

in conflict and custody



Therapeutic Counselling for Women

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AND CUSTODY

*Dedicated to the memory of my mother Shakuntala Dhavan,
the petit soft-tough woman from the North West Frontier who saw
the first draft but did not live to see the book in print and
to whom I owe more than I could ever repay.*

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List of Abbreviations

AMIMB	Association of Members of Independent Monitoring Boards
APA	American Psychiatric Association
BACP	British Association for Counselling and Psychotherapy
CCC	Complaints and Counselling Cell
C.O.	Commanding Officer
Cr.P.C.	Code of Criminal Procedure
DEVAW	Declaration on Elimination of Violence against Women
DIG	Deputy Inspector General of Police
DMSC	Durbar Mahila Samanwaya Committee
DSM	Diagnostic and Statistical Manual of Mental Disorders
ICD	International Classification of Diseases
IIPA	Indian Institute of Public Administration
IPC	Indian Penal Code
ITBP	Indo-Tibetan Border Police
KSLSA	Karnataka State Legal Services Authority
NALSA	National Legal Services Authority
NGO	Non-government Organization
NIMHANS	National Institute of Mental Health and Neuro Sciences
OCD	Obsessive Compulsive Disorder
PITA	Immoral Traffic (Prevention) Act
PO	Protection Officers
PRAJA	Penal Reform and Justice Association
PRI	Penal Reform International
PTSD	Post-traumatic Stress Disorder

PWDVA	Protection of Women from Domestic Violence Act
S.P.	Superintendent of Police
UP	Uttar Pradesh
WHO	World Health Organization

Preface

The need for this book arose for two reasons: the first reason was that in the course of several projects run by us in Indian prisons for several years, my colleagues and I came across acutely troubled women, sent 'in custody' by the criminal justice system, many of whom were baffled and terrified by the system's complexities. Herded like sheep from one day to another, they soon lost their real lives and showed differing responses to the experience of being locked up, severed from all that gave any meaning to their existence. Simply saying 'don't worry' to them was not only misleading and inadequate as a response, but also failed to address some of the most dramatic changes in their lives and personalities that could cause visible and invisible damage that they would have to come to terms with for the rest of their lives. Depression (including clinical), tension, anxiety and aggression, personality disorders and even suicidal tendencies were not uncommon among the women whose age ranged from 17 to 70 and who had been brought there for major and minor offences. Something was missing in the way their needs were being met and the way they were being handled. For us the big lacuna was the neglect of their mental state. The idea of setting up counselling units seemed a first step towards addressing the women's plights and enabling them to express themselves and make their own statements about their lives. They needed to be enabled and empowered for the course of the rest of their journey in life. Counselling (*not* advice-giving) practised according to tried and tested standards and guidelines and structured by codes of practice seemed one method. There would of course be others.

The second reason for the book emerged out of a realization that related to the needs of the women and was also the reality that counselling, as it has been developed and practised in professional units in other areas of the world over the last 40 years or so, has

not found a place in our part of the world. Sporadically it gets a mention when crises hit groups and/or individuals, and counselling is regarded by generalist do-gooders as a worthwhile thing to do. Having observed 'counselling shops' spring up everywhere and seen plain advice-giving pass for professional counselling without substantive knowledge or training relating to the subject, we believed we could fill a gap—both theoretical and practical—that could be developed upon by others who felt the need for such activity in their areas of engagement. We believed we could draw up a manual of sorts that would both define counselling and suggest how it could be structured and developed for different situations and circumstances to bring meaningful relief and assistance to distressed subjects.

At a basic level, this book would wish to suggest how to address constructively the acutely stressful circumstances leading to the agonizing experiences and emotional breakdowns of distressed women in two specific problematic situations in the Indian (and perhaps all of South Asian) society. It has discussed some professionally structured steps that can and should be taken to address this state of distress (and its origins and ramifications) by those called upon, equipped and prepared to do so. It is also about how these 'helpers' ('counsellors' once they are trained) need to and can improve their abilities to respond *effectively* to demands for help (at socio-personal levels) by those who seek or need it before their conditions and situations deteriorate beyond repair.

