CHAPTER 5

ON SUFFERING AND JUSTICE:
SOCIOLOGY OF THE EXPERIENTIAL DOMAIN
This chapter is about inner voices and reflections ------- how the agents involved in a project of this kind narrate their experiences. After a macro study, a chapter of this kind that chooses select and representative cases and documents their narratives acquires a new meaning. Infact, sociologists are becoming increasingly sensitive to narratives and life -histories, which, it is believed help us to understand the deeper reality and give truly human and reflexive dimension to huge macro data that we have collected.

To begin with we have chosen select police persons and through their experiences, try to understand their engagement with women's issues. We have also engaged in an intensely interactive relationship with select victims and through a high degree of empathy or what Max Weber would have regarded as “Verstehen”, tried to make sense of the meaning of victimhood, suffering and resultant anguish. And finally we have also try to see how women's groups seek to play an interventionist role and try to assert critical consciousness regarding the entire dialectics of police and women's rights.

I - Voices of Police Personnel

Here I have incorporated the exclusive interviews of fire select police personnel from the studied three districts to substantiate my quantitative data. My main intention was to assess the perception and views of police officers serving in different capacities at the actual field level. To generalize their response I have taken the help of structured interview schedule with sufficient flexibility; because I not only wanted to enquire about their views on women's rights visa vis role of the police, I also wanted to evaluate their expressions and attitudes about the issue. Although interviews were informal and flexible but generally the questions addressed to everybody were;

→ On an average, how many complaints/petitions/information's do you receive in a day involving women as the victim?
→ What according to you is the most common, conspicuous and prevalent type of violence against women in the society?
→ Do you feel that offences against women, i.e., gender related offence's get their due attention from the police or is it neglected vis-à-vis other Police duties?
→ Please give at least one example of cases reported u/s 376, 304 (B), or 498 (A) IPC, where you are satisfied to have been able to help the complaint/victim.

→ Give at least one example of a case where, in spite of best of your efforts, you could not help the victim women and why.

→ What do you think are the problems/constraints in society as in well as the criminal justice system that prevent women from seeking justice?

→ According to you, sec. 498(A) of IPC is the most used or most abused/misused section of law relating to violence against women. Please give reasons in favour of your views.

→ What according to you are the kind of evidences we shall rely upon to confirm rape cases; only scientific/medical evidence or otherwise.

→ What do you feel is the effect of booking cases under PIT/SIT Act on Prostitution? Can it be eradicated by booking such cases? Express your views.

→ What do you think are the qualities/attributes a police officer shall posses so that he can be considered as gender sensitive?

→ Why do we always find that the performance of police falls short of the societal expectations?

→ Do you, as a police officer think that the police should interfere in cases of domestic violence or not and why?

Due to the personal inhibitions of some police personnel, in some of the cases I preferred not to disclose the original identities of interviewees, just to get free, frank and spontaneous responses from them.

**Gangadhar Kadam:-**

Gangadhar Kadam, a police head constable from Karwar Town police station is a Graduate with experience of 27 years of policing. According to him on an average every day he receives 5% cases where women are the victims.

To him dowry related tortures are most common form of violence against women in the society. He reveals, some interesting, unusual reasons for which women are treated shabbily in our society. Apart from financial conditions of her parents, women are victim of torture because of her complexion, and physical appearance too. Habitual drinking habit of the husband is also a potential reason behind domestic violence. Love
marriage, especially intercaste marriages cause lots of tension within the family and it is the women who are always at the receiving end.

He does not consider gender related offences as neglected area of policing but at the same time he acknowledges that because of corrupt intentions, some police officers do neglect the victims/complainants of the gender related offences, as they are mostly not in the position to grease their palm. For the want of money they twist the course of the investigation in favour of the offenders.

In his 27 years of service career although he could help many women in 498 (A) cases but he still repents for the lady who was half burnt by her drunkard husband. In spite of immediately admitting her to the civil hospital, he could not save her life. But what haunts him more is that he could not mete out punishment for the accused. In spite of his best of efforts accused was relieved by the court as the key witness turned hostile in the court.

Thus deep down in his mind he believes police cannot provide justice to the women victims as their duty is limited in registering, investigation, collection of witnesses and submission of charge sheets of the cases. Several other bottlenecks in the criminal justice system prevent women from seeking justice.

On my question on his opinion on whether 498 (A) of IPC is most used or abused section of law, his experience supports both the view. No doubt 498 (A) is a strong weapon of the innocent, battered, tolerant housewives. But at the same time it is being used as means to avenge some bodies' selfish interest. Since court is also sometimes delivering its verdict on the basis of the testimony of a single witness. Thus he believes this kind of abuse of law dilute the importance and severity of the genuine cases.

On my question on prevailing dissatisfaction over police in the society he opines, policing is like a double-edged-sword. You cannot satisfy everybody. In spite of best of your efforts either the complainant or the accused will remain dissatisfied. He cited the example of domestic violence. If police interfere into it, they are criticised for their over action and if they don't then again society is critical on them for their inaction. Due to these ambivalent social expectations, he believes police is much confused and frustrated. This frustration is compounded by certain factors like overwork, long duty hours, poor infrastructure and life risk.

A.B. Basari:-

A.B. Basari is Circle Police Inspector of the Dandeli sub-division of Uttara Kannada district. He is a graduate with urban background. His twenty-six years of
service gave him a vast experience and profound knowledge of policing. He is focussed and well articulate.

On my question, on an average how many complaints/petitions/information does he receive in a day involving women as the victim, he replied since Dandeli is a small labour town with a less crime rate, in all approximately 25 to 30 complaints/petitions/are received in a month. Cases pertaining to women are almost less than 30%. Most of the cases are petty quarrels and as such are settled amicably, warning both the concerned parties. He believes abuse, dowry deaths, physical and mental torture, indulgence in extra marital affairs by men, rape are some of the commonly found atrocities against women in society. He also thinks in spite of the tight work schedule in which most of the time is spent on the maintenance of law and order; police officers in general empathise with women and their problems.

