

CHAPTER – 3

METHODOLOGY

In the first chapter it is argued that in democratic nation–states, legislation is a means to secure equality so that all citizens can participate as equals to achieve the substantive goal - “rule of the people, by the people and for the people”. Even as gender inequalities persist, women from marginalized communities offer a critical vantage point from which to assess how the democratic and development goals are being met. In the chapter covering literature review, the endeavour is to look at studies around select legislation, aimed at reducing gender inequalities that have been passed in or after 2005, and to identify the gaps in knowledge that still remain.

This chapter lays out

- social work relevance,
- objectives of the study
- research design, and
- Universe and sample and
- justification of the qualitative methodological approach.

This study titled, “Impact Of Progressive Laws And Civil Society Facilitation On Empowerment: Women Law Users’ Perspective” is an exploratory study around the theme of empowerment.

A. SOCIAL WORK RELEVANCE

This research study will be useful to social work **practitioners who are engaged in** community organizing, promoting social justice and empowerment especially of women. It will also be useful for social workers who provide legal advice, and referral services for women facing different forms of violence.

B. OBJECTIVES OF THE STUDY

The objectives were framed as:

- a. To explore the outcomes of the interplay of the assertion of the women's rights, the legal provisions for them, and support structures of the state.
- b. To explore the nature of changes in women's relationships with their family members, and community members as they try to secure justice as a law user.
- c. To explore differences in outcomes when a woman seeking justice is a member of women's collectives or support groups, and when she seeks help from the civil society organizations for a specific service.
- d. To examine how women law users' experience changes in their lives, and more specifically in the context of what they define as justice and empowerment.

C. RESEARCH DESIGN

This study is an exploratory study as the topic deals with a subject of empowerment that is still relatively recent concept in development, It draws upon abstract and philosophical concepts rather than definite concrete observable phenomena.

The research design will use both qualitative and quantitative methods but rely largely on qualitative methods.

D. UNIVERSE AND SAMPLE

The universe is all Law Users who have used progressive laws and have taken the help of Civil Society Organisations.

The sample is taken from Civil Society Organisations that worked with women's rights perspective and explicit use of laws.

Although qualitative studies need not follow the strict manner in which universe and sample are defined in quantitative studies, it has been defined as relevant cases and critical cases in this qualitative study.

The first step of identifying the law users was to identify the civil society organizations (CSO's). The effort was to identify CSOs that have worked for more than 10 years with communities.

Based on the criteria shared by the researcher, the staff of the CSO and the researcher went over their case records the period 2011 to 2014. Hence first **Relevant Cases** were identified with the following criteria:

- ◆ The women's fight for justice should have begun in the last three years – i.e. 2011, 2012, 2013 or 2014.
- ◆ The women belong to socially, culturally, or economically vulnerable sections of society
- ◆ The women have used the more recently passed, progressive laws promoting gender justice; i.e. Protection of Women from Domestic Violence, Sexual Harassment at Workplace (Protection, Prohibition and Redressal) and the Hindu Succession Act Amendment. Laws that are not explicitly for women but used from the perspective of gender justice e.g. the Right to Information Act and Mahatma Gandhi National Rural Employment Guarantee Act are also defined as progressive laws for this study.

Out of the Relevant Cases, **Critical cases** were identified using the following criteria as

- ◆ The women had at some point in their dealings with the law also used the services of a civil society organization – either right at the beginning or later on.
- ◆ Women who were willing to share their stories and where there has been adequate engagement with the law

- ◆ Women who are able to recall with fair amount of details, the process they have undergone.

The parameters also worked as inclusion and exclusion criteria. Of all the cases recorded by the CSO in their registers for the period 2011 to 2014, the researcher and CSO representatives went over 106 cases that were categorized under the various rights being accessed.

Out of these 106 relevant cases, 33 cases were shortlisted for critical case analysis, based on the actual law being used, whether there was interface with the police and legal machinery.

Initially, the researcher had planned to cover about 50 cases. At the time of the research proposal being assessed by the panel, the external examiner recommended that the number of cases can be much smaller. She explained that in a qualitative study the effort has to be go in depth and to understand each case from various angles.

E. OPERATIONALISING DEFINITIONS

While the next section will describe various approaches and argue why the critical theory approach and constructivism are appropriate for the present qualitative study, the box below gives the definitions of the key terms employed in this study.

Box No 4: Definition of Key Terms

- **Progressive Laws:** Legislation that have been brought about to end discrimination and promote gender equality. The time period taken for the legislation is post 2005.
- **Empowerment:** The process by which women exercise agency through a process

F. RATIONALE FOR QUALITATIVE METHODOLOGY

The idea or exploration of women's experience has intrinsic value. Its centrality to feminist thought is brought out by the slogan, "Personal is Political". The phrase was designed to draw attention to the political meanings and imperatives that are derived from women's everyday experiences in their private lives. (Huges, 2002). Published originally in 1982, Mac Kinnon comments in this respect that the 'personal is political' "means that women's

distinctive experience as women occur within that sphere that has been socially lived as the personal – private, emotional interiorized, particular, individualized, intimate.”

There is further work that validates inclusion of diverse experiences while constructing reality, (Reissman, 1994), (Myers, Anderson, & Risman, 1998). There should be multiple conduits of information from the margins to the centre and back to the margins. “For intellectual production to remain fluid, we require both the margins and the centre. Exciting work takes place in the margins, but in order to transform knowledge, we must bring the work from the margins to the centre. When this occurs in sociology, we experience what Karl Popper (1968) calls a ‘paradigmatic’ shift.” (Myers, Anderson, & Risman, 1998, p. 408).

The effort in this research was to delve deeper into the experiences of women who have utilized progressive laws. Drawing from the significance of bringing voices from the margins to build knowledge, there was a special effort to focus on women who belong to marginalized poor communities or from very ‘ordinary’ backgrounds.

The second arena of exploration was the interaction with the legal system; when women do decide to approach the legal system, how does the woman experience various institutions and interact with the people who mediate these institutions – police, judiciary, lawyers, government officials – appointed specifically to support women in distress? Were these aforementioned agents responsive to the woman’s needs and expectations? Did the woman feel empowered?

The third arena that this study sought to explore is to understand the role that neighborhood groups, women’s support groups/collectives, community workers, and voluntary organizations play in this process and in the experience of empowerment.

Thus, one of the primary reasons to adopt a qualitative methodology was that the subject matter itself was more suitable for exploration as it has several dimensions on which not enough is still known.

Although the research study follows a qualitative approach to data collection and data analysis as its primary methodology, it does bring in some presentation of quantitative

data, in terms of profiles, and the process adopted to identify the cases for the qualitative study.

