



REPORT OF STUDY ON VIOLENCE AGAINST WOMEN

Ms. A. HIDAYATHUL KAMILA.

Part time Ph.D. Scholar

Department of Women Studies, Bharatidasan University

Tiruchirapalli-620020.

Abstract

The gender based violence against women is the pervasive social belief system that posits male superiority over women as natural and preferred. There exists a broad based social belief that women are inferior and that it is their role to be subservient to men. Despite various laws enacted in the country to counter the gender based violence and to provide remedial measures to women, the number of crimes against women has been on the increase. The beliefs of male domination and patriarchy pervade so much of our society and its institutions, eradicating violence against women will require changes at the fundamental levels of the society. These changes must eliminate policies and practices perpetuated by the male dominated culture that sexualize women as objects, demean their values, restrict their participation in decision making, dehumanizing them with labels, control their rights over their own bodies and marginalize and demean their presence. This study has been conducted in the city of Tiruchirapalli where the domestic violence against women are in the increasing trend. The study focused mainly on the physical violence meted out to women.

Introduction:

Violence against women is a pervasive and prevalent worldwide among women in all walks of life. It is a symbol of male domination or male power exercised against women at home, workplace and in public spheres. Violence against women has emerged as a key issues raised by women as a violation of women's fundamental human rights. In the 1990s, several attempts have been made to place the issue of

violence against women on the International agenda, particularly in the context of the rise in violence against women within the family as well as in the situations of war and military interventions.

Two events have provided women's concerns with International attention, namely the World conference on Human Rights held in Vienna in June 1993, and subsequently the UN Declaration on the Elimination of Violence Against Women later during the year.

The form of violence that we most often associate with the concept of gender based violence is the intimate partner / domestic violence in particular men's violence against women. Intimate partner violence is a global phenomenon and also the form of violence we have most statistics on even when though numbers are still unreliable or unavailable in many contexts. International surveys show that at least one third of the women in intimate relationships have experienced violence from their partners. Intimate partner violence is often systematic and contains parallel physical, sexual, psychological and financial violence. It may take many different forms to be conducted by different perpetrators throughout the lifetime, and have severe direct and indirect health consequences. Additionally children who witness violence are indirect victims, and also likely to be exposed to direct violence. Due to the pressure from the feminist and women's movements worldwide and many countries had passed laws and policies to address men's physical violence towards their partners. However the marital rape, economic and emotional abuses are not still considered as criminal acts within many legal frameworks. Even when intimate partner violence is legally condemned, many still see it as a private matter and women are often held responsible for the violence inflicted upon them. Reference to the privacy of the home, in both law and practice contributes to only to impunity for violence against women at the hands of family members. The World Bank noted that in 1976 only one country had the legislation and around 2013, more than 76 countries have passed the legislations. In Tamil Nadu, the Protection of Women from Domestic Violence Act was enacted in the year 2005. However, there are gaps in the implementation of the laws when it comes to practice.

Need for the Study:

Violence against women is an expression of male dominated society against women.

The crimes against women are in the increasing trend over the decades.

The recent statistics on the quantum of violence against women in Tamil Nadu is obtained and given in Table 1.

Table 1. Crimes Against Women in Tamil Nadu

Cruelty by husband and relatives Sec 498 A	Abetment to commit suicide 306 IPC	Prohibition of Dowry Act	POWDV Act	Dowry death	Other crimes against women	Tota
1900	79	333	4	1	3727	6040

Source: National Crime Record Bureau, Government of India 2015

The above information are reflecting the reported cases in the police stations and courts of law which are under trial/ completed during the year. There are many unreported cases that women suffer in silence for fear of losing the marital life with the partners.

The closer interactions with Non Governmental organizations over the past several years has thrown light on the existence of domestic violence in both rural and urban areas of Tiruchirapalli district. The NGOS in the district have made quite significant achievements in terms of addressing the needs of farming communities, health and other needs. In other sectors of rural and urban situations, the promotion of micro credit has been the major area of thrust among the NGOS in reaching the poor. When it comes to resources control, especially the gender redistributive resources control within the households, there are barriers to developments as cultural stereotypes and patriarchy are to be addressed. The women are empowered through Self Help Group promotions and their participation for economic development.