But empathy, concern or sincerity alone can not bring justice for women. To prove his point he cited one incident. ON 31-01-2002 complainant Sri karianna Shetty of Chikmagalur lodged his complaint at Dandeli Town Police Station crime no. 29/2002 U/s 304 (B) 498 (A) IPC. To the effect that his son-in-law Pradeep S/o Sunder Shetty of Dandeli, harassed his daughter Usha, for not bringing Rupees One Lakh as dowry and put her to death by hanging. Initially in this case, the complainant insisted that Pradeep should be put behind bars, and his daughter should get justice. With sufficient proof and evidences, police was sure of Pradeep’s conviction. The accused did not even get bail in the High Court. But it so happened that the accused, some how, paid a heavy amount to the complainant (his father-in-law) for the benevolent of his other daughters to withdraw the case. So the complainant gave an affidavit in the court, that his daughter had committed suicide and his son-in-law was not responsible for his daughter’s death and the accused got the bail.

This is not an isolated instance. There are number of such kind of incidents where near and dear ones of the women victim compound the justice to satisfy their narrow interest. These incidents frustrate the honest, energetic officers and they start taking forthcoming cases in a very routine, no-serious manner.

Therefore, he believes there are many problems and constraints in the society. The main culprit is society itself. Women who speak out their problems are banded as uncultured heretics, exposing their personal lives shamelessly in public, with little consideration to their family life. Nothing has changed much although we are in the 21st century. This stops 99% women to come out with their problems. Except for a few stray
cases women live in a subdued and battered life till their last breath. Although there has not been done for women in criminal justice system but with his profound experience in policing has compelled him to think that criminal justice system is good in books to be read and forgotten. His experience reveals, except for a few cases, rapists and murderers, due to lack of evidences and hostility of eyewitness go scot-free.

To prove his point that police alone can not bring justice for women he sighted the example of PIT/SIT Act,. Prostitution is the worlds oldest profession and Red light areas flourish everywhere and reason behind its development are over population, illiteracy & poverty. These socio-economic problems compel women willingly or unwillingly practice prostitution. Thus by merely booking a case we cannot eradicate prostitution. Not everyone is joining the profession out of compulsion. Hankering for money, material wealth glamour and time pass to make quick buck as pocket money, throwing girls into the profession. Lack of moral values, imbibing the western culture is another reason for the vicious growth of this industry. He believes prostitution is so deep rooted that to eradicate it there should be a collective effort on the part of the society. Without providing alternative respectable livelihood for the prostitutes it is impossible to curb this problems. Towards this end police, NGO & larger civil society need to work together.

As a police officer he is deeply shocked by the callous attitude of media. He believes the constant negative portrayal of police by the media is creating a gap between the police and common public. Police is not the Khaki clad man with money, woman and wine as depicted by media.

To clean up tarnished image it is best if:

1) Wrong depiction of the department in films and television should be completely banned. Cases should be booked against such producer because they give a wrong image to the public.
2) Police officers should be always available in times of emergencies.
3) A person who visits a police station should be treated with due respect, his problem should be viewed from all angles and the officer concerned, should try his level best to solve the problem.
4) Interrogations related to gender related offences should be conducted by lady police officers or lady constables (which is generally practiced now a days) giving no chance of further allegations.
5) Public should be made aware of the fact that police personnel’s are not gods but human being like them, with drawbacks and weaknesses. They may go wrong which can be brought to their notices, in many different ways instead of making bulk of jokes on them.

6) Lastly politics should be kept away from police. Constant interference by politicians has literally tied the hands of the police to work freely and fairly.

7) Only when there is good interaction between the police and the public, the public will start respecting the police & police department.

Pramila Yashwant Naik:

Pramila Y. Naik is a woman police head constable who considers that the gender related violence’s are neglected area of policing. On an average in a day the number of complaints/ petitions/ information’s they receive only 5% to 10% of them are related to gender related violation. But due to their preoccupation with other duties, they cannot do justice with the complainants of gender related violence & offences. She believes that their lack of concern and casualness towards the cause are responsible for their non-serious approach towards gender related problems.

According to her, sexual harassment & eve teasing, defaming a woman by questioning her morality and physical and mental torture by the members of husband’s family pertaining to dowry are the most common, conspicuous and prevalent type of violence against women in the society.

Pramila experienced that very few women have got courage to come forward and register a case. Those few who could come forward have to face the wrath of the society. Sometimes fingers are raised against their integrity and Pramila thinks insecurity and dependency are the main reasons that prevent women from seeking justice. Barring a few most of the women are financially dependent on their husbands or parents, and their insecurity and concern for their children prevent them to go against their husband and in laws.

According to Pramila the way during their prosecution time rape victims are re-raped again & again by defence counsel, very few women will come forward. Thus in spite of being a lady police she sometimes advises the victims not to lodge complains. Because, in the murky road of criminal justice system, instead of justice they will only earn pain and agony.
Like other police officers she too is frustrated with the public distrust and on the top of it being a women, it is really difficult to adjust in a male chauvinist department like police. According her opinion the distrust against police is so severe in the society that she herself and many of her colleagues are finding it difficult to get suitable match. Because people consider their odd duty hours as hindrance against their wifely duties, while their macho image is devoid of feminine charm.

She believes, since root of most of the gender related problems are socio-economic and therefore police interference cannot curb the problems, be it prostitution or domestic violence. She is in favour of limited police interference and more of awareness raising and resistance from within. Police should play facilitator’s role with active cooperation from women activists and NGO representatives.