G. CRITICAL THEORY AND CONSTRUCTIVISM

Social Work research is typically done in one of the five paradigms: Positivism, Post Positivism, Critical Theory, Constructivism, and Grounded Theory (Morris, 2006), (Denzin & Lincoln, 2011), (Patton, 2002). The following table gives an overview of the major methodological paradigms, their aims of inquiry, nature of knowledge it seeks to contribute to, the values it espouses, and the posture of the researcher or Inquirer. Of the five approaches 2 approaches the Critical Theory and the Constructivism have been applied for the present study which have been highlighted.

Table No: 4 Methodological Matrix

Paradigm Positions	Aim of Inquiry	Nature of Knowledge	Values	Inquirer Posture
Positivism	Verified hypotheses established as facts or laws	Accretion – “building blocks” adding to “edifice of knowledge”;	Excluded – influence denied; focus on objectivity	“Disinterested Scientist” as informer of decision maker, policy makers and change agents
Post-Positivism	Non falsified hypotheses that are probable facts or laws	generalization and cause-effect linkages		
Critical Theory	Structural/historical insights	Historical revisionism; generalization by similarity	Included – formative, co constructio	“Transformative Intellectual” as advocate and activist

Constructivism	Individual and collective reconstructions sometimes coalescing around consensus	More informed and sophisticated reconstructions ; vicarious experience	n	Passionate participant as facilitator of multi-voice reconstruction
Grounded Theory	Building theory from systematic comparative analysis	Grounded in fieldwork so as to explain what has been observed	Using appropriate analytical tools for handling masses of raw data	A balance between objectivity and sensitivity

A combination of two approaches – the Critical Theory Approach, and Constructivism have been used. Within Constructivism ethnomethodological exploration has been used.

In the following sections each of these have been elaborated followed by the specific application of these approaches to the study.

- **CRITICAL THEORY:**

"A critical theory is concerned in particular with issues of power and injustice and the ways that the economy, matters of race, class and gender, ideologies, discourses, education, religion and other social institutions and cultural dynamics interact to construct a social system. Inquiry that aspires to the name "critical" must be connected to an attempt to confront the injustice of a particular society...Research thus becomes a transformative endeavour unembarrassed by the label 'political' and unafraid to consummate a relationship with 'emancipator consciousness'" (Kincheloe & McLaren, 2000).

The critical theory seeks not just to study and understand society, but rather to critique and change it. Critical theory is influenced by Marxian philosophy which makes class conflict central to understanding community. Further, it drew from the western radical struggles of the 1960's. It provides a framework – both philosophy and methods – for approaching research as fundamentally and explicitly political, and as change-oriented forms of engagement. (Patton, 2002).

The starting point of this research endeavour was the point when women identified injustice or denial, and it then explored how these women go about seeking justice.

Thus, the critical theory approach was applied particularly from the point of gender justice and the influence of class, caste and other factors that exacerbate the challenges confronted by women in pursuit of justice. Thus during the study the researcher explored elements of how the micro realities of women seeking justice and the use of law changed. The object of study and observations will be the woman's own changing perception of right and wrong, just and unjust, and the changing power dynamics of her key relationships in the family and the community.

The critical theory approach was applied in exploring how women challenge their own subordination and injustice. In this process, the study explored how the women access the legal system, and its responsiveness from the point of view of women law users. The experiences are embedded in a democratic system that India operates in.

The critical theory approach was further applied in assessing the outcomes of progressive and gender-based legislations, and can only be evaluated by examining how many women seek recourse to legal processes when denied justice. Laws are mediated through culture, and when a society is steeped in patriarchy, accessing legal systems and institutions of justice may preclude gender justice. This is particularly so for women who have limited education or are illiterate and come from poor and marginalized tribal areas. How did these women who, on paper, are citizens with equal rights in a democratic country, experience systems of justice? This is the effort to contribute to transformative knowledge by – as

Myers, Anderson and Risman have said – “.....bringing to the centre the experiences from the margins.”(1998)

- **CONSTRUCTIVISM:**

Constructivism begins with the premise that the human world is different from the natural, physical world and therefore must be studied differently. Human beings have evolved the capacity to interpret and construct reality, and to that extent the world of human perception is not 'real' in an absolute sense as the earth and the sun are real. Human experiences are shaped by cultural and linguistic constructs. The Thomas theorem coined by the well known sociologist W.I. Thomas states: *What is defined or perceived by people as real, is real in its consequences* (Patton, 2002). So constructivists study the multiple realities constructed by people, and the implications of those constructions for their lives and interactions with others.

The constructionist approach derives from the premise that the world we live in and our place in it are not simply and evidently “there”, but rather variably brought into being. Every day realities are actively constructed in and through forms of social action (Holstein & Gubrium, 2011). Kitzinger states, “We are none of us self contained, isolated, static entities; we are part of complex and overlapping, social, familial and collegiate networks. Our personal behavior is not cut off from public discourses and our behavior do not happen in a cultural vacuum” (Kitzinger J. , 2004). Silverman quotes Kitzinger in his book to draw on the fact that ‘experience is never ‘raw’, but is embedded in a social web of interpretation and re-interpretations’. (Silverman, 2008).

Constructivism therefore requires that the researcher pays attention to how the participants of the study are making meaning of their reality, and what aspects of their reality are revealed by them to the researcher. Further it requires being aware of the cultural contexts in which the meanings are being created. The position that women’s experiences have intrinsic value implies that each woman’s experience is unique. In order to capture these experiences through narratives, interviews, and focus group discussions, the

constructivist approach will be particularly useful. The skill lies in capturing not just what the participants are saying, but also how they get to say it. Holstein and Gubrium state that constructivist analytics is pre-theoretical in that it seeks to arrive at an understanding of how the subject matter of theory comes into existence, and what the subject of theory might possibly become. In this endeavour, the authors draw out two parallel research traditions that contribute to the constructivist analytics viz. the **ethnomethodology** and the **Foucauldian** inspiration (Holstein & Gubrium, 2011).

- **Ethnomethodologists** focus on how members 'do' social life, aiming in particular to document the distinct processes by which they concretely construct and sustain the objects and appearances of the life-world. Ethnographic studies tend to focus on locally accountable social action, and the settings within which social interaction constitutes the practical realities in question. They combine attention to how social action and order is built up in everyday communication, and detailed descriptions of place settings as those settings and their local understanding and perspectives serve to mediate the meaning of what is said in the course of social interaction. **The constructivist analytics tends to retain ethnomethodology's interactional sensibilities while extending its scope to both the constitutive and constituted "whats" of everyday life** (Holstein & Gubrium, 2011).
- **Foucault's work** appearing around the same time as that of ethnomethodologies, i.e. around the 1960's, considers **how historically and culturally located systems of power/knowledge construct subjects and their world**. Foucauldians refer to these systems as 'discourses', emphasizing that they are not merely bodies of ideas – ideologies to other symbolic formulations, but are also working attitudes, modes of address, terms of reference and courses of action suffused into social practices.