When the women are empowered within the households, there are changes in the gender roles in terms of gender division of labour and access and control over resources that the women are earning and contributing to the family. The intra household resources allocation, enhanced decision making by women, control over resources lead to conflicts within the families. In addition the drinking habits of the husbands contribute to domestic violence. Many times it was reported that those women who take lead role in the activities of NGOS are reported to commit suicides.

Despite the various laws enacted for addressing the gender based violence against women, the atrocities against women could not be stopped. The laws also have certain inherent weaknesses in terms of addressing the gender based violence against women. In the courts of law, for example the *ownes* of proof lies with the victim or affected person to prove that she has been victimized. There are also lacunae in filing the cases when the victim dies as the relatives are often convinced by the perpetrator of violence that the case should be withdrawn. The relatives of the affected woman also gets compromised on the premises that they have lost the person and “ What if the case will be filed”? Therefore, there are many unreported cases, and cases withdrawn after filing through making compromises between the parties. There are no studies conducted in Tiruchirapalli city on the gender based violence against women and hence this study was conducted.

Methodology:

The methodology of the study was to collect secondary sources of information pertaining to women’s situation in rural and urban areas on violence through NGOS. The primary data was collected from Government Hospital under the Emergency Ward during the months of August to November 2015 where the reported cases of violence are dealt in case of Tiruchirapalli. The reported cases of women who were admitted in the hospital due to domestic violence were contacted in the hospital. The copies of FIR were obtained from the Out Post Police station situated in the hospital. The interviews were held with the survivors of domestic violence. In case of death, the interviews were held with the close relatives to know the facts. Therefore, the

“snow ball” random sampling method was used to select the participants of the study. The limitations of the study are that the Universe of victims on the whole were not contacted to select the samples in Tiruchirapalli city. The study used only case study through interviews, facts found out through analyzing the FIR copies and the cases. A total of 101 participants were contacted during the 4 months duration of the study. All the case studies are not presented here considering the confidentiality of the information of the victims and only the analysis are presented.

Framework of Analysis:

The framework of analysis is the context in which women are placed in the family, society and the state.

Family:

Within the family, the gender differences made because of the socialisation process and reinforcement of societal norms. The patriarchic type of society assigns no right to property for women traditionally and women are dependent on men. The psychological dependency on men by women also creates a situation of powerlessness.

Society:

The Caste, Religion and Culture basically subjugate women in society. The women belonging to different ethnic groups face violence when one group fights against the other. Historically, when we analyze the situations of war times, like any other commodities which are taken by the invaders, women are also captured and taken away by the mightier ones. This is true in case of caste conflicts also where women are victimized.

State:

The approaches made by Indian courts and implementation of laws relating to women in general and the approaches in particular made with respect to filing FIR, and dying declaration by the State.

The objectives of the study:

- To study the magnitude and extent of the problem of reported cases of domestic violence, death and the reasons of death

- To evolve strategies to providing support to vulnerable groups of women to address their issues.

Analysis & Findings:

During the study carried out during the months of four months period, 101 cases of women who were admitted in the Government Hospital were cited of whom 56 cases were reported to consume poison and 41 cases admitted due to fire and burning, 4 cases were reported to face family problems and desertion by their husbands and sought legal remedies. Of the total number of cases cited, 97 of them were victims of either poisoning or burning by fire either on their own due to circumstantial reasons or made to die by their spouses. There are a total of 44 cases expired due to poisoning or burning by fire. Of these 44 cases, 24 have been victimized due to multiple reasons of domestic violence and balance 20 expired due to other reasons.

