

## **RIGHT INTENTION, NOT SO RIGHT OUTCOME: ADDRESSING DOMESTIC VIOLENCE THROUGH WOMEN'S CELL**

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### **—Abstract —**

This paper is an attempt to understand the ways in which the Indian State responds to and constructs the issue of domestic violence through collaboration with civil society organizations. Women's groups have for a long time attempted to infuse gender sensitivity into state machineries in various ways for a better handling of women's cases. For this purpose they have conducted gender sensitization campaigns, workshops and conferences with police, lawyers and judges. Another such attempt is the establishment of women's cell within the premises of the police stations. These women's cells run by Non Governmental Organizations (NGOs) in collaboration with, and within the structure of police system aims at helping the police deal with cases of domestic violence in a gender sensitive manner.

My paper attempts at an understanding of the functioning of one such women's cell at Orissa, India. The paper looks at the terms on which the Orissa police collaborate with local NGOs and studies the impact of such an initiative upon women's quest for justice. In this effort it is to be seen whether the state machinery (i.e. the police system) subsumes the civil society organization (i.e the NGO) or vice versa, or is it mutually beneficial for both. My paper also focuses in critically analyzing the different functions performed by such women's cells (members of which come from both police force as well as NGOs) especially its everyday dealing with cases of domestic violence. The attitude of women's cell personnel as regards the issue of domestic violence is analyzed. Methods such as observation of cases at women's cell within police stations, content analysis of the monthly booklet published by such cells and interviews of women's cell personnel is used to collect data for the study.

This study brings forth the ways in which women's cell personnel interpret and implement existing laws on domestic violence and in the process construct and reinforce concepts such as 'women', 'marriage', 'family', 'masculinity' and 'femininity'. My paper also illustrates that the capacity of the women's cell to fulfill many of their original objectives is necessarily limited by their problematic position within the police bureaucracy. Yet in the current social scenario, where general police stations are dominated by a masculinist culture these women's cell do provide a more gender friendly environment. Thus women complainants might find this space more accessible and compassionate than a police station where they fear sexual harassment in addition to other problems.

**Keywords:** *Domestic Violence, All Women Police Stations, Patriarchy.*

**JEL Classification:** JEL K4

## **1. INTRODUCTION**

### **1.1 Origin of the first all Women's Police Station in the world**

In August 6th 1985, in a gesture motivated both by progressive politics and political opportunism, the state government of Sao Paulo, Brazil, inaugurated the world's –first all female police stations run exclusively by female police officers, charged with investigating and prosecuting cases of violence against women. It came about-despite Brazil's, and more specifically the police's, dominant patriarchal culture. The women's movement effectively argued that the police, almost always men, rarely prosecuted cases of physical and sexual abuse of women and often blamed and harassed the victims (Santos: 2004, pp. 29-30). These female police stations began in Sao Paulo as an experimental institutional response to the deficiencies of the regular police stations.

### **1.2. The Women's Movement and the Birth of the Women's Police Station**

The establishment of the first DDM in Sao Paulo in 1985 was the result of a long struggle on the part of various sectors of the women's movement to implement some sort of institutional response to the increasingly visible problem of violence against women. Violence against women was one of the most important issues for the first Brazilian feminist groups (Alvarez: 1990). This movement emerged against the background of Brazil's military dictatorship and in the context of gradual political liberalization. This process of opening began in the mid 1970s and culminated in the indirect election of a civilian president in 1985 and the creation of a new Brazilian Republic. Reports of sexual abuse, torture and murder

of political prisoners during the dictatorship led to a national debate about violence and the creation of human rights organizations within the opposition movement, in which women were very active. At the same time, women were beginning to organize and advance their specific gender interests. The interplay of the two movements enlarged debate on violence against women. The many women's groups that emerged during this time began to focus on gender specific issues such as rape and domestic violence, elevating them from "private, personal" matters to major public policy concerns (Pintanguy, 1991: 2). In the early 1980s many new groups were created all over the country to provide social, psychological, and legal services to victims of domestic violence. These groups constantly faced sexist practices in police stations, which were run mostly by male police officers who did not take cases of violence against women seriously. The police officers responsible for registering and investigating the incidents frequently treated the victims with hostility and indifference and failed to instruct the women of their responsibilities for initiating investigation procedures. Activists attributed this breach of protocol to the masculine nature of the police system and society in general (Ibid: 135).

In 1983 the opposition party gained control of several state governments, including Sao Paulo's. Feminist activists who worked in support of this party in the 1982 electoral campaign had the opportunity to work for newly established "women's machineries" such as the Conselho Estadual da Condicao Feminina (CECF) i.e the State Council on the Feminine Condition (Alvarez: 1990). The CECF was designed to give the women's movement a voice within the state government, but it held no executive power. Violence against women soon became one of the priority issues of the council. They advocated providing the female victims with "integrated services" which included among others the creation of shelters, providing legal and psychological services, the anti-sexism training of police officers and the hiring of social workers in every police stations, as well as the incorporation of the concerns of the women's movement into a gender based public policy agenda (Santos: 2004, pp. 35).