The Foucauldian approach was useful while constructing the social history of the subjects, the communities' history, and its location in the development discourse. The ethnomethodological approach was applied to provide descriptions of the settings, recording of the day-to-day, lived experiences of the women, how the women (subjects) make meaning of their lives, and how their experiences and meanings have changed. Together, these approaches helped 'construct' the law users' perspective of empowerment.

The research is rooted in a firm belief that democracy and its promise of equality and social justice can only be actualized when the vulnerable and most marginalized can access the legal system and seek justice with an expectation of fairness in upholding their rights. The research speaks for and with those on the margins. It has at its core – a liberationist philosophy – committed to examining the consequences of poverty and sexism, and examines closely what processes and experiences transform into feelings of empowerment.

- **LOCATION (POSITIONALITY) OF THE RESEARCHER**

Feminist qualitative research has emphasized that it is important to place upfront the position of the researcher to deal with the subjectivity and reflexivity that this process brings in to the research. Pelias argues that by the researcher laying out upfront the relationship the researcher has with the group they are studying, “researchers may assert that their insider position allowed them to have insights that outsiders could not or conversely, that their insider status may have kept them from seeking operative cultural logics.” (Pelias, 2011) (Pelias, 2011).

Towards this endeavor, this section **presents the work and experiences that have informed and influenced the study from the formulation to data collection and the analysis stages.**

The researcher has worked in Gujarat with rural women since 1995, with a three year stint with the country’s largest philanthropic organisation based in Mumbai.

Soon after her Masters in Social Work from TISS in 1989, the researcher worked for four years in a government led program – Mahila Samakhya. She was part of the team that set up the innovative education for women’s empowerment program in the state of Gujarat. It was the first government program that clearly stated ‘empowerment’ as its goal and strategy. Thus, the researcher’s engagement with the term empowerment started more than two decades ago. Her work as a social worker offered her the opportunity to use

community organising skills, group work, case work and advocacy skills and to hone them using participatory approaches.

Later she founded an organization called with four other colleagues to work on empowerment, women's rights and sustainable livelihood. While working with women, invariably, cases of violence against women came up, and the intimate dealing of the cases and challenges faced by the women gave a close view of how women negotiate patriarchy, make their voices heard, and acknowledge their agency. The journeys were never linear, and the contexts determined to a large extent the kind of decisions that women made. The researcher has worked both in the tribal as well as the non tribal areas of Gujarat, and the cultural, economic and social contexts shaped the outcomes for the women.

The knowledge of laws that promote gender equality was useful as they helped the women learn that there are norms outside of their cultural norms that are different, and provide them rights as citizens. However, the procedure of accessing justice through laws was long, and slow.

The women began using the knowledge of the laws in their negotiations, and often were able to achieve desirable solutions to the conflicts and the violent situations they were facing. Slowly, the women and the researcher learnt to differentiate between domestic violence cases, and cases of a criminal nature wherein it was imperative to go to the police and seek state intervention. This process also brought to the fore the possibilities and limitations of laws and the law machinery.

The researchers work was not limited to only violence against women, but also involved improving women's health, their economic conditions and their participation in local self governance. All this required the women to become aware, reflect on their reality, prioritise their problems, and then take action – much like the process defined by Batliwala in Chapter 2 of this study as 'empowerment'.

The researcher, as the program manager of the Indian philanthropic organization, worked on the portfolio called 'Civil Society, Human Rights and Governance'. Three years in this

position gave the researcher a national perspective on the role of civil society, challenges in supporting human rights approaches, and in designing strong governance based programs.

In fact the research proposal was developed and submitted while working with this organization.

Just as the focus of the researcher's work in practice has been to reach the most vulnerable and marginalised sections, the endeavour through this research is to bring the voices of ordinary women and particularly marginalised women to the discourse on empowerment. In doing so, the effort is to combine the role of the researcher with that of a social worker engaged in case work, group work and community work.

It was envisaged that the long years of social work engagement would allow for more in-depth enquiry and offer the possibility of unraveling details that are often missed out by researchers with no field work experiences.

The researcher has attempted to apply these approaches as a student of qualitative research and a practitioner of social justice and empowerment-based social work.

- **CASE STUDY AS A STRATEGY**

With the use of this method, "the researcher explores in depth a program, an event, an activity, a process, or one or more individuals. The case (s) are bounded by time and activity, and researchers collect detailed information using a variety of data collection procedures over a sustained period of time" (Cresswell). Case study methods involve an in-depth, longitudinal examination of a single instance or an event or a class of phenomena. They provide a systematic way of looking at events, collecting data, analyzing information and reporting the results. As a result, the researchers may gain a sharpened understanding of why the instance happened as it did, and what might become important to look at more extensively in future research. The case study strategy benefits from the prior development of theoretical prepositions. (Notes, 2011- 2012).

According to Yin, "the distinctive need for case studies arises out of the desire to understand complex social phenomena" because "the case study method allows investigators to retain the holistic and meaningful characteristics of real-life events," (Yin, 2003). In such a setting, a case study would be an explanatory one. A common concern about case studies put forward by their critics is that they provide little basis for scientific generalization. Yin's answer to this:

"case studies [...] are generalizable to theoretical propositions and not to populations or universes. In this sense, the case study [...] does not represent a 'sample', and in doing a case study, your goal will be to generalize theories (analytical generalization) and not to enumerate frequencies (statistical generalization)" (Yin, 2003)

Hartley states that case study research "consists of a detailed investigation, often with data collected over a period of time, of phenomena, within their context," with the aim being "to provide an analysis of the context and processes which illuminate the theoretical issues being studied" (Hartley, 1994). Yin offers a more detailed and technical definition of case studies:

"A case study is an empirical inquiry that

- **investigates a contemporary phenomenon** within its real-life context, especially when the boundaries between **phenomenon and context are not clearly evident**.
- copes with the technically **distinctive situation** in which there will be many **more variables of interest** than data points, and as one result
- relies on **multiple sources of evidence**, with data needing to converge in a triangulating fashion, and as another result
- benefits from the prior **development of theoretical propositions** to guide data collection and analysis". (Yin, 2003)

This definition points out that a **case study is not a method but a research strategy**. As matter of fact, case study as a research strategy comprises an all-encompassing method, which means that a number of methods may be used—whether qualitative, quantitative or both (Hartley, 2004), (Yin, 2003). Therefore, a **case study cannot be defined through its research methods, but rather in terms of its theoretical orientation**.

