

STRUGGLES OF WOMEN – A SOCIAL CLASSIFICATION

Dr. Ramesh M. Sonkamble*Assistant Professor, Dept. of Social Work, Karnataka State Akkamahadevi Women's University, Vijayapura, Karnataka India***ABSTRACT**DOI URL: <https://doi.org/10.36713/epra3064>

Characteristics of women who access the cell for assistance as well as the types of violence they face. Over half the women who sought help from the cell did so in the first five years of abuse. For women who had experienced violence for more than five years, the numbers drop sharply. In nearly 60 percent of cases, women are reporting violence within joint or extended family households. As noted above, over a third of the women seeking help were involved in paid work.

KEYWORDS: *Women, Violence, Struggle, Sharpness, Households, Family ect...***INTRODUCTION**

One of the most important gains of the women's movement in India has been the creation of legislation affecting women and, specifically, violence against women. Increasingly, the women's movement and the law enforcement machinery of the police have begun to collaborate to make justice accessible to women. Some outcomes of this collaboration are women's police stations, women's cells within general police stations, gender training programs, and police counselling cells. The Special Cell works directly with women, their families, and the community in providing a range of services including interface with police, emotional support,

Counselling, and crisis intervention. In working with the police, the Special Cell has tried to influence interpretation of legal provisions to widen the police umbrella for women facing violence. The researchers, who also work at the Special Cell, undertook a study of the Special Cell records to analyze the existing database on violence against women. The specific objectives of the study were to:

1. Identify patterns and trends of domestic violence from the records at the Special Cell,
2. Study the nature of violence expressed by women and its reflection within police records,
3. Examine the nature of intervention sought by women and the organizational responses to them and
4. Analyze the police construction of violence cases and the responses of the Special Cell.

METHODOLOGY

Project was based on a database containing the following records:

1. Special Cell case records for the period 1997 were considered. As it is mandatory for every woman who comes to the cell to make a written statement about her experiences, situation, and the kind of assistance that she is seeking, written narratives exist for each case.
2. Social workers at the cell also maintain an ongoing intake registry to record interactions and discussions with women and their family members.

DOMESTIC VIOLENCE

In Indian legal parlance, cognizable cases refer to criminal cases with severe punishment, either the death penalty or long imprisonment. These cases are investigated and taken for trial in the Sessions Court. Non-cognizable cases are criminal cases with less severe punishment, which can be heard and dismissed by the magistrate without a trial.

These records include the first report of a crime taken by police, women's narratives, the testimony of witnesses, and other documentation. Researchers' field notes from participant observation at the Special Cell. Rerecords from the non-cognizable offenses register, and 15 criminal cases registered under Section 498A. The study employed a combination of quantitative and qualitative methodologies. The Special Cell records and the non-cognizable offenses recorded in the NC register at the police station were analyzed with a pre-coded questionnaire. Later, qualitative methods of textual analysis were used for the in-depth case studies of the criminal cases which fell under Section 498A. It is important there to note that the methodological paradigms of the two parts of the study are completely different. As research exploring

procedural and investigative processes from a feminist lens is very rare, provocative and important questions regarding the social response to domestic violence remain unexamined. Hence, in the second more qualitative part of the study, the researchers applied more innovative approaches to the data in an effort to garner much needed new insights. Researchers encountered several obstacles in accessing and examining the data. The women's narratives were emotionally draining, and information in them was usually uneven.

Further, access to the records was often slow because individual police personnel needed to use the same records in their ongoing work. Finally, there was often little or no information in them regarding interventions or actual completion of cases, making an analysis of assistance difficult.

ANALYSIS

Trends of Violence.