**H.N. Venkata Prasanna:**

H.N. Vekata Prasanna is a Police Inspector of Bangalore (Rural) district. He is a post graduate, B.Ed. and with 11 years policing experience.

According to him a police station on an average receives 10 to 15 complaints/petitions in a day and among them one or two relates to women. He opines, generally following atrocities are being committed against women: -

1) Sexual harassment.
2) Dowry harassment
3) Harassment due to suspicion.

But he is candid in his confession that police could not give much attention towards the problems of women due to pressure of heavy work and do not want to interfere in family affairs as they consider it too trivial to require police attention.

He has tried his best to provide justice to several dowry victims. Sometime he has succeeded and sometimes failed. He cited one example of Kanakapur, where one lady attempted to commit suicide by setting fire on herself due to dowry harassment by her husband. But inspite of having ample evidences he could not bring justice for that lady due to pressure of superior police officials. According to him abusive and corrupt senior police officials in collusion with politicians block the road of justice and make life miserable for the officials working at cutting edge level.

He cited another example of Aralalu Sandra of Kankapura Taluk, where one politically influential person raped a girl. He was arrested inspite of the pressures from
above. But he has influenced local people, who agitated in front of police station for his release. In spite of local resistant the accused was produced before the court and the officer concerned was awarded with transfer and subsequent bad posting and the investigation responsibility was given to another corrupt official.

He believes that societal notion of honour and respect prevent a woman from filing complaints as in most of the cases this bring disrespect for her in society. He also thinks in the cases of violation of women’s rights like sexual offences, dowry offences and the like, court should give paramount importance on victim’s testimony and the circumstantial evidences rather than on eyewitnesses. Because in most of the cases women are deprived of justice for the want of witnesses and the accused gets acquitted. In many cases witnesses turn hostile due to lust for money, threat, fear, etc.

His idea of policing is very clear and hence he believes, in rape cases the bifurcation of evidence into scientific or medical is not proper. All types of evidences are required in such cases. The most important one is evidence of victim and hence her statement should be recorded u/s 164 CrPC. The medical evidence collected after a few days of incident will not help in the case. In such cases circumstantial evidences are very important. The scientific evidences should corroborate them. Hence all types of evidences are very essential to prove such cases.

He believes just by booking cases under PIT/SIT act prostitution can not be eradicated as this is the livelihood for many of them. It is a deep-rooted social menace and could not be rooted out by law only. It requires public awareness, imparting education etc.

He is extremely disturbed with the popular perception of police that performance of police is falling short of the expectation of the society. He thinks apart from people of other department police are more criticised due to their visibility, as they are in uniform it is very easy to identify them and point out their mistake.

In every incident reported in the police station, there are two parties, one is complainant and another is accused and it is impossible to make both the parties satisfied. Hence those who are not satisfied with the act of police say that police are not working as per societal expectations.

Kiran M Vaidya

Kiran M Vaidya is a graduate Dy. SP of urban background with 4 years of policing. He receives 3 petitions/week and 3 FIR s/Month on the cases where women’s rights are violated. He believes domestic violence is the most visible form of violation of women’s rights and therefore, requires police intervention. Because police intervention
can lead to early amicable dissolution of the problems while road to justice via judiciary is a very circuitous and long drawn process.

He acknowledged that in spite of their efforts police personnel are not always successful in providing justice in gender related violence. Though sometimes they are to be blamed but not always. Because he thinks due to increase in population social problems have increased manifold while number of policemen have not increased significantly. Scarcity of the force is main deterrence in performing police duties effectively. Persons who are there in day duties if the same persons are employed in night duties as well, quality of surveillance will bound to deteriorate. There is no remunerative aspect of police job. No concept of overtime, everything can go in the name of law and order. There is absolutely no social honour associated with police job. We respect our soldiers and worship them. Yes, they deserve that; but we do not even mention the name of the innumerable police personnel who died while performing their duties. Their over work, inadequate remuneration, and lack of social prestige very easily attract young police personnel to adopt corrupt police sub culture. He thinks, whatever I do I will remain bad. So if I turn corrupt at least I can save my family and provide them with comfort.

According to him, to overcome this mentality we require a very strong, positive, matured outlook and that is possible only with proper education. Therefore, desired minimum qualification needs to be raised for police constables. Nowadays most of the police stations are managed by ranks promoted as police sub-Inspector who are not qualified to handle sensitive cases, reasons being lack of proper education, manners and etiquettes while dealing with public especially women. All police stations require lady police staff, as women complainant feel free to express their problems in front of lady officers.

II Victims and their Anguish

Kanaka Tilakam:-

Kanaka completed her P.U.C. and was working in H.A.L. ancillary as a typist. Her father died when she was very young and her mother started a small tailoring business. Around this time Govindswamy the son of Kanaka's maternal uncle came to stay with them. When Kanaka was 24, still working in H.A.L her mother suggested that she should marry Govindswamy. Kanaka was averse to the idea basically because Govindswamy was
quiet man, who hardly spoke to anyone and therefore Kanaka was not sure as to what kind of a person he really was. But her mother pressurised her to give in, and the marriage took place on 1st November 1984. Govindswamy's family hosted the wedding and undertook all expenses.

Govindswamy had started working in Bangalore as an automobile electrician. Kanaka was asked to leave her job. During the first year of marriage things were alright between the couple. However whenever Govindswamy received letters from his mother and family staying in Tamilnadu, Kanaka would notice a change in his mood and he would become very quiet. At these times he would stop giving money for household expenses. If Kanaka dared to ask him he would beat her. He would return from work late at night after having eaten outside. In 1985 they had a son. After the birth of their son Govindswamy started behaving strangely. He would leave the house at 5.00 a.m. and return late at night. He never told Kanaka why or where he was going. Sometimes he made excuses like he had to attend a friend’s wedding and would return home after a few days. Upon enquiries, Kanaka came to know that he was actually going to his village. In 1989 they had a daughter. Govindswamy's strange behaviour continued and Kanaka had no clue as to why he visited his village so often.

