Especially land as a source of livelihood has the potential to reduce their dependence on others for survival. Given that large population of rural women in India are dependent on agriculture for their existence, working on land without rights increases their vulnerability to poverty.¹¹⁴ Bina Aggarwal argues that women's economic rights are always relegated low priority and stresses the need to provide women with access to land through market for joint productive activities. Such livelihood generation activities should prioritise and encourage collectives of single women to lease in or purchase land; use government money for land rather than merely for micro-enterprises; and collectively manage purchased or leased land (the collectivity being constituted with other women rather than with family members).

Agarwal (2003) urges us to shift our focus from just non-land related income generation activity to facilitating an environment in which women collectives are engaged in community-based farming. With its imperative focus on poor, rural women, such an approach, according to Aggarwal, reserves the potential to revive land reform, joint farming

¹¹⁴ Aggarwal 2003, p. 184–224. Accessed here: http://www.uky.edu/~tmute2/geography_methods/readingPDFs/Agarwal-JAC-paper.pdf

and community cooperation. Successful examples include the Deccan Development Society's (DDS) women-led collective farming initiative in Andhra Pradesh. They even prioritise financial support for single women. Kerala government's community-centered, women centered, poverty reduction programme, Kudumbashree, is another noteworthy example.

3) Institutionalising the practice of gender budgeting¹¹⁵

Making resources available for women is imperative to address structural disadvantages faced by women. As much as budgets are a political tool, they are also a tool for gender justice. Public policies, rather than being 'gender neutral', need to address gender inequalities in a purposeful and direct manner. Despite the Constitutional guarantee of equality for women, non-discrimination against women remains an unfulfilled promise. Apart from the patriarchal, gender biases in planning activities, it is critical to assess the outcomes of women-specific schemes and whether or not they reach women in the desired way and transform gender roles or if they simply reinforce gender stereotypes by adding to women's unpaid and reproductive work. Since women's labour has become the backbone of the economy (be it agriculture, informal sector, construction workers or as migrant workers), it necessitates institutionalising the practice of gender budgeting to address women's specific vulnerabilities within each ministry, rather than just the Ministry of Women and Child Development focused solely on SHGs as the only transformative model.

An intersectional understanding of multiple disadvantages that single women face necessitates that schemes/laws and allocations are not gender-neutral but specially focused on women who face crippling socio-cultural, economic and political discriminations not only because of their gender but also because of their identity as Muslim, Dalit, tribal, disabled, transgender women. To ensure scrupulous implementation of women-related welfare services and laws, the governments should effect better allocation of funds, utilisation of resources and robust monitoring mechanisms (such as gender audits).

4) Removal of barriers that deny women access to welfare servicers

For single women to live a life of greater dignity and not perceive themselves as an unwanted burden on society, the state requires to rethink the existing system of fractured and piecemeal social welfare schemes implemented in an unfriendly and haphazard manner. Single women's organisations have highlighted time and again the need for social security to be considered a right of the vulnerable and discriminated. Most single women in this study described corrupt, profiteering and gender discriminating panchayats, local authorities and police/judicial officers as the greatest barriers to accessing basic services of food, housing, decent work and to filing FIRs, divorce papers, or claiming maintenance. This obliges the central Ministries and state governments to collaborate with civil society organisations to organise human rights and gender sensitisation trainings for these service providers as well as state-level officials who are tasked with effective implementation and delivery.

The idea, through these biennial trainings, is to inform and educate these individuals about the specific vulnerabilities that diverse groups of single women and other marginalised groups face; the impoverishment brought about the aggravating impact of the multiple disadvantages they face because of caste, religion, ethnicity, illness (leprosy, HIV), disability and other circumstances (widows of farmers who committed suicide) etc. Service providers should be

¹¹⁵ Yamini Misra, G. R. (Ed.). (2009). *Human Rights and Budgets in India*. Human Rights Law Network and Centre for Budget and Governance Accountability. Accessed here: https://books.google.co.in/books?id=HLw2zN_gHf4C&pg=PR8&lpg=PR8&dq=Human+rights+and+budgets+in+India&source=bl&ots=ovfGwHr_Pu&sig=UvDKSckgzWumAmUtkOOw-7eN_S4&hl=en&sa=X&ei=LfU9VeurJo6JuwTA0YGoDg&ved=0CEIQ6AEwAw#v=onepage&q=Human%20rights%20and%20budgets%20in%20India&f=false

sensitised to recognise single women as independent head-of-households, to be provided (price indexed PDS, ICDS, pension) entitlements in their name and legal aid, without exploitation through bribery or crippling procedural and paperwork hassles. Further, the trainings should encourage the service providers to play a transparent, accountable and gender sensitive role in the lives of marginalised communities.