The secretary of public security, Michel Ternier, however, had an even more ambitious idea: the establishment of a separate police precinct, staffed exclusively by women that would process incidents of violence against women. The female officer was to carry guns and make arrests. The first DDM was to be a pilot project and if successful would be replicated throughout the city and the rest of the state (Nelson: 1996, pp.137). He overlooked the request for gender training,

assuming that female police officers would not be sexist. Thus the governor launched the first WPS in downtown Sao Paulo on August 6th, 1985 and charged it with investigating crimes committed against women.

## **2. General Portrait of Mahila Police Stations (MPSs)**

Mahila police station at Bhubaneswar is centrally located and is situated near a general police station. Women's cell at Bhubaneswar and the mahila police station at Cuttack are also centrally located and are present within the premises of the city police control room. Both the mahila police stations are single storeyed buildings with two rooms in total and a small outer room/lobby where the complainants wait to meet the officer in charge. The lobby in all police stations is sparsely furnished with chairs and a desk behind which one of the staff sat to greet people and answer the phone. The constables occupy these chairs most of the times making the women and their relatives stand here and there crowding the small outer room till their turn to meet the officer comes. The walls are decorated with posters informing about various forms of violence against women and the laws present in the Indian Penal Code (IPC). The women's cell has only a single small room and share the lobby with the SP office. The small room has hardly any space left after a table and four chairs occupy it. The male constable sits outside along with other constables belonging to the SP office. He plays no role in the counseling or dealing of the cases and helps only when home visits are made by the counselor or some one has to be arrested. The woman constable often sits with the counselor but most of the time does not play any active role in the counseling. Occasionally she interferes in the counseling sessions if she wants to but makes it a point to know the case history and daily proceedings once the clients have left. The counselor and the woman constable are often involved in post counseling analysis of the cases dealt with. The atmosphere at the women's cell is much friendlier than at the mahila police stations where the atmosphere is a little intimidating at least for the complainants.

The ambience of the MPSs is relaxed, with much chatting and joking among the staff members. But most of the complainants and accompanying people look restless, and keep enquiring when they can meet the Inspector, obviously tired of waiting for hours. Some others tell their story to the constable or people sitting nearby. Most women bring their children with them, which adds to the chaos. In between at certain intervals a bell keeps ringing and one of the constables would run into the Circle Inspector (CI) or the Sub – Inspector's (SI) rooms. The head

constable has the comfort of constantly sitting in her chair & talking to other constables until specially summoned by any of the officers. People were permitted to meet the officer who is of the rank of Circle Inspector on a first come first serve basis.

All the Mahila police stations observed regular hours from 8.00 am to 7.00pm. The victim has no access after 7pm. On Sundays the officers do not come for duty, the constables are present and only in emergency the officer is called. Women's cell is closed on Sunday. The officers at all MPSs told that most women wait to report crimes of domestic violence until Monday morning when their husbands are at work and their children are in school or in the care of a friend or relative. During this delay much of the medical/physical evidence of violence will have disappeared.

### **3. ANALYSIS**

Institutional interventions to address the issue of violence against women can be an empowering tool in the hands of victims of violence, who have little recourse to other means of redressal. But the efficacy of the intervention hinges on the extent to which the police are viewed as allies of victims rather than as co-conspirators of perpetrators' (Chikarmane: 1999, 334). The police station often is the first place outside the institutions of family and community where violated women come in search of justice. Sometimes if they go directly to the court then the court sends them back to the police station for investigation of their case and also for counseling sessions. The fate of the case depends largely upon the way the police handles the case, under which sections the case is filed and the collection of evidence through interrogation. Therefore it is important for the police to be gender sensitive. Analysis of the data collected gives a picture of the ways in which police handles cases. It also shows us whether and how the patriarchal social culture affects the functioning of the mahila police stations.

#### **3.1. Backgrounds of Complainants**

Women from all strata of society file cases of domestic violence at the MPSs. Women can suffer violence at any period of time in their marriage. Some women file cases after few instances of torture but most women wait for long period and then come to file cases. There were a few cases where women have waited for their children to grow up to file complaints of harassment. Complainants may be educated or uneducated, daily wage labourers, tailor, housewives or teachers,

administrative officers and doctors. They may belong to any religion, region and caste; women from all backgrounds come to the police station. Among them majority of the cases comes from lower and middle classes rather than the upper class. The police believe that violence is committed in all strata of society but more so in the lower classes. One of the SI at BBSR MPS (Iti Das) said ‘the number of marital violence cases are increasing in BBSR, as in and around BBSR many bastis (slums) have come up which creates a lot of drunkards and so always disturbance goes on’. The obvious reference in this sentence of the SI is towards the lower classes people who live in slums. Thus the legal personnel also subscribe to the myths of ‘more violence in lower classes’ and ‘men, who drink, beat their wives’.