Only later, once during her visit to Govindswamy’s village did she come to know the truth, that he was having an affair with his brother’s wife. His mother was aware of this and never said anything. Kanaka vowed never to go back to the village again.

However, unable to cope with her life, in 1995, Kanaka set out for the village, with her son, in search of him. She found his mother’s house locked and the neighbours informed her that they had gone to his sister’s village to attend her “grihapravesham”. Kanaka left a message with the neighbour’s asking him to return to Bangalore immediately. He came to Bangalore the next day. In the same year, Govindswamy met with an accident. Kanaka’s mother mortgaged her house to pay his hospital bills. Two years later when Kanaka asked him to pay her mother back he hit her and broke her hand. He stopped supporting his family and paying the children's fees. Having no other choice, she asked him one day if she should go out and work again. This started an argument between the couple. One thing led to the other and Kanaka questioned him about his relationship with his sister-in-law. This made him very angry. Kanaka took a can of kerosene and poured it on herself. She asked him to set fire to her. He refused and said to her –“Your light it yourself”. She lit a match and set fire to herself. He sat on the bed and watched her burn. The children hearing their mother scream rushed out of their
room. They started crying on seeing her in flames. To calm them, their father said "nothing has happened, keep quiet". After a few minutes he tried to put out the flames. When the flames had died down he offered to go out and buy burnol. He never returned. Kanaka's children ran to call Kanaka's mother who came and took Kanaka to the hospital.

When her husband visited her at the hospital he asked her to tell the police that it was an accident. Eyeing at secured future of her children she did the same. Kanaka sustained 42% burn injuries. Her hands, thighs and chest were badly burnt.

Today, several surgeries later, Kanaka lives with her mother and two children. Her mother supports them with her meagre earnings from a small tailoring shop she has set up. Kanaka's elder brother, an alcoholic, comes often and harasses Kanaka, demanding money. Due to these problems Kanaka sometimes thinks of returning to her oppressive husband who is not even ready to accept her. Can society and police deliver any justice to Kanaka Tilakam and girls like her?

Shakila

This is a case of blatant violation of women's right by police. Custodian of law himself has become the abuser. Since police themselves are the offenders not much of cooperation was available from the police. They were not even ready to acknowledge the occurrence of the event. "Women's voice" leading women's organization of Bangalore provided me the needful, information to locate the victim.

Shakila – poor, illiterate women from a Bangalore slum, with her one and half year old son had gone to meet her husband who was in police custody. Her husband Habib was not a very nice person. He was habitual offender. He was into robbery, stealing, gambling and all other nasty kind of habits. But that is no reason for which his wife can be raped. That day when she went to meet her husband she was not allowed, and in some pretext or other the police personnel present there detained her in a solitary room. They even took her child away from her. Then the most horrible thing happened. Around 12 am she was brutally raped, rather "gang-raped" by the 3 constables present in the police station. She was threatened not to disclose the entire episode to anybody, otherwise she or her husband will be murdered. Next day evening in search of her husband she went again and it was the repetition of the same story again. She was not allowed to meet her husband.

After listening to her study local slum representative of "women's voice" took her to their office. When they took up her case and registered a case on police station the
ordeal begins both for them as well as for the victim girl. Because they were intimidated and harassed by the police regularly. And since her husband had a questionable past it became easy for them to torment her. When I met her she did not know where her husband is, how she will feed her young child and herself. She was battling wither trauma, poverty and questionable attitude that society show towards the victim of rape.

Lot of pressure from the above and persuasion from the local level compelled the police to arrange the "Identification Parade". The victim girl in this identification parade clearly identified her tormentors. A case was booked against them.

But Real ordeal begins after this. Though it was a clear case of violation of women's rights u/s. 376 IPC apart from temporary suspension, no action were taken against them. According to police spokes person "Law will take its own course and it is judiciary to punish to them". But women's voice accuses police of protecting its errant men. The case is pending for trial in the court.

Bhanumati

I met Bhanumati, a plantation labourer-as an offender. She was accused of brutal murder of her paramour. She had not only murdered him but also cut his body into pieces and was trying to burn it, while she was caught after two days of this gruesome incident. From every angle she is an offender. Then question comes why I've chosen her as the victim? Let me first narrate her biographic account. Bhanumati, an average looking impoverished girls of some remote village of Uttara Kannada, lost her both the parents during early childhood. She had to spend her turbulent, torturous childhood in her maternal uncles house almost like a slave. She lived there as unpaid domestic helper. After attaining puberty she was sold off to an elderly person of a nearby village in the name of marriage. There again she was treated like a servant and every drop of hat she was beaten black and blue. But after delivery of her son, she was thrown out of her so-called husband's house so that he can remarry. They did not forget to take away her son, as he will carry forward the name of their "Vamsha". But they allow her to take her daughter along with her as she is going to be burden on their shoulder. Now Bhanumati without knowing where to go, how to manage herself and her daughter went to her maternal uncle. Uncle had refused to accept her but agreed that if she pays Rs. 500 per month they will take care of her daughter. Confused Bhanumati out of compulsion took a job as plantation worker in a coffee orchard of Coorg. There she had to work hard to save money for her daughter's upbringing. Meanwhile she has developed relationship with another co-worker who was into heavy drinking and gambling. Due this they always used to fight with each other. But when her daughter reached 15 years her
maternal uncle arranged a match for her and told Bhanumati that required 20,000/- as dowry. If she could not able to pay the money within 3 months the groom’s family will severe the relsationship. She had sold off whatever little jewellery she had, but that was not enough. Only dream remained in the shattered life of Bhamumati was to see her daughter settled. She was never allowed to meet her son. Her attachment with her daughter was almost nil. But the “mother” inside her was always alive. When I met her she was in a semi-lunatic condition and was murmuring only one thing i.e. “why didn’t I kill him before?” Yes if she had killed him before she could have saved her daughters life. Because desperate Bhanumati had gathered all the money in the form of loan from her employer by signing a blank paper. We can well understand the implication of this act i.e. enslavement of her rest of her life. But in spite of putting her own life at stake she could not save her daughter’s life. Because, two day’s prior to her daughter’s marriage when in the morning she was leaving for her maternal uncles house, she could find neither the money not her paramour. Listening to this her daughter committed suicide. Stoic, calm Bhanumati was waiting for Muniappa - her paramour like a hungry “cheetah”. When he came back after one month, of course spending the entire amount in gambling and drinking, Bhanumati first drugged him by mixing opium in to his drink and then killed him.