5) Adult education, legal aid cells and awareness campaigns

Single women often forgo their share in property and are unwilling to move court in the case of divorce and maintenance claims. While on one hand this is rooted in socio-cultural propriety that discourages them from asserting their rights; on the other hand, it stems from no to very low levels of literacy, lack of adult education and minimal awareness of formal court/government procedures for accessing justice/entitlements. To make quality education available for young, middle aged and old single women who have not had the opportunity to learn, the government needs to deepen investment in adult education facilities, which can robustly assist women in qualifying for tests conducted at existing Open Schools/IGNOU and pave the road for greater learning.¹¹⁶

It is critical to further overcome the informational and awareness vacuum through greater awareness of laws, legal remedies and court procedures and through collaboration with the national and state legal aid service authority for further training as paralegals for social justice. In this context, district legal aid services departments should endeavour to constitute legal aid cells and hold awareness camps for single women jointly facilitated with women's groups and local NGOs. Last, but most importantly, the governments should undertake innovative and context-specific awareness campaigns against discrimination based on marital status, alcoholism, witch-hunting, domestic violence, child marriage, trafficking, corruption and malpractice in service delivery.

6) Ensuring substantive political participation of women in Panchayati Raj Institutions (PRIs)

Participation in and election to local self-governance bodies, especially village assemblies or panchayats, has afforded single women the opportunity to represent village-level concerns as well as women's issues and emerge as local leaders for change. An increasing number of organised women, who are socially conscious, confident and aware, have been elected to local village assemblies. Single women expressed that their association with the networks and collectives awakened in them a political and civic consciousness, which inspired many of them to contest local elections. In the experience of the National Forum for Single Women's Rights, PRIs have a great potential to present women with a platform to challenge and change existing power relations.

More often than not, women's active and democratic participation in local politics stems from their experience in grassroots advocacy with *sangathans*. However, for the state to ensure substantive political participation of women, it would have to acknowledge an existing hostility to women's issues and a male bias in the composition, functioning and normative values in the administrative institutions.¹¹⁷ It would also have to actively address the host of difficult challenges elected women face – they are routinely discriminated, harassed by local elites and dominant castes, given token representation, but not actual decision making powers.

¹¹⁶ *Are We Forgotten Women? A Study on the Status of Low-income Single Women in India*. (2011). National Forum for Single Women's Rights.

¹¹⁷ Karin Kapadia (ed.), *The Violence of Development: The Politics of Identity, Gender and Social Inequalities in India* (Delhi: Kali for Women, 2002).

7) Right to marital property, inheritance, maintenance¹¹⁸

The National Forum for Single Women's Rights, given their meticulous efforts at organising single women and their incisive grasp of the issues that disadvantage single women, have lobbied with the centre and states for recognition of women as equal partners in a marriage. They posit that since women's contribution to the family is unpaid and unrecognised, a woman, in the case of a broken marriage, is immediately dispossessed of all that is hers. She is roundly barred from disowning the assets and wealth, which in a marriage is the result of the contribution of both the man and the woman. The women should not just be able to claim what is adequate to 'maintain' them but in fact assert their rights to assets created from their labour.

Legislations that seek to alter unequal and patriarchal social relations need more proactive implementation to bear results on the ground. The state needs to encourage property ownership and inheritance rights of women. Unjust aspects of Personal Laws that deal with marriage, divorce, maintenance and inheritance have to be challenged and amended to secure equal rights for women. The Government should listen to the voices of those who are speaking for changes that will bring customary practices in line with the Directive Principles and Fundamental Rights of the Indian Constitution. Women, when organised and aware, can advocate for issues that need to be changed. This requires active involvement of all – community, religious leaders and governments.