Helping persons in distress is not new—it has always had a prominent place in families, among friends and in communities. Problems, discord, disputes and conflicts, and any lack of harmony in social groups have been addressed/resolved down the ages by family and community members ('elders' in some societies). So what's new? Changing social patterns, individualized living and the increased pressures in day-to-day life leading to near explosions in personal relationships even within the family (particularly relationships with domination and power written all over them) have made the need for 'outside' assistance in coping and resolving conflict, critical. When family and community

themselves became the source of conflict and discord and the individual needed assistance *as an individual*, the entry of an outside agent was a logical step in the search for harmony. As a team of activists whose help and assistance had been asked for in alleviating problem-ridden situations, we had been able to observe, participate in and actually try to supervise counselling and problem-solving activities for women in settings such as complaints cells and prisons where there was an urgent need to counsel and/or assist relatively ignorant, legally ill-informed, unaware, distressed, stressed, anxious and depressed women who had lost the capacity to cope with their lives in varying degrees. Supplemented with the utter neglect in the area of mental health generally and women's mental health particularly, the space for several interventions was unquestionable. We have tried to give some space to discussions related to the differences and/or overlaps between mental illness and mental disorder to acquaint readers with some of the background literature on formal classifications of mental disorders, most widely used as a reference point for practitioners.

The experiences that spearheaded the need for this book also presented evidence of the limitations of the law and the justice machinery in providing the relief that the vulnerable groups discussed here needed. While gender bias in society is sought to be resolved by the letter of the law, no amount of enactments and judicial pronouncements are able to address sufficiently all aspects of the social (masculine) milieu within which all manner of professional disciplines continue to function in the treatment and intervention zones for women. This includes medicine, psychiatry and psychology. One analyst has included media and advertising in the list of actors and agencies that are responsible for veiled gender biases and stereotyping in portrayals of women in our society (Ammu Joseph in Davar [2001]). These will be discussed later in the chapters on women and counselling in this book. In any event, counselling emerged as a dire necessity for addressing specific women's needs.

While we are on the subject of the 'why' of counselling for women in distress, it might be added that the failures of some formal mechanisms and disciplines (like those mentioned earlier) in

addressing women's issues are related to their differing change-agendas. That the formal institutions came in conflict with women's movements advocating forward-looking change or feminist movements generally is not surprising. If one simplistically divided solutions for women's problems into those that need social solutions and those that need individual remedies, most interventions fell short of addressing one or the other, or indeed both. The experts (legal, medical and psychological) looked upon feminists as interlopers in areas that were a specialist's domain. Amidst the tussles and tensions on who is best equipped to address what is clearly a social *and* individual problem for women in terms of coping with their lives, a silent battleground seems to appear. We are advised that a more holistic approach brings us nearer the desired goals of assisting women in stressful times.

Let us take depression for instance The feelings of powerlessness, frustration, inadequacy, guilt and loneliness that combine as depression cannot be understood if we look at it only in terms of the woman's psychological characteristics as a deficiency of inability to cope The social origins of depression, the impact of stressful life events and the complex relations between gender, social roles and mental health are well documented in sociological literature The presence of social support has been identified as a key variable in moderating the effects of threatening life events which push the individual towards mental distress. (Vindhya in Davar [2001])

Our own experience told us much the same. Many women told us in so many different ways how something inside them was cracking up: '*Roz roz chup chaap aasmaan ko dekh dekh kar dimaag kharaab ho rahaa hai*' (to keep gazing at the sky in silence each and every day is driving us mad). In this spirit and in environs where essential support systems have got marginalized, therapeutic interventions like counselling become germane to the survival of many who would otherwise perish in more ways than one.

Because distress can be constituted of subjective and objective features, the methods of addressing it do not have such characteristics of structure and formality as those required for ailments arising out of anatomical or physiological malfunction.