Despite the difficulties encountered, the study shed light on the demographic profile of cases referred to the Special Cell and some emerging trends. The number of cases being referred to the Special Cell increased three-fold between 1990 and 1996. The data sets at the cell also make clear the role of ex-clients in increasing the outreach of its services as many women (40.6 percent) approached the cell due to referrals by older clients. Another 13 percent of the women were referred to the Special Cell by the police. However, links with courts and hospitals were weak, with

Barely one percent being referred by those institutions to the Special Cell. Many women had approached other mediating agencies such as family members, elder counsels, and welfare organizations before seeking recourse at the Special Cell. Surprisingly, 34 percent of the women had initially approached the police for help. Thus, despite the image of the police as brutal, uncaring, and insensitive, women do apparently view them as an immediate source of protection from violence. Most women approaching the Special Cell from 1990- 1997 were within the age group of 18-34 years (65.4 percent). However, a fairly large number of women were also from the older age group of 35-44 years. More than 60 percent were married, primarily through arranged marriages. In 33.4 percent of the cases, the complainants were single women (either widowed, divorced, separated or unmarried). Interestingly, only 9 percent of the women reporting to the Special Cell had no education. A significant majority had either primary or secondary education. With respect to employment, more than a third was found to be involved in paid work. Data indicate that the majority of women (64.1 percent) were from low income groups and one-fifth of the sample (21.3 percent) was from the middle class. 11 The case records were written in the regional language Marathi, and were translated by having a Marathi-speaking assistant read out every case so that the colloquialism and nuances of the vernacular language could be captured into the translations.

Emerging trends

The records from the Special Cell provide insights into the characteristics of women who access the cell for assistance as well as the types of violence they face. Over half the women who sought help from the cell did so in the first five years of abuse. For women who had experienced violence for more than five years, the numbers drop sharply. In nearly 60 percent of cases, women are reporting violence within joint or extended family households. As noted above, over a third of the women seeking help were involved in paid work. Though a woman's employment status was not associated with an

increased or decreased likelihood of violence, the form and nature of the abuse did vary by employment status. Women in paid work reported less physical violence but the reporting of mental violence was pervasive across both employed and unemployed women. Fewer women in paid work reported deprivation within their matrimonial home. Thirty-nine percent of women in paid work reported having left a violent husband, compared to 11.1 percent not employed outside the home. An interesting difference emerged with regard to work status and reporting of violence. In the initial five years, more non-working women came forward to report inter-spousal abuse, but in later years of the marriage, their proportion declined dramatically compared to working women.

HYPOTHESIS

Cell hypothesized that women in paid employment were more in touch with the outside world and this enabled them to explore wider alternatives and for a longer time. Among women not employed outside the home, the choices become very limited over a period of time, as reflected by the sharp decline in reporting rates of violence. The impact of financial independence and mobility on women's ability to exercise choices cannot be understated. At the same time, it is significant to note that economic independence by itself does not reduce the propensity for women to face violence within marriage. Support from the natal home has also been found to be a crucial factor in women's struggle against spousal abuse.

A majority of the women were found to be staying with their parents at the time of reporting. However, this was found to be more common among women who are not employed outside the home. More women in paid employment have reported violence to the cell while continuing to reside in the marital home. Most women named the husband as the main perpetrator of violence. However, field experience reveals that often women are battered in an environment where other family members actively encourage or tacitly consent to this abuse. Women accused the husband in 2/3 of all cases, whereas the mother-in-law was named as a collaborator in nearly 1/3 of all cases.

DOMESTIC VIOLENCE IN INDIA

The mental trauma and agony of psychological abuse also emerged as a pervasive issue through the Special Cell's recordings. Women reported several forms of abuse and their perceptions of what constitutes mental and physical abuse are very fluid and undifferentiated. Yet mental violence is consistently reported and remains very alive in the minds of women. In fact, women place many forms of physical abuse as being far more *mentally* disturbing than physically painful. This is evident in 83.5 percent of cases where women have verbalized precisely how their perpetrator operates against them with words, expectations, and behavioral norms. While physical violence is not detailed, mental violence is described in great detail. Desertion by the husband, deprivation of matrimonial residence, substance abuse,

fraudulent marriage, and non-fulfillment of responsibilities are some of the many problems women have articulated in their applications to the Special Cell.