8) Eliminating the practice of witch-hunting

The practice of witch-hunting is a brutal violation of a woman's human rights. State governments of Bihar, Rajasthan, Jharkhand and Chhattisgarh have laws outlawing this custom, however, the state of Assam and Gujarat, where this custom receives widespread social sanction, no laws exist to eliminate the practice. Among the key challenges that local activists engaged in the fight against witch-hunting encounter is the lack or absence of witness testimonies. Given that almost entire communities are party to the commission of witch-hunting crime against women, no one comes forward to testify.

The careless attitude of the police officials and village councils who consider such atrocities 'normal' compounds the challenge of combating this evil. This should compel state governments to undertake aggressive, public educational and awareness campaigns, street plays against such forms of violence, in addition to putting in place legislations that identify and hold accountable the perpetrators of the crime. The state should also step up to provide the affected women with access to hospitals, rehabilitation and compensation as well as livelihood opportunities. This can be achieved through a network of alliances with youth groups, schools and universities, sangathans, grassroots NGOs, social welfare departments, district legal services authorities, among others.

9) Conditions of tea plantation workers

Life for a *chai bagan* (tea garden) worker who separated, divorced, widowed or remained single out of choice or circumstance is significantly harder without the security of shelter, food or a decent future for her children. Single women, both seasonal (or 'faltu') and permanent labourers; find themselves extremely dependent on this work for their survival. They have no one to look after them and often suffer from low motivation and self-esteem. The women describe tea company managers exploitative, negligent and indifferent to their concerns. Violations of their rights range from oppressive work conditions that allow no time for rest and recreation; absence of decent living conditions; inadequate health and medical

¹¹⁸ Sourced from *Are We Forgotten Women? A Study on the Status of Low-income Single Women in India*. (2011). National Forum for Single Women's Rights.

care; substandard schooling for children of plantation workers; and suppression of any dissent. Instead of taking responsibility for educating the children of plantation workers, the managers deliberately neglect and deny them quality education. Managers frequently employ teachers meant to teach the children for other administrative work.

Outspoken *bagan* workers are always at the mercy of managers who do not think before suspending them. There have been cases where a number of single women have been suspended for raising their voices against paltry wages. Suspension translates into a hard struggle for alternative employment. Over the years, in order to overcome rampant illiteracy, high maternal mortality rates, alcoholism and an unsafe environment for women, women's organisations (Assam) have undertaken need-based, general awareness and health training. The Chief Minister of Assam in January 2015 ordered the increase in the minimum wages from Rs.95/day to Rs.169/day.¹¹⁹ While the implementation of this order remains to be seen, just an increase in wages is insignificant without attention to the exploitative conditions of work and dismal basic services and social security arrangements that tea companies are responsible for. The state governments should make it binding on these managers (under the Companies Act or Labour laws) to facilitate conditions for a life of dignity for the workers.

10) Survivors of ethnic/communal violence

This requires adequate training and payment to state police, legal authorities, concerned government departments so that they are capable of responding to these situations; ensuring humane conditions in relief camps, especially for women, children and the elderly; ensuring fair compensation to all affected, not just for loss of life or arson, but also loss of property and livelihood; ensuring punishment for those that commit such acts; greater efforts towards peace building and public action; and also a greater role for civil society in this. Though a number of civil society organisations already play a significant role in these situations, this role needs to be bolstered by the governments.

11) Gaps in data related to single women issues¹²⁰

The availability of appropriate, reliable and timely data is critical to processes of informed decision-making and determining effective policy choices, plans, budgets, schemes as well as their implementation. 'Data is a potent tool for capturing disparities and inequalities between men and women, social groups and spatial locations.'¹²¹ Large-scale surveys like NSSO pan-India household surveys on employment and unemployment inaccurately capture and reflect women's workforce participation, thus underreporting their contribution to the economy and making them statistically invisible as workers. Reasons for this range from non-recognition of women's home-based work - cooking, cleaning, childcare, including collection of water, fuel, fodder, maintenance of livestock and unpaid family occupations such as agriculture, weaving, cottage, animal husbandry. Mehta and Arora cite several reasons, among them, bias of interviewers who consider the man as the primary breadwinner; poorly designed questionnaires based on ill-understanding of definitions of labour force participation and conventional interpretations of 'work'; obtaining information from male heads of household who tend to underestimate women's non-domestic, economically productive work; tendency of women to identify themselves as 'only housewives' despite her economic contribution. Other data gaps include gender disaggregated labour-force; data related to minimum wage

¹¹⁹ Sourced from: http://nazdeek.org/?p=1297&utm_source=Nazdeek+-+December+Mailing+Revised&utm_campaign=e761b2b970-Nazdeek+Newsletter+copy+03+1+23+2015&utm_medium=email&utm_term=0_a4af62d2c8-e761b2b970-68207041

¹²⁰ Mehta, A.K., Arora, D. (2014). *Base Paper on Availability of Data and Data Gaps for Situation Analysis of Well-being of Children and Women*. Indian Institute of Public Administration (IIPA), New Delhi.