Psychotherapeutic methods are more than likely to be regarded as too fluid and rudderless to yield results of any consequence. Our experiences in the prison did, however, provide evidence of distressed prisoners (who may also have had medical problems) coming for counselling more readily and frequently than they visited the prison doctors for medical attention, even though they felt that having a fever was considered more serious all round than an anxiety disorder that bordered on the imaginative and hallucinatory. Doctors often called them 'shammers', dismissing them with remarks like '*kal to aai thee, ab phir se kyon aie ho?*' (you came just yesterday with the same ailment, why have you come again). They turned to the counsellors as a fallback, and often got interventions that were able to address more than one kind of problem.

Even in its fallback or comfort-zone interpretation, prevalent views about counselling are unconstructive because of the generic meanings attributed to it, which in turn come from two contradictory directions. On the one hand, it is viewed dubiously, constantly needing to be justified, particularly when recommended in our (South Asian) region. Labelled variously as 'humbug', 'trite' and 'grandmotherly advice', counselling always seems to fall short of being granted 'professional' status and even when indulged it never finds the place that other interventions (medical, legal, etc.) do. On the other hand, counselling has caught on as a desirable add-on in several non-Western societies, primarily because of the (professional) status it has in other parts of the world. Hospitals, courts, educational institutions, police precincts, business houses, workplaces and other locales where stress-ridden situations are likely, room is being made for 'counselling' in the hope and expectation that the persona of the individual will be addressed. Faced with this new scenario, the South Asian response is: it must be useful if it is practised in advanced countries, so we should also do it. Many departments and institutions mechanically add it into the organizational structures *without* putting in place anything that remotely resembles what has been set out as the essentials of counselling. Britain, for example, has the British Association for Counselling and Psychotherapy (BACP) that gives recognition to

institutes and provides guidelines and standards that have to be observed when counselling units provide a 'counselling service'. This point will be laboured, after we have set out the guidelines that we hope to, in the chapter on 'training'.

For the moment, in presenting this book we are taking the vitality and importance of counselling as a given in today's social scene in India. Since it is not any old counselling being recommended but the *counselling that needs to be carried out according to standards and structured guidelines*, there is an imperative for developing and improving the knowledge that accompanies counselling and the skills and understandings that are needed to carry it out. Nothing remotely resembling the fund of knowledge that is available in the West exists in any part of South Asia, so we shall not pretend to provide a guide or manual anywhere near the standards of sophistication that are found in the treatises on the subject by academics and practitioners in Western countries. Despite the existence of some scepticism about counselling in other parts of the world, the literature on the subject abounds and is used proficiently by those who have a professional interest in counselling. The endeavour here is to work towards a product that will fit the needs and particular contexts that we are addressing, which is a challenge, given the multidimensional variegated nature of the South Asian social fabric.

The nuanced context of the region presents us with women who have difficulty coping with the multifaceted and conflicting demands of and within such societies as ours—where tradition hallowed by custom and religion presents a strong resistance to the modern legal concepts of the rule of law and equality before the law. As a fundamental and vital component of everyday life in South Asia, tradition may not be regarded solely as a hurdle or obstacle when addressing women's predicaments: it does form the mainstay of their survival and the measure of their accomplishments. Far from wishing it away, it would need to be faced without prejudice and with a recognition that grants it as much value as that accorded to the so-called rational approach of the law. For example, notwithstanding all the prevalent scepticism about dowry, arranged marriages, religious codes and practices, taboos

and bans, and all manner of ritualistic observances by women in the Indian subcontinent, addressing women's issues from a high moral and/or rational ground can be counterproductive: it might be tantamount to throwing the baby out with the bathwater. The counselling strategies that would need to be developed in such conflicting situations would need to be of a kind that prevent an already weakened woman client from viewing her situation as one where her abilities to surmount existing difficulties and problems are further diminished.