Bent Flyvbjerg discusses the challenges that still remain in defining the ‘case study’. He points out the benefits of a simple commonsensical definition that appears in the Merriam – Webster’s Dictionary and the rather problematic definition that appears in the Penguin Dictionary of Sociology.

According to the Merriam – Webster’s dictionary (2009) –

Case study – An intensive analysis of an individual unit (as a person or community) stressing developmental factors in relation to environment

This definition is similar to the one stated earlier by Yin, in which the ‘unit’ is defined by a functioning unit or a bounded system. (Although Flyvbjerg refers to the definition as seen in 2009, the Merriam – Webster’s dictionary holds the same definition at the time of writing this chapter and hence the reference is left at 2009). Therefore Flyvbjerg states that the decisive factor in defining a study as a case study is the choice of the individual unit of study and setting the boundaries. He further states that the case studies are “intensive” i.e. they comprise more detail, richness, completeness and variance - that is in depth - for the unit of study than does the cross unit analysis. The third element that he draws out from this definition is the stress it lays on ‘developmental factors’ meaning that a case essentially evolves in time, often as concrete and interrelated events that occur at a specific time and place. And finally, case studies focus on the ‘relation to environment’, that is the context.

Thus, drawing boundaries for the individual unit of study decides what gets to count as case and what becomes context of the case (Flyvbjerg, 2011).

The Penguin Dictionary of Sociology which is presented here:

Case Study: The detailed examination of a single example of a class of phenomena, a case study cannot provide reliable information about the broader class, but it may be useful in the preliminary stages of an investigation since it provides hypotheses, which may be tested systematically with a larger number of cases.

Flybjerg critiques this definition and states that it promotes a mistaken view that case study is hardly a methodology in its own right and is seen as a subordinate form of investigation over those that use large samples. He also challenges the point that case study does not yield reliable information. He agrees that the case study can be used in preliminary stages to generate hypotheses, but prefers not to be limited in using the case study as merely a pilot to larger sample-based studies. He then goes on to justify why case study is a useful tool for knowledge building.

Justification for Case study as a reliable source of knowledge building Summarized from (Flybjerg, 2011)

1. It is well accepted that in social sciences 'hard theory' is difficult to come by, as human behavior cannot be compared with the behavior observed in physical or natural science. This is especially true in the matter of the ability of being explanatory and predictive. However, when rule-based observations are conducted to study various aspects in social sciences, it does provide useful information but only until the preliminary level. In order to gain in-depth understanding and learning around human behavior, it can be best understood through specific and context-dependent knowledge. Some researchers like Campbell and Eysneck have actually come around from being critics of the case study method to acknowledging it as a method of learning, not with the aim of predicting and being objective – but as "the only route of knowing" which may be 'noisy, fallible and biased'.
2. Case studies can be used for generalization if they are chosen carefully. The experiment that Galileo presented to falsify Aristotle's theory of gravity was a singular case chosen

with care that consisted of a feather and lead to be dropped from the same height to prove that if the objects were of the same weight (which is a function of gravity) in the absence of gravity they would touch down at the same time. Similarly in social sciences a critical case can be identified such that it has strategic importance in relation to the general problem.

Having understood the positives and critiques, **the researcher chooses to use the Case Study strategy for the following reasons**

- a) Empowerment is a complex phenomena and needs openness to capture the experiences of the group of women under study that may not have been captured so far context of law user's.
- b) The laws identifies are of recent times and hence the phenomena of law users accessing these laws will be well suited to the Case Study as a research strategy.
- c) Simple set of theoretical propositions are presented.

The theoretical proposition, "should by no means be considered with the formality of grand theory in social science but **mainly need to suggest a simple set of relationships such as "a [hypothetical] story about why acts, events, structures, and thoughts occur"** (Sutton & Straw, 1995).

For the present study cluster of tentative theoretical propositions which will also provide boundaries or limits to the overall study are presented below.

Box No. 5 Cluster of Tentative Theoretical Propositions

- *There is likelihood of experience of empowerment by women who use laws to secure gender justice.*
- *It is most likely that women who are part of collective action facilitated by Civil Society Organisations will experience empowerment in diverse arenas of their lives, compared to those who only come to avail only of specific services.*
- *Civil Society Organisations using a women's rights perspective are most likely to create the basis for women's participation in democratic processes as equals citizens.*

SELECTION OF CRITICAL CASES

In this section the significance of critical cases as defined in the case study method is elaborated.

- **MEANING OF CRITICAL CASES**

From the above discussion it is amply clear that case study strategy involves studying a complex reality. In the interest of practical considerations, any research study has to limit the number of observations it can make. Those like Flyvbjerg and Yin, who use the case study method, state that it is important to identify **critical cases** – which are understood as

- **having strategic importance in relation to the general problem; and**
- **can offer certain extremes of behavior, or reveal something significant or are considered unique.**

While identifying such cases Flyvbjerg suggests that it is good to either look for “**most likely**” or “**least likely**” cases, i.e. cases that are likely to either clearly confirm or irrefutably falsify propositions.

The key informants of the case study are women law users and the civil society organizations who played a facilitation role.

The method followed to identify the law users was to first limit it to the state of Gujarat, then locate organizations that worked with women’s rights perspective and explicit use of laws.

- **GEOGRAPHIC LOCATION**

The location of the study is Gujarat. This state offers both ends of the spectrum of development parameters, and therefore can be said to represent the country.

To illustrate, on the economic front, Gujarat is among the top states. Looking at the economic indicator of Gross State Domestic Product (GSDP – total income of all known sources for the geography divided by the total population), **India's most economically free state Gujarat (7.31%) is in 4th** position in the year 2013-14 (statisticstimes.com, 2015). The average growth rate of GDP in Gujarat¹ over the past two decades has been higher than the national average, and more balanced than the other high growth-rate states. Despite impressive economic performance, Gujarat has not seen commensurate improvements in human development indicators like child marriage, malnutrition among children, and the sex ratio, to name a few.