Yes, Bhanumati is an offender. But does our social system left any other way left for her? She was waiting for court order to come, No women’s group were there to share her agony, no lawyer was there to plead for her case, even most of the police men took her as a disreputed woman with questionable character and a woman of this kind can not have right to claim justice. Therefore, to me Bhanumati is more of a victim of our oppressive, patriarchal social system than an offender.

Sharada

“Sharada was married to Koragappa Poojarv, a farmer in 1982. No dowry was demanded or given as Sharda was very beautiful, Sharada and Koragappa lived with Koragappa’s parents and his unmarried sister. Koragappa was a very influential man. They had three children. There were misunderstanding between husband and wife. Of late (a few days before she died), Sharada found out that Koragappa was having an affair with another woman. He wanted Sharada to leave his house. On 19.5.97 Anand Salyan (Sharada’s brother) was informed that Sharada was unwell. He and his mother rushed to see her. They found her body near her in laws house outside on a mound. Her face was badly bruised and the body was burnt in places. Koragappa’s brother-in-laws says he had informed the police. The police and Koragappa’s family insisted that it was a suicide and
the Dy.S.P and S.I. threatened Anand and others who supported his claim that his sister was murdered. A Doctor who also concluded that Sharada had committed suicide by burning herself did the post mortem. Anand is not aware of any inquest reports and is not sure if it was conducted at all. When he attempted to register the case, the police abused his mother. Till today he has not got Sharada’s belonging back. The children are with Koragappa who has remarried and living happily.

**Chandrakala:**

Chandrakala’s parentage is Tamil. Her family migrated from Tamilnadu some twenty years ago and made Bangalore their hometown. Her two sisters were married and her only brother was studying. Although Chandrakala was no more to tell her stories, I got to know about her from her family members and from the representatives of the women’s organization who pursued her case.

After finishing her schooling, Chandrakala took up a job in a garment factory, with the help of her earnings and her fathers, the household was keep running. Chandrakala was very outgoing. She loved life to the full. She made friends easily and endeared herself to all. Within a year of her employment she encountered Murthy, a young man who was from their former neighbourhood. He would meet her on her way to work and back. On these occasions, Murthy expressed his undergoing love for her. But a rather cautious Chandrakala declined his repeated offers of marriage. But he was persistent in his love for her and convinced her to accept the marriage. Finally she relented but all these happenings, however, were concealed from her parents. The unsuspecting family did not have reason to think otherwise, until one day they were shocked by Chandrakalu’s revelations. She recalled that in the pretext of her friend’s marriage she got married to Murthy in a temple. The some what stunned parents, then lost no time in meeting Murthy with a view to solemnise the runaway marriage. The parents coerced them into registering the marriage and as per the wishes of Murthy he was given 25000/- in cash, a finger ring and set of clothes. To their daughter, they gave earrings, jhumkhis, matil, 15 sarees and Utensils all worth 50,000/-

With the help of an uncle, the couple rented a house and began living an independent life. Six months passed and one would have expected these to be the best months of their married life. But they were not. These months were filled with tomenting experiences and memories of Chandrakala.
Soon after marriage, Murthy ordered his wife to give up her job and perform her wifely duties of looking after the home and his comforts. He though, would come home dead drunk and brand her with the buts of lighted cigarettes. He would often beat her and command her to bring Rs. 75,000/- from her parents, failing which he would go on for a second marriage. Seized with fear by his continuous threats, she would rush to her parents and plead with them for the money. The parents, having just celebrated her marriage were in no position to meet the demands, as they were still repaying debts.

Murthy spent all his time with a gang of notorious friend and with other women. Once she borrowed pair of earrings, from her grandmother to wear. When Murthy’s eyes fell on them, he demanded her to take them off. Promptly he pawned them, and with money thus got, he threw a party for his friends. On her last visit to her parents house, they had all agreed to visit the following Thursday. Thursday came, but as the day progressed, there was neither a call from her nor did she come to the temple. Thinking that she was caught up in some unforeseen work, they waited for her visit. Another 3 days passed and her father sensing that something was the matter went to her house to find it locked. Extremely worried when they were about to set out find their daughters where about, a neighbour came to inform them of Chandrakala catching fire while cooking.

Reaching the hospital at night by 8 p.m. they questioned her anxiously to find out what happened. They were aghast when she told them that while she was sleeping, Murthy had poured kerosene oil on her and set her on fire, because she did not get him the money he wanted from her parents.

