

# The Wave of the Intensity of Abuses Experienced by Women in Kerala

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## Abstract

Kerala the God's own country has always blessed with many advantages and one of the most advanced States in India with respect to development indexes. 'Kerala Model' development was much talked about in India and outside more importantly from its political angle. The strength in the family is great factor in Kerala. Every Keralite takes pride and becomes exuberantly vocal in discourses on 'family' as a value. The value of a women and importance of her role in family is highly discussed in the society. Women, victims of violence and exploitation by patriarchal forms of religious, social, political, economic and cultural devolutions, today are being organized by themselves to protect their rights and preserve their survival and sustenance. They face specific forms of violence – rape and other forms of sexual abuse, female foeticides, dowry deaths, wife - beating, wife burning and so on. Such violence and the continued sense of insecurity keep them bound to their home, economically exploited and socially suppressed. In the ongoing struggles against violence on women in family, society and State, we recognize that State is one of the main sources of violence and stands behind the violence committed by men against women in family, the workplace and the neighborhood.

**Keywords:** Violence, Crimes, female foeticide

## Introduction

The issue of violence against women has been the most pervasive theme of all feminist, democratic and rights based movements in India. In the 1970s it was the horrifying and escalating numbers of dowry deaths. In the 1980s the problem of rape and sexual assault burst out of the shadows to stand as the symbol of women as a broken idol. In recent years it is the female infanticide and the violence against females through bio-medical practice such as amniocentesis have emerged as the new threat to gender justice.

Domestic violence is one of the crimes against women which are linked to their disadvantageous position in the society. Domestic violence refers to violence against women especially in matrimonial homes. Therefore domestic violence is recognized as the significant barriers of the empowerment of women, with consequences of women's health, their health seeking behaviour and their adoption of small family norm. However an attempt has been made to study whether ever married women of reproductive age group in India view wife-beating as justified. Background characteristics such as education, age, marital duration, place of residence, caste, religion, sex of the head of the household, standard of living, work status of women, exposure to mass media and the autonomy of women with respect to .The analysis shows that the women belonging to low socio-economic status are more likely to agree with each of the different reasons justifying wife-beating. Again domestic violence is more among lower autonomy and women belonging to low socio-economic status.

Women are more likely to be victimized than men as they have a secondary position in society. Though there were several attempts to upgrade the status of women, the condition of women remains the same but for a few changes among some sections of women. Women suffer from various forms of discrimination, oppression, exploitation, degradation, aggression, humiliation etc. Exploitation of women is near universal. Women of all ages irrespective of their socioeconomic background become victims, though the nature of crimes committed against them vary according to age and background. There are many cases of victimisation which are invisible and unnoticed due to several reasons.

Today there are mechanisms in the form of laws to protect women but women are often reluctant to use them especially when they do not want to see themselves labelled as culprits. In addition, social conditioning of women and men is so entrenched that desirable changes in the society, with respect to status of women, that are sought to be brought about through laws and other measures, do not reflect easily in behavioural or mental attitude of men and women.

Some of the evidences shows the women have never had an opportunity to express their individuality, since their freedom has always been suppressed by their immediate society. Indian women remained subjugated and oppressed because society believed in clinging on to orthodox beliefs, consequently subjecting them to the brunt of violence—domestic, physical, emotional and mental. However, socialisation and internalisation of patriarchal values made it such that women, in general, failed to achieve the necessary consciousness that they were being oppressed and harassed in a male dominated society.. Till the time of independence, women were confined to the four walls of society and were made to strictly follow the code of conduct of the *varnashrama*

system. Women were not seen as individuals but as objects to serve men in various capacities. During this period, violence against women reached near universal levels prevalence. As the society progressed the nature of violence against women also changed in its form and content.

### **Crime and Women**

The intensity of the experiences always shows the depth of the abuses experienced by the women. Historians believe that the history of violence against women is tied to the history of women being viewed as property and women being assigned a gender role subservient to men. The UN Declaration on the Elimination of Violence against Women (1993) states that "violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men."

Crimes against women vary in nature and type. Crimes are committed irrespective of the age of the victim; two years olds and 85 year olds are all equally vulnerable to the atrocities that can be committed against them. Newspaper reports carry news of at least one crime against women, on a daily basis. In spite of the ostensible acceptance of the idea of women being equal to men, and the prevalence of a plethora of laws and human rights guarantees, violence against women (VAW), which is also referred to as gender-based violence (GBV), is a reality that has assumed huge proportions. Not only does violence against women exist, but has taken on insidious forms that are often justified in the name of faith, community and, some times, even development. A cursory examination of daily newspapers will give us an idea of the epic proportions the phenomenon has adopted in recent times.