NATURE OF ASSISTANCE SOUGHT

A primary reason that women approached the Special Cell was to seek help for preventing further domestic violence. This included negotiation for peaceful cohabitation, emotional and legal support (including counseling, legal help, and shelter), and resources to combat family violence (see table 2). Information on the kind of assistance actually provided by

the cell however was sparse. In 83.8 percent of cases, information on the nature of help given was not available in the records. From the available data, the demand for legal assistance was the highest noted across almost all age groups. One of the reasons for this could be that women seek external intervention, in this case the Special Cell, only when marital relations have reached a stage of near col-lapse and legal intervention may be necessary. Further, caseworkers at the Special Cell observed that women's goals and priorities shift in the course of the intervention process itself and the caseworker-often has to accommodate these shifts.

From the data that was available on assistance given, Special Cell workers were able to provide police help for women in over 1/4 of the cases. Police help ranged from writing up non-cognizable offenses to registering criminal cases against the offending husband to retrieval of assets and enforcement of court orders. The data on retrieval of personal assets received at the time of marriage (*streedhan*) indicates

also that women seek outside help to assist in the struggle for control over assets when they want to opt out of marriage. When women approach the police for help, the police must decide whether to register a complaint as a criminal case or a non-cognizable offense. Thus, police records of non-cognizable offenses provide important data regarding this decision making process as well as the demographic trends that emerge.

Evidence from these non-cognizable or NC registers indicates a demographic profile similar to that which emerged from the Special Cell records in terms of age, marital status, and employment status. The records of the NC register also provide more insight into the kinds of issues that women and children are bringing to police stations, their expectations from the system, and the response of the police to these women. NC records show that in over 50 percent of the cases, women complained of mental violence. In very few of these cases has there been any recording of physical injuries by the police and these records show that the police took follow-up action in 40 percent of the cases.

Witnesses

In many such cases, it is the voices of the witnesses that piece together the history of violence. And again, the male voices are more privileged, both in a literal and ideological sense. Analysis shows a greater number of male witnesses noted in the records and their statements are documented in more vivid detail. The case analysis brought this into sharp focus. Her voice of despair was supported and strengthened by the statements of her father-in-law, when he reported that: "She was neither able to go to her maternal place nor to neighbours, she was mentally depressed and she decided to end her life." This extended the legitimate arena of mental cruelty, and police recordings subsequently acknowledged her steady decline to a state of despair. The courts reiterated this validation by warning her of the recurrence of mental cruelty if Chatura decided to reconcile with the husband. In this case, it was the male voices that legitimized a woman's claims of violation.

CONCLUSIONS

Analysis of the Special Cell records, in conjunction with the in-depth case studies of the criminal cases registered under Section 498A, has yielded several key conclusions. While women seek help with support of the natal family, the case studies reveal that women do not register cases without male approval. In the detailed statements it clearly emerges that

fathers, brothers, uncles or brother-in-laws have given approval and often take the lead in registering a case. Secondly, the woman's voice is not enough to validate complaint as a criminal charge, there has to be endorsement by witnesses to build a picture of the violation and have weight in the court. Thirdly, from the data it is evident that violence within marriage is viewed hierarchically with grievous hurt being treated more seriously than being kicked, punched or beaten by hands. In addition, data from the records and the case studies clearly showed mental violence to be pervasive and well articulated, but women at the Special Cell rarely mentioned sexual violence in the narratives.

RECOMMENDATIONS

1. Undertake focused research on women's views and perceptions
2. around what constitutes violation and what is justice. This research should feed into the interpretation of laws at every level.
3. 2. Sensitize and train police to undertake skillful and sensitive investigation in cases of domestic violence. A protocol or "drill" for investigating cases of violations against women should be instituted, with a special focus on section 498A.
4. 3. Document and highlight registered "best practices" cases where police officials have succeeded in capturing the reality of women's experiences and used these to shape the law and legal procedures.
5. 4. Sensitize the Criminal Justice System to uphold mental violence as legitimate evidence and treat it on par with physical violence.
6. 5. Build strong strategic alliances between state, civil society, and research institutions. Capacity building of each of these sectors to respond to violence against women is imperative.
7. 6. Implement comprehensive, women-friendly legislation that deals with criminal and civil remedies to violence within marriage

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