Murthy and his gangs threatened her with dire consequence on her brother and compelled her give statement to the doctor and the police that there was a stove burst while she was cooking. Chandrakala caught fire on Thursday itself and was admitted to Victoria hospital, Bangalore, with 80% burnt-on her legs, hands, front and back. Her head and her hair completely singed. She was 4 months pregnant. That same Monday night, she died a violent death.

Although before her death she narrated the entire story before her parents, they could not find police personnel on duty to take down her dying declaration. Police stood by the testimony she was given under her husband’s pressure.

When her parents, approached some local women’s organizations, and went to Murthys house, they could not trace any sign of stove burst, even the stove was also
there. According to her mother she used to cook in Gas they never had a stove. It is surprising police had never made any preliminary enquiry or tried to contact her parents.

Her parents were too scared of Murthy. He was periodically scaring the threatening them and because of that they did not turn up to the Tahsidars office during inquest.

Chandrakals’s parents miss her deeply. To them she died for the second time whey they let her murderer go free. They also feel over-ridden with guilt for they were not able to disclose the truth. They have not collected the first. Information reports because they feel morally they have sacrificed the truth for fear and intimidation.

III – Women’s Groups: Assertion of Critical Consciousness

[I am deeply indebted to Dona Fernandaze of “Vimochana”, Bangalore, Indira, Manvikar “Sangameshwar Salah Kendra”, Gulbarga, Synthia of “Women’s Voice” and “Vanitha Sahaya Vani” (24 hr. Police help line for women in Bangalore for all my informations]

According to Dona, “in the new magical universe, where economic miracles are being brought, where science and technology is transforming & making life easier for millions, where social engineering on massive scale has been undertaken to reorder the world and flatten out its hierarchies of race, caste, gender; where the market economy has opened out boundless opportunities for unfettered growth, but in spite of these why there is increasing impoverishment and misery? Why the perpetration of newer and more grotesque forms of violence against the weak and vulnerable? And this despite the fact that the world has undoubtedly given a public face to many of the “private” violations of women. Wife battering today is at least in law, no longer a domestic personal issue but a prosecutable offence; rape has been removed from the realm of morality where a woman is always suspect, prostituted women are also being given a legitimacy and dignity as “sex workers” who have a right to practice their profession without being given a legitimacy and dignity as “sex workers”, who have a right to practice their profession without being exploited; female foeticide and infanticide have been made punishable as the most extreme forms of discrimination against women and girl children. Women’s labour is being granted equal recognition and status in the labour market. State
machinery has undoubtedly been geared up to address itself and respond to the ceaseless articulations of the women’s movements to give voice and face to the various forms of violence and discriminations against women. Women’s rights are well on their way to being universalised and recognized as human rights.”

But all of them unanimously opined that ultimately the measures being taken to respond to the violence in women’s lives only appear to mock at their misery. As for much of these attempts, on the one hand have soft peddled the violence as a “social problems”, reducing its therefore to a matter of morality which has anyway in the age of the new materialist ethic, ceased to have any transformative value.

At the basic level is the total ineffectiveness and ineffectualness of the laws and procedures that may be faulty in conceptualisation vis a vis the reality of women’s lives and the nature of violence against them and therefore are full of legal loopholes and lacunae through which the perpetrators can go totally scot-free. At another level are the well-rooted attitudinal gender biases and that ensures that crimes against women, women’s death even by the law enforcers and keepers are not considered serious enough. Offences can be “adjusted” for certain monetary considerations between the families, community and then police or the prosecution process. For instance, the widespread culture of corruption embedded in all our public and political institutions aids and abets this adjustments.

Women in all cultures and societies, and also perhaps in all ages, have in different ways been marginalized, silenced and violated but never before perhaps has the feminine and the female been so totally devalued and commodified, gendered realities and hierarchies have prevailed but never has gender been reduced to sex that is a saleable commodity in the marriage market, flesh trade and in place of human relationships.

“Vimochana” had identified several lacunae in the investigation procedures in the cases where women are the victims.

**Registering of the Complaint:**

In many unnatural deaths, cases have been registered as suicides due to stomach pain, evil spirits, or as kitchen accidents and stove bursts because in this way the strong arm of the law cannot be invoked. The reasons for this are many. On one side is the reluctance of parents themselves to go to law. Some parents take a fatalistic attitude of “anyway our dead daughter will not come back.” Some succumb to the pressure of elders
in the community or threats from the side of the accused. Many a time the accused husband happens to be a close relative of the deceased’s parents. (As in Karnataka mother’s brother & his family & father’s sister’s family are within permissible marriage relation). Most are just indifferent and hostile to the police and the law. The FIR plays a very determining role in the entire process of prosecution. But from experience, by and large, we know that the police tailor most FIRs. First it is rather strange that 70% of the recorded deaths have been registered as accidents. Strangely enough it is mostly the sarees/clothes of the young daughters-in-law that catch fire, that too when “boiling milk”-a standard phrase. In complaints of burns due to stove burst, no burst stove is ever seized and in some cases there is no stove to seize, as what is used is a gas stove.

**To the police, the enforcers of law we ask:**

Why is it that when an unnatural death is first reported, contravening the provision that a senior police officer be entrusted with the investigation, often a head constable or an ASI is sent first to spot inspect? Why is that after the preliminaries are over, the house where the crime/offence has taken place, is never seized, nor sealed? Many a time significant shreds of evidence like burnt pieces of cloth, diary, letters, little notes, stoves, weapons etc. are destroyed either deliberately or out of sheer carelessness. Instances are plenty when police themselves identify with accused and abet in the destruction of evidence.

For example: In the brutal murder of Hemalatha wife of Suresh Rao on May 1997 in the limits of Byatarayanapura police station, neither was the knife found near the body nor the blood stained kerchief and pillow seized. She was literally raped by the husband (found naked), murdered and then burnt for her failure to meet his greedy demands. Even though there were visible marks of violence on the body the post mortem report simply stated it to be ‘death due to shock’.