### **3.2. Nature of Cases**

MPSs at Orissa have the jurisdiction to deal with all kinds of cases related to women. Most of the cases reported at these police stations are related to domestic violence and are mostly reported by wives and thus most of the cases are within marital relationships which may or may not be related to dowry. Cases related to dowry forms the largest category of complaints. Starting from dowry violence which includes dowry torture and death, women complain of all kinds of violence like beating, scolding, starving, humiliation, desertion, indifference, locking up, suspicion on her character, restriction on movement, not giving financial support, not giving proper food, clothing, and money to run the household, appropriating the wife’s salary, not allowing her to visit her parents, problem of second wife, extra marital affair of husband, sexual torture, and marital rape among others. There are also occasional cases coming in related to sexual harassment, (which the police and the complainant invariably refer to as “eve-teasing”), kidnapping, and desertion by lovers and property violations.

### **3.3. Apathy to the Issue**

Observation of everyday dealings of cases at the police station reveals the apathetic attitude of the police towards women complainants. Police treat domestic violence much less seriously than they treat assaults between strangers. There appears wider acceptance of the idea among the police that a little corporal punishment to the wayward wife who is the husband’s property is not all that deviant. So when a woman comes to the police station complaining against her husband’s use of violence, she is treated with indifference and is normally thought to be intolerant and sometimes eccentric.

### **3.4. Prioritizing physical violence**

Most of the police personnel said that violence against women can be physical, mental and sexual. Their priority though was on physical aspect of violence. One officer (pramila nayak, BBSR) said 'there are many phenomena which are termed as violence but literally it is physical assault which is of serious nature'. If the violence has left physical injuries on the body then the police were more eager to accept the case rather than a complaint of mental harassment. Each time a woman complained of violence she was asked if she had any physical marks of violence in her body. They were even asked to bring medical reports or photographs taken of physical violence. This police say will help make the case strong against the man's case. Violent assaults against wives are frequently marginalized by the criminal justice system and feminist research has in fact shown how judicial outcomes often hinge on definitions of what is acceptable and unacceptable violence (Radford, 1991).

### **3.5. Prioritizing Dowry**

Domestic violence exists for myriad reasons but gets associated mainly with the institution of dowry to the extent that Indian penal system fails to look beyond dowry. Unless it is dowry related, police do not necessarily consider physical and mental abuse as crimes. These kinds of cases are explained as attempts on the part of husband's to discipline their wives and are not serious enough to cause disruption of families, and certainly not valid grounds for conviction of husbands (Ahmed- Ghosh: 2004, 100). At the MPS in my study while dealing with cases police invariably asked the woman if there was any demand for dowry despite the woman not mentioning any such demands while narrating her story. Some of the police personnel very openly expressed their disbelief in the woman's story if there is no mention of dowry demand. They said they could not accept the fact that marital violence can occur without the demand for dowry.

## **4. STRUCTURAL PROBLEMS**

- The Orissa Police Academy has recently started conducting workshops on gender issues in collaboration with various women's groups for their cadets during training period. There is no full scale training course for cadets to handle cases of violence against women. In this context, it was not surprising to hear statements from police women that clearly undermined the original goals of the MPSs.

- MPSs function with the minimum resources, both human and material, needed to do the job. The number of staff is very less compared to the number of cases that are reported each day. Each MPS has only one four wheeler whereas they have to make a number of home visits each day.

- Gender discrimination within the system is rampant. Though at first conversation the women police did not let out this fact but with more interaction some of them did tell the ways they are discriminated on the grounds of their gender. Promotions for these police women are hardly taken up. Some of these women complain about the ways in which they are barred from performing 'hard' duties like raiding, arresting a criminal, controlling a mob and commanding a battalion as they are thought to be incapable of doing such duties because they are women and are inefficient. Some of them also spoke of the ways in which male officers and fellow male colleagues from other branches misbehave with them. For all these discriminations the women police expressed that there is additional pressure on them to prove themselves.

## **5. CONCLUSION**

The Mahila police stations policy towards battered woman can take variety of forms, from an outright refusal to interfere in family matters to non recognition of domestic violence as human rights violation, to a practice of giving domestic violence cases less importance than assaults by strangers. Mahila police personnel do subscribe to patriarchal-cultural norms that justify wife battering/domestic violence.

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