Age:

About 75% of cases reported to be burnt/ fire accidents, belong to the age group of 20-35 years. In case of cases reported to consume poison, 86% belong to the age group of 16-35 years. This indicates that women at reproductive age group are more vulnerable and reported to consume poison or meet with fire accidents. This also reinforces the fact that female sexuality plays a dominant role in meeting with domestic violence.

Marital Status:

About 64% of the cases reported to consume poison are married and remaining 30% are unmarried. In case of fire accidents, 88% are married and the remaining 12% are not married.

Caste:

The majority of women who resorted to poisoning belong to Backward caste, followed by Dalits by caste. In cases of burnt cases, about one-third belong to Dalits and 54% belong to backward caste. This means that 91% of the reported cases belong to the lower strata of the caste hierarchy.

Class:

The class wise analysis shows that 75% of the poisoning cases belong to lower income group followed by middle income group. In cases of reported fire/burnt cases, 54% belong to lower income groups followed by 27% in high income groups and 19% from middle class.

Reasons for Violence:

By definition, the violence can be defined as “ The act of actual physical hurt with the intention of hurting one person by another.” In theory, when we speak about the violence against women, it involves not only the physical hurt or intentions but also a combination of psychological, mental torture, including deprivation of resources which are as follows:

- Overt physical abuse
- Psychological abuse
- Deprivation of resources which includes physical and psychological
- Treating women as a commodity

During the study, there were 56 cases reported of consuming poison and 41 cases of fire accidents. There are 56 cases survived and of this 29 of them reported that they had to undertake self poisoning due to domestic violence. There are multiple reasons for domestic violence namely

- Polygamy of their spouses
- Drunken husbands & wife beating
- Abuse, both physical and mental
- Poverty
- Dowry demand
- Money demand from wife out of their earnings
- Lack of food security
- Extra marital relationship either by spouse or self

It is obvious that violence does not occur only due to physical or mental abuses, but

as a combination of several factors leading to feminisation of poverty and forced suicide/ murder by poisoning or burning.

Analysis of cases with reference to laws

The cases cited can be filed under the following laws but were not filed in many cases:

Sec. 494 IPC: Marrying again during the life time of husband or wife, imprisonment upto 7 years and fine.

Sec. 497 IPC Adultery: Imprisonment for 5 years or fine or both

Sec. 306 IPC Abetting the Commission of Suicide (Applicable to normal persons) Imprisonment for 10 years and fine.

Sec. 376 Rape: Imprisonment for life or 10 years and fines.

Though there are laws to prevent polygamy, in most cases it is found that either the spouse or the victim had either extra marital relationship or marriage or threat to marry again which made the women to commit or forced to commit suicide. In few cases, Sec. 376 and 306 are applicable (Parvathi and Chitra).

Sec. 174: Police to enquire and report on the suicide:

Under this section, all the 24 cases cited are applicable. If a person has committed suicide or has been killed by another or rising reasonable suspicion, he shall immediately give intimation thereof the nearest Magistrate for investigating into the apparent cause of death etc. But in reality, in few of the cases, the death occurred before any such enquiry could be made. Also in two of the FIR copies available with us, we found that the actual reasons not been stated in the dying declarations made by the victims.

In most of these cases we found elsewhere also that these women are not in a position to tell the truth of Investigating Officer as they are already been brain washed by their relatives nearby that telling truth is not going to help the children that they are leaving behind. This again is due to the inferior status that women have in their family and society.

According to the law, when an Investigating Officer is present for taking the

statement from the victim, it should not be in the presence of the police and the relatives. In reality, before the Officer could arrive, the victims' mental makeup has been changed by the police and the relatives such that the truth is hidden.

In cases of burns, the victims are given "Morphia" injections to reduce the pains and in this condition, it is not possible for them to speak clearly of the reasons for the incident.

Dowry Demand: Sec. 498 A

Except in few cases, though dowry has not been demanded out rightly, in majority of cases, there has been a demand for money from women either through their earnings or they were expected to bring the money from their natal families.