We also ask the police why is there so much reluctance to provide a copy of the FIR or even an acknowledgement for the complaint lodged? If it is mandatory then why is it that in the cases of Hemalata of Byatarayanapura & in many other cases. Why do the police even before the investigation begins conclude the death to be suicide?

It is observed that police investigations are in reality no investigations at all. In all unnatural deaths & rape cases they have been reduced to a mere recording of statement. There is neither the inclination nor the concern to arrive at the minimal truth.

Our data shows in dowry deaths since the investigations are taken over by the anti-dowry cell (ADC), the jurisdictional police express no concern or care for collecting...
and preserving crucial pieces of circumstantial or documentary evidences. By the time the case has been transferred to the COD, a week to a fortnight and in some cases even a month has gone by since the incident has occurred. This delay in time provides all of the accused an opportune moment to threaten and intimidate the girl's side; to go into hiding; to tamper with and destroy evidence and even secure anticipatory bail. Therefore by the time the case reaches the anti-dowry cell much has been lost.

**The Inquest.**

In between these two levels of investigation at the local and the COD level is the Inquest conducted by the Tahsildars.

Given the private character of these crimes the inquest report assumes great significance and can provide the much-needed basis in securing prosecution. But because pertinent procedures for holding the inquest are not strictly adhere to, a mandatory requirement, it should be binding on the Tahsildar to spot inspect the site of occurrence. He is required to gather the statements of the bride's parents as to marriage details, history of harassment as well as a physical examination of the body- a very crucial source of evidence for pre-mortem violence. But most Tahsildars are reluctant to look minutely and carefully for marks of torture, which can help to indict the accused.

In several cases, we have been told that the family of the deceased has been summoned to the Tahsidar's office for recording their statements, or the Tahasildar has recorded their statement at the morgue. Such a procedure defeats the purpose of this provision.

Further because the Tahsildar is too preoccupied with his other official duties, he is unable to attend the call of inquest immediately. And the police cannot retain the body indefinitely in the house where the death has taken place. In this way the post mortem is subject to a further delay of sometimes over 36 hours to 48 hours after death has occurred thus prolonging the agony and trauma of a shocked family.

Numerous complaints have been made about the impatience of Tahasildar's while recording statement. Parents, who are often in terrible state of shock on the sudden loss of a daughter, do suffer memory lapses and therefore are unable to respond coherently. In such cases opportunity should be created for a further recording of details.

Justice and fair play also required that the statement furnished by the parents and as recorded by the Tahsildar be read back to the parents as on record. But this does not
happen. In the case of Sandhya Rani in November 1996, the parents had explicitly told the Tahsildar about their daughter’s harassment but instead of the Tahsildar writing the statement, it was the police writer who took down the statement and in doing so wrote that Sandhya Rani and her husband lived happily.

**Police Investigation.**

It is a fact that the investigation done by the state machinery is such that it does not inspire confidence in the minds of the public.

To correct this sagging image of the investigating machinery and in response to the Women’s Organisations, the state of Karnataka set up a cell to investigate dowry cases—the Anti Dowry Cell (ADC).

The Anti-dowry Cell was staffed with women inspectors in the hope that gender justice would be affirmed, but it seems, from the convictions secured in such cases, only gender injustice prevails. The most blatant abuse of their official powers is in their wanton exclusion of key witness in their investigation and subsequent framing of charges.

A telling negligence has been in the case of the murder by strangulation of Sharada in May 97. Her death was made to look like suicide by burning and would have passed off as one, had it not been for the two passers by who on hearing the anguished cries of the woman, rushed up to the first floor but retreated when a knife was pointed at them. They were mute witnesses to the macabre murder. Even though the ADC officer recorded their statements, strangely enough it did not find a place in the charge sheet. The inspector held that they were not “respectable” witnesses. In another case of Sabeeha, when she fell to the fatal blows her husband, a helper boy of about 8 years saw the accused dragging her and hanging her from a fan and narrated this to the COD but the inspector left his testimony out on the ground that he was a minor.

The activists have felt that in many of the cases investigating officers protect the husband. When they visit the deceased’s home they often remark, “only you are saying he (accused) is bad, everyone in the area says that he is a good man”.

There is an urgent need to specify and demarcate the nature of investigation of each agency, their role and function in the process of investigation. i.e. the jurisdictional police, the Anti dowry cell and the Inquest. Due to the multiplicity of agencies involved, it is difficult to fix the onus on any single agency. It is common to hear the local police
blame the ADC and the ADC tell the complainant that their case has already been messed up by the local police.

What is very evident from this is that instead of the agencies working together collectively and consistently with the objective of establishing the guilt or innocence of the accused, and because of the ambiguities in their roles they are often at conflict, thus providing the guilty, the space and opportunity to ensure the miscarriage of justice.

In the process of investigation two documents are of crucial importance i.e. the Dying Declaration and the Post Mortem Report.

**Dying Declaration**

In the unnatural deaths of women by burning, since many of them struggle with life for several hours before death they are able to declare before death the circumstances of the burns.

Since the incident takes place in the home of in-laws, either in case of suicide or even murder, they are the ones who take the victim to the hospital. Often on the way they intimidate the woman into giving a fabricated statement that it was a stove burst or a "cooking accident" or she did it to herself because of stomach pain.

The police in the presence of the husband and in-laws often records statements. This does not encourage the truth to be spoken or to be known.

The police, depending on whose side they are, tailor the statement accordingly. In the case of Shoba of Byappanahalli, whose death occurred in March 1997, she did not sign her dying declaration even though she was literate and her hands were not burnt. Why was the toe impression affixed to it? Why were her parents informed of her death after three days?