¹²¹ *Ibid*, p. 117.

violations; (non agricultural) unorganised manufacturing sector data with gender differentials; district level data on women workers falling out of social security nets; and data to reflect single women's economic participation. Large-scale surveys do not collect gender-aggregated data on land ownership and use – women's ownership of land, resources and assets (*pucca* or *kuccha* house and its size; livestock by type). While surveys often inform us that female participation declined or maternal mortality rate increased, these do not give us the reasons for this respective decline and increase.

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APPENDIX: QUESTION MATRIX

The question matrix is a tool that would guide the researchers in facilitating FGDs. To capture the gamut of experiences and concerns that single women cope with, each aspect in the matrix would require detailed discussion. Researchers are not bound by this matrix, which should merely serve as pointers for key issues to be covered. It may be suitably modified in relation to a state, group of single women in the FGDs as well as in response to feedback from single women participants on which issues they want highlighted or not discussed altogether.

‘Single women’: separated, widowed, divorced, never married. In case relevant to context: Women whose husbands migrated, disappeared; ‘unwed’ mothers.	Dalits	Muslims	Disabled	Tribals	Group/Context specific – HIV+, leprosy, conflict, disaster, riot, flood
Personal background					
Support groups					
Access to/interactions with the state, army and judiciary					
‘Single women’, self and society					

Personal background

- Name; age; sex; caste; religion, tribe.
- Migrant to or native at the place of residence.

- Living with marital family, natal family or alone
- Children, if any, and where they live.
- Educational background.
- Kind of work/livelihood.
- Single status through widowhood, broken marriage or choice/circumstance, any other reason.

Support networks

- Relation with marital family, natal family, children, relatives, neighbours, SHG, sangathan, collective.
- Nature of support and assistance from them - psychological, emotional, legal, monetary, etc.
- Experience before and after membership to SHG/sangathan.

Income and employment

- Engagement with and nature (seasonal, informal etc.) of work before and after single status.
- Duration of work; wages.
- If aspiring for alternative employment and what kind.
- If prevented from participating in workforce and why.
- Thoughts on care work at home – unpaid, unrecognised.
- Whether she possesses NREGA job card, BPL card etc. If not, why.

Expenditure, credit facilities, assets, property

- Major expenses incurred.
- Whether in debt with local moneylender; shop keeper (credit account) or any other individuals or institutions.
- If remits money to family, children, any others.
- Thoughts on if its finally oppressive or liberating to be single.
- Barriers to accessing to banking/credit facilities.
- Whether possession/ownership of land, property, any other assets. If not, why.

Social security from the state

- Access and amount of pensions.
- On BPL card, PDS, food security, distribution of food at home.
- On access to public health and legal aid (divorce, maintenance, harassment) - constraints faced, expenses incurred.
- Aspiration/facilities for adult education.
- Education for children – aspirations, constraints, attitudes of peers, teachers.
- Role of panchayat in facilitating avail of services.
- Single women's perception of panchayats, local officials, service providers, police, army, judiciary.
- Thoughts on entitlements not being in a single woman's name.
- Information and awareness about rights, schemes for single women and other schemes.
- Status of awareness before and after membership to collectives, networks.
- Opportunity and nature of political participation in panchayats, gram sabha and the kind of issues discussed.

Singlehood, self and society

- Thoughts on the term 'single woman'.
- Whether they perceive themselves as 'single'.
- Whether society perceives them as 'single'.
- Expectations and behaviour of society towards single women.
- If people discriminate or are rude – efforts to cope with them.
- If single women avoid, fear, confront someone and why.
- Customs, traditions, restrictions on single women.
- Nature of participation and decision-making in the family.
- Thoughts on marriage, remarriage.
- Aspirations for/expectations from themselves and children.