Rather than pretend to be a high-powered treatise on counselling, this book is intended to take counselling to some ordinary life situations for women who are enwrapped in layers of dos and don'ts that take them round and round in circles without providing any direction. Some of these situations are set out at the start before the theoretical foundations of counselling are analysed. In fact, we discovered that some of the real lives seemed so unreal that counselling too can be an inadequate intervention. Someone then has to urgently draw attention to the likely damage if medical assistance is not forthcoming immediately. The need for timely responses is as urgent in the area of mental disorders as it is in physical. While there is an emphasis on the theoretical foundations of counselling, the attempt is still to keep it rooted in the practical areas of usage.

While focusing on the methods and ways of counselling in situations and problems related to *dispute resolution and custodial environments*, the book does contain an introductory overview of counselling's purposes and processes whereby it is able to highlight simple fundamentals about counselling that can then be adapted to other areas of engagement than the ones we have focused on. As a process of communication between persons (counsellor and client) in which there is a relationship of giving and receiving help without judgement, prejudice and vested interest, counselling is painstakingly analysed here to reveal its composition at rudimentary and sophisticated levels of participation. The book hopes to provide guidelines that will enable wholesome and constructive counselling in particularly sensitive areas of engagement such as domestic or other dispute resolution and custodial

environments by ensuring that there is a better understanding and more awareness of the highly ethical and professional nature of the activity.

The book is neither like a cookbook that offers recipes for best practices nor an attempt to provide the definitive off-the-shelf guide to solutions. It is a pointer to acquaint would-be counsellors with features of counselling that necessitate it to be seen, understood and undertaken as a special and specialist activity; and it is a reminder for those who wish to guide counsellors in counselling work about the nature of the activity, the stages, the skills and the depth of thinking that must accompany counselling if it is to achieve its worthwhile purposes. More specifically it relates to assisting the counselling of women in the two particular distress contexts mentioned earlier.

The structure of the book is simple:

- It provides historical and practical guidelines from several sources that are the most reputable in the area of counselling.
- It lays out the theoretical understandings that must accompany counselling in the most simple manner and style.
- It highlights the atmosphere and ambience, both physical and mental/emotional, that must accompany the activity of counselling.
- It elaborates the skills and methods that are a vital part of the process of helping particularly vulnerable people to sort out their lives in the best possible way.
- It demonstrates through living experiences the needs and requirements of distressed subjects that set in motion the demand for particular types of counselling.

Women's own experiences heard in their own voices are a vital ingredient of their life's realities that may not be ignored when interventions are being suggested. As a preliminary document, this book seeks to be located in the experiential without losing sight of the theoretical underpinnings of tried and tested approaches to counselling. The value of theory in practice is

emphasized throughout the book. The assumption is that human relations being an area as vast and complex as it is, the theoretical underpinnings about human behaviour and motivations that have emerged out of the vast reservoir of knowledge about such behaviour in other regions and contexts should be used to steer the course of counselling at every stage of the process in our context as well. Caution is also suggested about the danger of losing the wood for the trees.

I would like to acknowledge the invaluable help of all the sources that have been consulted in the course of structuring and writing this book. While all of them have been duly referenced at the end of the book, I would still wish readers to appreciate that the studies of the theories and practices of counselling in other environs have provided the impetus that has facilitated this adaptation of the skills and techniques required for counselling in the South Asian context. Without those tried and tested templates this collection of accumulated observations and assessments may not have happened. The hope is that this effort will take the activity and practice of counselling to other areas of engagement where it is needed and produce more experience-related information that becomes a substantial body of literature on the subject in our own regional context.

The particularity about this treatise on counselling is its focus on two very specific situational boundaries or domains, and as such it is seeking to formulate such modifications and adaptations relating to the process as are seen to be relevant to those particular domains:

- In *mediation and problem-solving*, the suggestion is that while counselling is a vital component in the process of mediation for women in distress, many of its general features require adaptation and modification when women are seeking specific assistance to resolve specific problems relating to their personal or social lives. Counselling skills then need specific reinforcements to become 'mediation skills' even as the activity is called 'counselling'.