**Post-mortem Report**

The post-mortem report is a very critical element in the entire process of prosecution. By an act of Parliament, the post-mortem has been made obligatory in all the cases of unnatural deaths of married women within 7 years, because the post-mortem report is supposed to provide clinching evidence in the unnatural deaths of women.

However in reality the post-mortem report does not reflect this expectation and requirement. Most post-mortem reports are written up in the most callous way with no regard to specifics and details. As soon as the police report a case of hanging or burning,
the medical mind is already set—it is a case of suicide. There is no attempt to go further or deeper into the investigation—Could the women have been throttled and then hanged or burnt? If so, then, what are the signs that indicate this? In case of burning were the burns post-mortem or ante-mortem?

Most post-mortem reports reflect a routine conclusion: "death due to shock" or "death due to asphyxia". They even fail to describe the nature of wounds and scars found on the person of the deceased.

In instances where women have been throttled and then immediately been set on fire, the post-mortem report must state whether the traces of soot or carbon were present either in the oesophagus trachea region or even in the lungs. This will confirm if the deceased was alive at the time of burning. If they are absent, then it will indicate that at the time of burning she was not breathing, which means that she was already dead by the time she was burnt.

Such kind of findings if stated in the post-mortem reports, together with circumstantial evidence can certainly help to bring about conviction.

In May '97 two passer-by heard the distress screams of a woman coming from the first floor of a house situated on the main road in Peenya Dasarahalli. They rushed to the first floor thinking it to be a case of robbery. But were horrified when they were saw a man covered with a bed-sheet over his head throttling a young woman while another was urging him to burn her as soon as she fell down, which they did.

A clear case of murder made to look like suicide by burning... but what does the post-mortem report contain? The innocuous 'death due to shock'. Sharada was perhaps set on fire even before she died and the medical evidence may point to her being alive at the time of burning. Given the mindset of the judiciary this will be seen again as a suicide.

In yet other cases when after great violence has been done to her and the woman has fallen unconscious, taken her to be dead, and to make it look like a suicide, the woman is either burnt or made to hang. In such instances of make-believe hanging, the woman is taken down before the police arrive on the pretext of taking her to the hospital or it is made to appear as suicide by allowing her feet to touch the ground. All this indicates that no post-mortem report is even able to answer the crucial question as to whether the burns were self-inflicted or whether they were inflicted on her—whether it is murder made to look like a suicide?

The legal importance attached to the post-mortem report is further brought into question when it is openly flaunted around that post-mortem reports can be bought at a
price. Reports of adversaries conniving with doctors to have the reports tailored in ways that do not indict them are widespread.

How then can post-mortem be a conclusive document of truth?

In the interests of quelling this rampant rot, the system of allowing the aggrieved party to have a doctor of their choice present at the time of post-mortem will certainly help to restore public confidence in the medical fraternity. We should also allow system of bringing in forensic consultants, as to rule out the possibilities of tampering with evidence and foul play.

At This Juncture we can reflect some of the valuable insight that we have gained out of these case studies

While preparing the case studies I’ve interacted with the victims, social activists, women’s organization and media persons. The invaluable insights of these interactions are:

a) Police responses to victims are characterized by sexism, bias, victim-culpability and social stereotypes regarding crimes against women. Police are generally accused of being rude and impatient. A gender sensitive police response would be patient and emphatic listening. A patient hearing sometimes work as a good healer as mostly people meet police when they are in distress. They should try to identify themselves with women’s viewpoints and put on efforts to make them feel at ease. Because there is a tendency among police men that in the very first instance they try to unnerv the person, so that they feel intimidated. They always talk from the above. They treat both offender as well as the victim alike.

b) Female criminality offends the social conscience more severely because it challenges the ideological constructs regarding gender roles. Police response to female offenders is not very different from “sexist” societal perception. Not only they are straight jacketed as loose and disrepute, police custody and restraint contribute to their further powerlessness and they are subjected to indecent and obscene behaviour, even custodial rape. A gender sensitive police response to women offenders shall include observance of due regard to their dignity and modesty and the procedural norms in all aspects of investigation, search seizure, arrest, confinement in police lockup, interrogation and forwarding in custody.
c) Another very significant aspect of their attitude is "differential treatment" on the basis of social positioning. Police response to women who are on the margin of the society, whom they perceive as unrespectable and thus undeserving of protection – prostitute women in the slum, maid servants, women labour, widows, single women, divorcees – ranges from indifference to intimidation, exploitation, hostility and violence. In India maidservants, widow with young children, political activists or their relatives, tribals, and dalit migrant labour in metropolitan cities are some of the women who have been victims of custodial rape. In Britain black women, and lesbians face coercive policing. These marginal women, as they are subject to not just gender bias but multiple biases of casts, class and race are not less but more deserving of the protective arm of law and gender sensitive policing should ensure their fullest access to legal help. But this police only treat the offender of "white collar" crime very differently.

d) People are mostly disgusted by the filthy languages used by the police, victims, and activists, media persons all the unanimous in their response that misbehaviour is most rampant among the lower echelons of the police structure i.e. constabulary. As you go up
the ladder, the attitude becomes more sensitive. Constabulary, the most visible part of the police machinery are accused of being most abusive and insensitive.

![Good Body Language](image)

e) The relationship with police and voluntary women’s organizations are of mutual distrust and confrontation. Police perceive them as “trouble monger”, “home breakers” who corrupt women and champion fake complaints and resent their interference in police-work. Women-group activists complain of police inaction, harassment and victimization. While at times these groups exaggerate and distort facts and are unfair in their appreciation of constraints and good work of police, which provoke ‘police-reactionism’, gender sensitive policing would accept them as equal partners in the common fight for gender justice.