In terms of child marriage in Gujarat, the National Family Health Survey (NFHS) data for 2005-2006 indicates that the percentage of women in the age group 20-29 who were married before the legal marriage age is as high as 38% and there is a direct correlation between the infant mortality which is at 90 deaths per 1,00,000 population for mothers of the same age group who had no education (UNICEF, 2012). Concerning food security, Gujarat is amongst the most food insecure states in India as identified by the Food Security Atlas of India (2004). This is corroborated by the NFHS Data-3 (2007) wherein 42 per cent of children in the state are malnourished, suffering from stunted growth, while children between the ages of 6 and 59 months, 70 percent, are anaemic. The same report states that 73 per cent of women are also anaemic. While the national sex ratio for adults is 940 per 1000 males, in Gujarat it is much lower at 919, and has dropped by one point since the 2001 census. There is some improvement in the child sex ratio since 2001 in Gujarat from 883 to 890, however, it is still extremely low.

¹ See more at: <http://unicef.in/State/Gujarat#sthash.4L3Vgzoh.dpuf>

Hence, one can say that the situation of women in Gujarat is representative of the situation of women in India. In this context, when the researcher identifies women for the study, one can assume that the findings can be generalized to an extent.

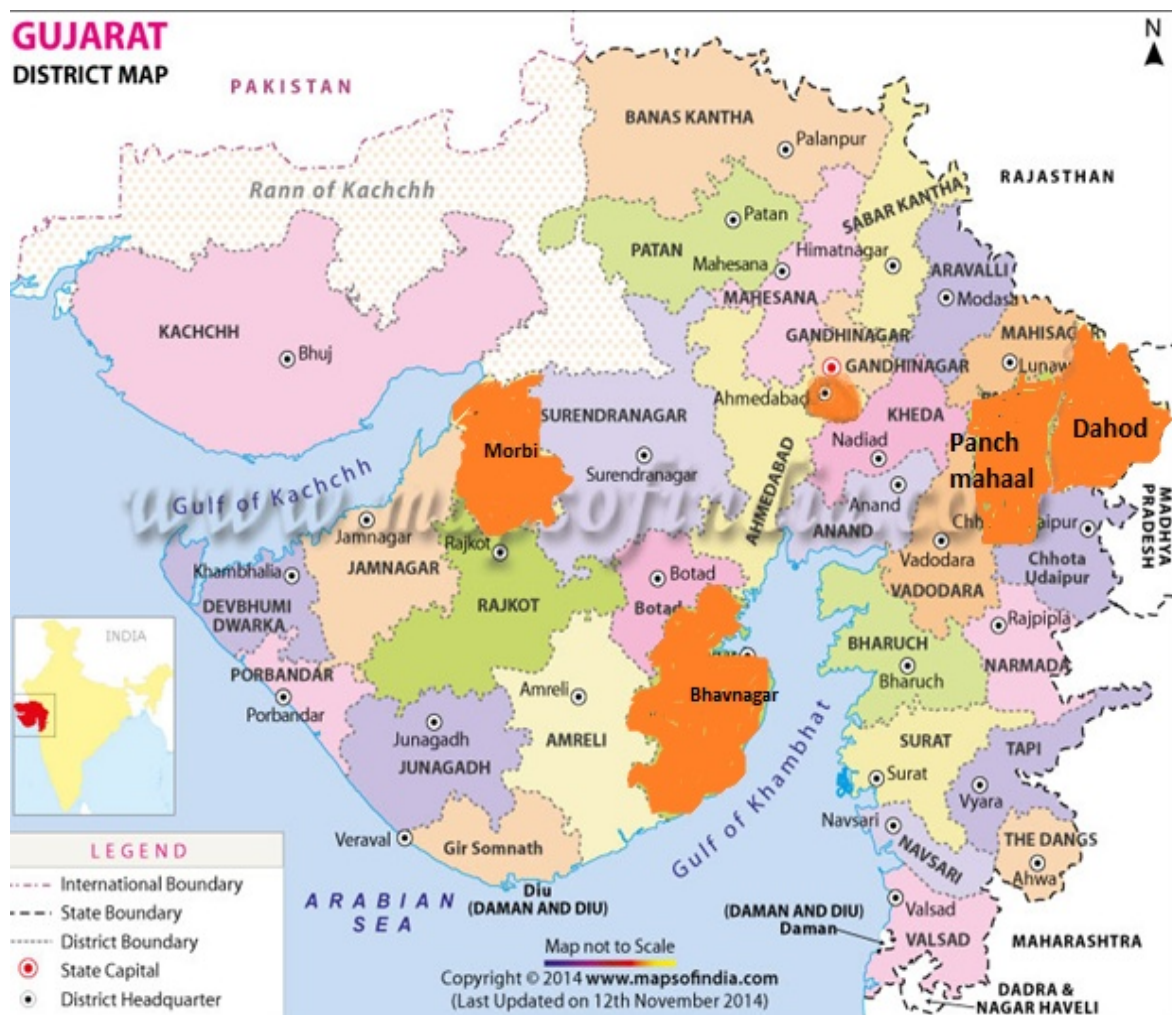
✓ **SELECTION OF CIVIL SOCIETY ORGANISATIONS**

Gujarat has a wide range of civil society organisations – from those that draw inspiration from Gandhian philosophy; the purely welfare-oriented, charitable organisations; to the NGOs supplementing the government's efforts in the areas of natural resource development, education, and health – such as those that are working on issues of HIV aids, disability and so on. Since the late 1990's, several organisations that focused on reaching the unreached, and those using the human rights framework also came to be set up.

For the purpose of the study, organizations that used the gender equality lens or the women's rights perspective were identified, and from among them those that used the basis of existing laws and provisions of the constitution and the government were specifically selected. The aim of such organizations was to popularise the use of these provisions, particularly amongst the poor, by offering information and guidance and referral services. They also offered a host of other support even at the community level. The location of these organisations is presented in the following map. The orange highlighted areas depict the location from where the cases have been drawn and as can be seen they are in eastern, the western and the central part of the state and can be said to be fairly representative of the state, as a whole. **The districts covered are**

Panchamhaals, Dahod, Bhavnagar and Morbi, and the urban areas of Ahmedabad. Most of the cases are from rural areas, except for the ones that are from Ahmedabad and one from Bhavnagar. Thus the rural – urban spread is also similar to the situation where the urban population constitutes 42% of the total population of the state as per the census.

Figure 5: Location of Selected CSOs in the state of Gujarat



✓ **PROFILE OF THE CIVIL SOCIETY ORGANISATIONS**

In the selected regions, the five civil society organizations identified were:

- A) Maliya Mahila Shakti Sangathan – Morbi District
- B) Mahila Swaraj Manch – Bhavnagar District
- C) Devgadhi Mahila Sangathan – Dahod District
- D) Panam Mahila Sangathan – Panchmahals District
- E) Mahiti Adhikar Gujarat Pahal - Ahmedabad

All the organizations have been operational for over 10 years. Three of the above organizations are registered, and two are unregistered; however all of them would qualify as civil society organizations as defined for the purpose of this study. Moreover, they have immense credibility with the communities they work with. They have brought in the human rights framework and follow an empowerment approach. The first four organizations expressly follow a women's rights perspective. The fifth – Mahiti Adhikar Gujarat Pahal, works for all citizens, especially the marginalized and ordinary citizens.