With globalization and liberalization, and growth of consumerism, dowry demands became blatant and open often leading to domestic violence and harassment.

The IPC has been amended such that any cruelty meted out to a married woman whether mental or physical by the husband or his relatives is punishable under section 498 A. Cruelty means any wilful conduct of such nature as is likely to drive a woman to commit suicide or cause grave injury to the life of a woman. However, the insertion of a new section 198 A has been made in the Cr. P.C. by which no court shall take cognizance of an offence punishable under section 498 A of IPC except upon a police report of facts which constitute such offence or complaint made by the person aggrieved by offence.

In the cases cited, death occurs within the four walls of the home and there is no evidence against the men as the offence committed beyond the public gaze. Even the relations of the victim were not able to make any complaints due to social problems.

Alcoholism, physical and mental abuse:

Most of the men in the observed cases, were addicted to drinking habit and involve in physical and mental abuse of their spouses.

Alcoholism is arising due to personal disorganization which are caused by Conflict of personal attitudes and social norms, abnormality of personality, personal disabilities, social crises, crises of values and role conflicts. Anthropologically, alcoholism by men is described as an act of expression of male chauvinism against

women or an expression of male domination.

There are research studies which shows that abusers are likely to have some common characteristics namely

- Are less educated than the abused partner
- Hail from lower economic group than that of the abused partner
- Are possessive, jealous and controlling their partners
- Have low self esteem and have rigid expectations of the relationship
- Blame their partners for their own abusive behaviour
- Manipulate the victim and others to get on their good side
- Moreover, if a man is abusing a woman he often has very traditional beliefs about the roles of men and women.

Poverty & Lack of Food security:

In most of the cases, there were absolute poverty and lack of food security and women were taking the prime responsibility for the household management both financially and otherwise. There were demands for money from the husbands. The lack of basic resources were posing threat to the psychological well being of the cases cited.

Women's Sexuality and Commoditization:

In four of the cases cited, (Palaniammal, Geetha, Jesu Marry, and Chitra Devi) the women's sexuality has been seen as an element of controlling them. In case of Palaniammal, we could observe that she has been threatened to use her body against her will in prostitution and has been considered as a commodity. In case of Geetha, she had been discarded after use and made to die as Irudayaraj did not wanted to marry her. Instead he married another woman whom he considered as " virgin" In case of Chitra Devi, she has been threatened by her lover that her life has been spoilt after making her pregnant and this indicates that the female sexuality has been controlled by men.

Conclusions:

The study has investigated and found that the gender based violence against women are at the increasing trend. The women are forced to commit suicide leaving their children and in filing cases in the court of law, the relatives of the victims also withdraw the cases fearing many social issues. Despite various law enacted, the justice to women are delayed or sometimes denied. The State should come forward to make necessary safeguard measures to render justice to women.

Conclusions & Recommendations:

1. The women who are married, at the reproductive age group are vulnerable to domestic violence and most of them belong to Dalit and Backward classes.
2. Of, the 101 cases cited, 56 cases were reported to consume poison and 41 cases admitted due to fire and burning. Of this, 24 were reported dead due to multiple reasons of domestic violence of the spouses/ kith and kin and 20 were reported dead due to other reasons.
3. The major reasons for domestic violence are due to polygamy, alcoholism by husbands, abuse both physical, mental, poverty, money demands, lack of food security and extra marital relationship by spouse.
4. In case of dealing with cases pertaining to women, the question of equality before law or gender equity needs to be given attention.
5. There are ample laws relating to crimes relating to abetment of commitment of suicides, rape, polygamy, anti dowry Act etc. Despite the existence of laws and its implementation, the violence against women has been on the increase as the accused become acquitted due to lacunae in the implementation of laws. To combat this, there is need to bring about structural changes in dealing with cases of women dying under suspicious circumstances. The Stae can make such suitable mechanisms by bringing structural changes in the present way of dealing the cases by the Judiciary, RDO and police. This again should not hamper its true sense of investigation becoming as a ceremony.

References:

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