The following sections provide more details about their background and why they are selected for the study.

i. MALIYA MAHILA SHAKTI SANGATHAN

Maliya Mahila Shakti Sangathan (MMSS) was created after the 2001 earthquake of Kutch. The women had led the rehabilitation efforts in over 25 villages. Subsequently the women decided to form their own organization to shape and influence the development of women in their blocks. Today there are over 1000 women in this *sangathan* and they independently support the Self Help Groups at the village level.

There are strong linkages with the nationalised banks whereby the accreditation process of the self help groups is accepted by the banks which further provides loans for SHGs. The MMSS team ensure that the members understand the value of credit and regular

repayment and follow the norms to ensure rotation of funds and a good track record of savings and credit.

MMSS works with the Other Backward Communities (OBC) and the De-Notified Tribes (DNT) living in Maliya and Morbi blocks of Morbi district. Among the DNT are Miyana community that has come to settle down from the Sindh region and live in the very harsh ecological conditions. They engage in rain fed farming, salt harvesting and prawn harvesting – all dependent on the nature and hence highly erratic. This community has been a neglected community to such an extent that they have themselves internalized negative attitudes about themselves. As result they don't demand government services such as schooling, health and roads, and the local officials disregard their duties saying that this community does not deserve it. As a result there are practically no decent schools and non-existent health services.

The Nyay Samiti of the MMSS is a strong women-led alternative legal redressal mechanism where the women leaders deal with cases of domestic violence. Instead of having to go the courts which entangle the women into lengthy procedures and huge expenses, this forum calls upon both the parties – takes down case details – makes home visits to verify details and counsels both parties – keeping two principles in mind – interests of the woman and providing the woman the strength required to take her own decision. This involves several confidence building dialogues till the woman is clear about what she really wants. The leaders of Nyay Samiti have regular meetings to review the cases, they discuss the dilemmas they face and sharpen their own ability to offer arbitration and counseling. The Nyay Samiti members have been trained in formal legal provisions and of the human rights framework. The Nyay Samiti in conjunction with the leaders of MMSS develops themes of campaigns which includes street marches, poster based discussion and providing information on any new laws, and amendments that would have come about. Thus, they deal with cases and also create an enabling environment for women to assert themselves.

Figure No. 6 A Nyay Samiti session conducted by Maliya Mahila Shakti Sangathan



MMSS functions in the Saurashtra region the far western part of Gujarat that faces severe ecological degradation, poverty and is deeply entrenched in feudal social structures. It would be worthwhile to understand facilitation provided by this CSO given the feudal and orthodox nature of the Saurashtra regions.

ii. MAHILA SWARAJ MANCH

Mahila Swaraj Manch (MSM) is a registered organization that works to strengthen the elected women representatives and to ensure that the needs of poor women and marginalized communities are addressed through the Panchayati Raj systems. In doing so this organisation is becoming a model of how the Panchayati Raj can address women's issues. This organization is led by women of the Shihor block of Bhavanagar district and the majority of them have held formal positions in the panchayats as sarpanch or as members. Their credibility comes from having been allotted a room in the Shihor Taluka Panchayat where the MSM team members operated the Lok Adhikar Kendra and the Nyay Samiti.

Figure No: 7 MSM Members at the Room allotted to them at the Shihor Taluka Panchayat



They have worked through the Panchayati Raj institutions since 2005 to ensure that issues of concern to women and the marginalised are adequately addressed by the village and block panchayat. They have been responsible for training 4 rounds of women who got elected in the panchayat due to the reservation of 1/3rd seats for women. They have constantly endeavoured to make space for women's effective leadership at the panchayat and the Gram Sabha. They have tried several strategies to translate the 73rd amendment to the constitution in spirit.

Some of the achievements of the MSM are that they regularly mobilise women prior to the Gram Sabhas to ensure that women's concerns are discussed and taken up for decisions. They have processed over 100 claims of Indira Awas for deserving women. MSM has been active in ensuring that the National Food Security Act 2013 got passed by participating in the state and national campaigns that were pushing for the law. The leaders of MSM received training on how to activate the Village Health and Sanitation and Nutrition Committee (VHSNC) and then undertook training of all the VHSNC in the block. They continue to monitor its functioning on a regular basis to ensure that the funds received under the National Health Mission are put to proper use. From day one the MSM has negotiated for space in the Block office of Shihor where they conduct their business on two days a week. They have been trained to send bulk voice messages to sarpanch, women members. This was an effective tool to keep in touch with non literate women.

One of their main focus is to overcome caste based and gender based discrimination that elected women face in a fairly strong feudal society.

As a women's organization that works with Panchayats, the leaders noticed that women sarpanch were approached by women who needed help in their cases of domestic violence, after they had received training on women's rights. While some women Sarpanch or panchayat members were able to deal with the problems, others felt inadequate and sought support from MSM leaders. In order to streamline the support that MSM could offer, they initiated a Nyay Samiti that comprised of two leaders of MSM and three or four elected panchayat members decided to set up one day a week when they would deal with the cases. All parties are called to the Block office on Thursday when the Nyay Samiti offers

guidance, arbitration and settles the cases. These members too have received training on laws and human rights.

MSM is another organization from the Saurashtra region of Gujarat, but their work focuses on groups that are economically better off. Thus while this CSO deals with the better off women, they still have to deal with deeply orthodox and feudal behavior when dealing with women law users.

iii. DEVGADH MAHILA SANGATHAN

Devgadh Mahila Sangathan (DMS) is a rural women's solidarity organisation that works with Adivasi and other socio economically marginalized communities comprising of wage workers, forest dwellers, migrant construction workers, marginal farmers, organic fertilizer and seed producers, that belong to the Devgadhi Baria block of Dahod district and Ghogamba block of Panchmahals district covering in all 80 villages.

Since the year 1999, DMS has worked on several issues to protect women's rights and entitlements to respond to basic survival needs of members and other poor communities and build identity in family and society.

With over five thousand members from populations of Bhil, Nayak, Rathwa and Baria, DMS has collectively led struggles on issues of food security, livelihoods, land rights, health rights, violence free homes and society, freedom from corruption and exploitation for a life with dignity for women and marginalised communities. DMS participates and contributes in all important campaigns and studies at the state and national level to protect and promote social security entitlements of ration, pension, maternity entitlements, health and

education as these are vital source of economic stability with dignity for poor and marginalised women and their families. DMS is an active member of the network on women's land rights and single women's association at the state level.

Senior leaders of DMS comprise of the Nyay Samiti which has gained legitimacy as an all women *panch* (a term designated to a group of elders who are called upon to resolve disputes at the community level) and gained credibility in the area as a place where women

Figure No: 8 Devgadh Mahila Sangathan Leader at their office in Devgadh Baria



get justice. Although most of the members are illiterate, their understanding of women's rights is very strong. It comes from having been trained in constitutional guarantees, laws that protect and promote women's rights, and having worked with over 200 cases of domestic violence. There are fixed days in a week when the Nyay Samiti members are available at their office in the block headquarters of Devgadh Baria.

DMS provides a site of enquiry in an economically backward, and forest region of largely tribal communities in the eastern part of Gujarat. The communities have not been able to escape extreme poverty and women face gender based violence which is linked to economic factors as much as patriarchal structures. In such an area, the point of enquiry is how DMS as a civil society organization with a women's rights perspective facilitates women

iv. PANAM MAHILA SANGATHAN

This community based organisation came about to deal with the problems of the families displaced due to the irrigation dam built on the river Panam built in the late 1960s. The families were relocated in Shehera block of Panchmahals district. Even thirty years after the relocation, the families were struggling to get their lives back on track. The women decided to form a collective of not just the relocated families but also of the other marginalised communities.

Their primary need, they felt, was to have access to cheap credit and they decided to form an all women savings and credit cooperative. They had to face many hurdles to register as the local vested interests did not want the families to gain access to low interest credit. However, they marched up to the state capital, met with the highest officials, and got their registration for the cooperative. In the six years of the credit cooperative, the membership base has increased to around 2000, and they have been receiving either A grade or B grade for their accounting and financial processes by the registrar of cooperatives.

Figure No :9 Panam Mahila Sangathan Leaders at their Office in Sajivav



While the savings and credit activity began to be undertaken by the registered cooperative, the Panam Mahila Sangathan (PMS) continued to focus on other livelihood needs of the women and the community. Since the MGNREGA – act came into force PMS has been systematically working to ensure that the act gets implemented properly so that the income of the families of the marginalised communities can go up. They mobilised adult women and men to apply for work, and strengthen the panchayat to put up their demands to the block offices and also ensure that the government made payments fully, and on time.

PMS too works in the eastern part of Gujarat, but with communities that have been displaced and have mixed communities of castes and tribes..

Note: ANANDI – Area Networking and Development Initiatives a CSO has been instrumental in seeding and building the capabilities of the 3 community based organizations mentioned above. These organizations are pretty autonomous when it comes to dealing with women's cases and role of ANANDI is to provide support for legal strategies. Thus the women law users would sometimes refer to the Sangathan, and sometimes to the CSO together. It is also a conscious decision to foreground the identity of the grassroots community based organisations to bring in the voices and identity of such organisations that otherwise remain in the margins as per the research strategy.

v. MAHITI ADHIKAR GUJARAT PAHEL

Mahiti Adhikar Gujarat Pahel was born out the collective efforts of the members of Janpath. Janpath is a solidarity forum and a platform for expressions of common concern of NGOs, CBOs, activists, professionals and individuals, committed to working for the poor & marginalized, while maintaining the unique identity of each of its members. The overall goal of Janpath is to get together for solidarity, harmony, lobbying, advocacy, & policy influencing on prime issues of Gujarat.

Janpath promotes certain initiatives and incubates them till they become independent to function on their own. When the Right to information Act was passed, the members expressed a need to have a special unit that would offer training and specialised support not only the NGOs but even ordinary citizens. Thus, the **MAGP - Mahiti Adhikar Gujarat Pahel (translation - Gujarat Initiative for RTI) was initiated in Ahmedabad**. The main goal of MAGP is to promote effective implementation of RTI to strengthen democracy and increase people's participation in the democracy.

MAGP – offers a regular service of the Saturday Clinic where people can walk in for guidance. They also offer an RTI helpline and conduct promotional activities like training, awareness building programmes etc. MAGP has a van that is used as a mobile information kiosk and they take this van to various districts on the invitation of NGO members. Most of the cases they deal with belong to poor and working class people. Several women cases they deal with are employed in the public sector such as ONGC, LIC and they seek help to get their claims cleared. Two of the cases covered in this study belongs to an upper middle class lady who was being cheated out of her husband's property and the other to a rural woman who is being cheated out of her father's property.

Through their helpline, they have responded to around 3,00,000 calls in 8 years. Of these, 3% calls are by women. MAGP has built itself a credibility not just among the NGOs, but also among the ordinary citizens and the government for its thorough knowledge and regular follow-up.

MAGP as an organization, is one of its kind in Gujarat, that is solely focused on the Right to Information Law and hence although only 3% of their users are women these women will provide a critical view of how they become empowered, as law users.

As explained earlier in the chapter, the effort in the case study strategy has to be to locate the 'critical case' and not the representative one. Through these organizations, the aim was to identify women who had used the laws.

H. DATA COLLECTION METHODS

Data was collected using secondary sources and primary sources. Secondary Sources included information about the CSOs, records of the CSO and their reports about the law users. Reports put up on websites by key stake holder were also used.

Primary sources included information from law users, from key stake holders and participant observations.

In the following section the specific methods as planned for the three main stages of research –

data collection, data analysis and verifying and drawing conclusions (Kothari, 2004), (Panigrahi, 2012) are presented.

✓ *CASE INTERACTIONS AND INTERVIEWS*

In order to probe similar social contexts such as relationships within family, with the community and the state and non-state actors which have a bearing on the women's lived experiences, an interview guide was developed. Feminist researchers such as Ann Oakley were among the first to point out that formal interviews for a long time were seen as a preferred and a superior form of data gathering from the subjects. This traditionally defined interview process assumes that the researcher asks the questions and the respondent gives the answers, where the respondent is perceived as a passive individual. The role of the researcher/interviewer is reduced to question asking and rapport –promoting role.

She argues that as a feminist, the primary aim is to bring to the fore women's voices and experiences which are missing from the dominant discourse, and therefore the accountability needs to be understood from the point that research is as much meant for the women who are being researched, as it is for the knowledge community. Thus, the interview process is more iterative and involves the women too asking questions with the researcher 'responding'; it is therefore, more likely to lead to personal satisfaction of the

interviewee. This in turn will lead to the women being willing to spend more time and offer further opportunities for interaction and in-depth and intimate sharing (Oakely, 2008).

Therefore, semi structured and open ended interviews were used to gather details from the women to throw light on the subject of the study.

None of Civil Society Organisation (CSO), had dealt with cases of women who had suffered sexual harassment at the workplace. Thus, in order to identify these cases, contacts of those who were offering training on the subject, or organisations that had a specific policy were identified. Due to the confidentiality clause, women wanted to exercise their right to remain anonymous and or silent about- the incident. In some cases the procedure was still going on. Hence finally, it was possible to identify only two cases due to reasons stated above. Both these cases relate to the incident occurring in Civil Society Organizations and present very different scenarios and therefore some critical learning.

In the case of HSAA (2005), although the amendment was passed in 2005, around the same time as PWDVA, this law was found to be far less popular. Even the CSO team members hardly knew about this. Initially they listed all cases where they had secured inheritance of property for women applicants. On closer examination of the cases, most of them were of women seeking their rightful share in the marital property. It was with great difficulty that 3 cases where the women had actually applied for their share in natal home were identified. The 4th case was located with the help of another CSO having similar goals working in Sanand block of Ahmedabad district.

Almost all the women agreed to electronically record the conversations which were converted to transcripts which allowed for data analysis and finally for case presentation.

✓ *FOCUS GROUP DISCUSSION*

Crucially, focus groups are distinguished from the broader category of group interviews by “the explicit use of the group interaction as research data” (Kitzinger J. , 1994).

This was particularly useful for gathering information on the women law users’ experiences with MGNREGA. Three Focus group discussions were held.

In the case of the MGNREGA, 33 women were identified as those who had taken up issues and challenges to get the scheme properly implemented their villages. It was noticed that many of these women belonged to the same village. When the researcher began the discussion in the first village of MGNREGA, the women chose to call in the other women who had worked on the MGNREGA site and participated in the collective struggle. There was nothing private that was being shared. It in fact pointed to the possibility that women were working as a collective and supporting each other to make the law more effective. Thus it was worked out that along with a brief background of each of the law user the method followed would be that of Focus Group Discussion. Finally 15 women law user’s became part of 3 Focus Group Discussions.

These exercises yielded data in the form of ‘**detailed descriptions**’ of situations, events, people, interactions, and observed behaviours. The data also included ‘**direct quotations**’ from people about their attitudes, beliefs and thoughts; and ‘**excerpts**’ or ‘**entire passages**’ from documents, correspondence records and case histories. All these data was not usually immediately accessible for analysis, but required some processing as described in the section below (Panigrahi, 2012).

✓ *KEY STAKE HOLDER INTERVIEWS*

In order to **triangulate and corroborate** the evidence emerging from case studies and the personal narratives, below is the list of stakeholders that were interviewed for the study:

- Lawyers
- Government Officials – at Shelter Homes, Block and District Level Officials, and officials of Gender Resource Centre

➤ Community Leaders

Open ended interview and a broad interview guide was used to cover the significant ground related to the case and the theoretical proposition.

✓ *PARTICIPANT-OBSERVATION*

The method used was not that of a passive observer, but more along the lines of participatory action research which is “built on the notion that knowledge generation is a collaborative process in which each participant’s diverse experiences and skills are critical to the outcome of the work” (Brydon-Miller, Kral, Maguire, Noffke, & Sabhlok, 2011).

It was made explicit to all the women that unlike other times when they would see the researcher as a member of the CSO, this time she wanted to learn from them the details of their lives and the changes that had come about.

List of Participant Observations

- 1 Nyay Samiti proceedings
- 2 Training Session of CSO leaders

• **METHODS OF DATA ANALYSIS**

Analysis of qualitative data is the process of systematically organizing the information collected from the field. Whereas a study typically following quantitative approach employs data analysis as a fixed stage/step with data analysis techniques being more or less decided in advance, a qualitative study relies on the thinking and creativity of the researcher.

Deciding about the data analysis strategies is very crucial although there is typically not a precise point at which data collection ends and analysis begins (Panigrahi, 2012). According

to Paingrahi, in qualitative studies there are two options available to the researcher: ongoing analysis or analysis at the end of data gathering. In the ongoing analysis phase, the researcher formally reflects about the data as it is being gathered, asks analytic questions and writes analytic notes throughout the study. Those who analyze at the end, wait until all (or most) of data are gathered, and then begin the task of asking analytic questions. For the current study, the analysis was attempted as data was gathered. The first round of analysis was undertaken after collecting the profiles of the cases.

First Stage consisted of collating the different kinds of data gathered which entailed

- Correction of the raw field notes by way of editing and typing, converting the tape recordings into written transcriptions and correction of the same.
- Data Reduction - It refers to the process of selecting, focusing, simplifying, abstracting, and transforming the data that appear in written-up field notes or transcriptions. Data reduction was not something separate from analysis as it required the ability and skill to sharpen, sort out relevant information, focus, discard, and organize data in such a way that meaningful conclusions can be drawn and verified.

Second Stage: Analysis is also shaped by the general framing of the study. For example, phenomenological studies are open-ended, searching for themes of meaning in participants' lives. Broad categories are sought, with sub-themes to elaborate the topography of meaning. A feminist phenomenological study would search for the deep meaning of women's experiences – what are women's experiences of patriarchy; what role does oppression play in their lives; specific instances of discrimination, and so on. Ethnographic studies usually begin with broad domains for gathering data that then shape analysis; they are balanced between structure and openness. (Panigrahi, 2012).

The third stage stream of analysis activity was conclusion drawing and verification. From the start of data collection, the researcher in the field made notes about the activities and their explanations. Subsequently, these notes revealed some possible configurations from where tentative conclusions were drawn, verified and cross checked, while in the field, to check the credibility of those conclusions.

In a nutshell, the qualitative research methodology lends itself to a flexible approach within the limits set by the research objectives. The specific approaches mentioned in this chapter guided the researcher. Her position as that of an advocate, and an activist deeply concerned and passionate about the empowerment of marginalized women ensured that adequate attention was given to using the research process to create change in favour of the marginalized. Thus, some changes did occur in the course of data collection due to this orientation.

I. LIMITATIONS OF THE STUDY

Due to the confidentiality clause under the Sexual Harassment Law, only two cases were available. But they are significant in that they did provide some critical aspects.

All human lives are lived in a continuum; however, as a researcher each narrative needs a beginning and an ending. There is a limitation in what gets identified as the beginning and the end based on how the women who are narrating their experiences perceive their lives at that particular moment.

Certain details that are too painful to recount may get suppressed or diluted. However, the researcher's experience of being directly involved in community work and with women was helpful in drawing out the significant details.

The second limitation, is that the study is self funded and hence could not cover areas in North Gujarat and South Gujarat to make it more representative.