- According to a study based on 50 surveys from around the world At least one out of three women has been beaten, forced into sex, or abused during her lifetime. On most occasions, the abuser was a member of the woman's family or someone known to her.
- One woman in four has been abused during pregnancy.
- "According to an estimate, more than 60 million women worldwide are considered 'missing' as a result of sex-selective abortions and female infanticide", says Amartya Sen.
- The World Health Organisation has reported that up to 70% of female murder victims are killed by their male partners.
- Interpersonal violence was the 10th leading cause of death among women between the ages of 15 and 44, in 1998.
- Population-based studies report that between 12 and 25% of women have experienced attempted or completed forced sex by an intimate partner or ex-partner at some point in their lives.

There is general belief and we can say that 'crime against women' refers to direct or indirect physical or mental cruelty committed against women or an action or omission on women that constitutes an offence that may be prosecuted by the state and is punishable by law. There are many types of violence against women but the most common ones are eve-teasing, molestation, bigamy, fraudulent marriage, adultery and enticement of married women, abduction and kidnapping, rape, harassment of women at work place, wife beating, dowry death, female child abuse, abuse of elderly female etc. Cheating is another crime which is widespread among crimes against women. But cheating is not mentioned as a crime in legal documents and therefore goes unnoticed many times.. Women are cheated much more easily than men. Crimes against women are not visible always. In many cases, crimes are not reported for various reasons like status of the families, fear of registering the case, fear of going to the police stations and fear of losing the 'honour' of women victims.

### **Missing women**

60 million girls who are otherwise expected to be alive are "missing" from various populations as a result of sex-selective abortions or inadequate care as they are seen less important than boys. As mentioned earlier, violence in the family is universal and takes different forms - from physical aggression, such as slapping, hitting, kicking and beating to psychological abuse, such as intimidation, constant belittling and humiliation, including various controlling behaviours, such as isolating a person from their family and friends, monitoring and restricting their movements, and restricting access to information or assistance. Rape is the most violent form of sexual violence. Rape is also associated with unwanted pregnancies and sexually transmitted diseases including HIV/AIDS. However, rape is greatly under reported because of the stigma attached to it, and even more rarely is it punished and there is evidence that one in five women will be a victim of rape or attempted rape in her lifetime (WHO 1997). Women are suffer during periods of conflict since rape is seen as a wide spread phenomenon during this time. Violence against women during conflict has reached epidemic proportions. Mass rape is frequently used systematically, as a weapon of war. On top of this, during conflict women are physically and economically forced to do sex work, sometimes in order to secure the basic necessities for their families. Women and children are also the majority of refugees and internally displaced persons. 80% of the refugees are women and children

(UNHCR, 2001). Many of the cultural practices around the world make women vulnerable and among them, female genital mutilation (FGM) continues to be one of the widely prevalent Act of violence. In India, it is estimated that there are close to 15,000 dowry deaths per year. It is reported that in most cases, kitchen fires are designed to look like accidents (Injustices Studies. Vol. 1, November 1997). FGM is performed amongst immigrant communities in Denmark, France, Italy, the Netherlands, Sweden, Switzerland and the United Kingdom (UN 2002). UN reports that violence against women goes widely unreported for various reasons like fear of retribution, lack of economic means, emotional dependence, concern for children and lack of access to redressal. Around 20-70% of abused women did not tell another person about the abuse until they were interviewed for the study by WHO (WHO, Geneva, 2002). In South Africa, the conviction rate for rape remains low at an average of 7%. A third of the estimated number of rapes was reported in 2003 (Police Annual Report for the year ending March, 2003). In Egypt, 47% of the physically abused women did not tell anyone (WHO2002). In Chile, only 3% of all raped women reported the incident to the police (WHO 2002). In the USA, 16% of women reported rapes to the police; out of those who did not, nearly 50 per cent said that they would report if they were assured that their names and private details would not be released publicly (National Victim Centre/Crime Victims Research and Treatment Centre, USA 1992). In Australia, 18% of women who were physically assaulted during a period of 12 months did not report to any one (Population-based study, 1999). In Bangladesh, 68% of women did not tell anyone about being beaten up (WHO 2002). In Austria, 20% of reported rape cases ended in convictions in the 1990s. In Ireland, 20% of physically abused women contacted the police (WHO 2002). In the Russian Federation, 40% of women victims of violence within the family did not seek help from law enforcement officials (International Helsinki Federation for Human Rights, Women 2000: Russia).

### **Crime against Women in India**

Although Women may be victims of any of the general crimes including murder, robbery and cheating, only the crimes which are directed specifically against women are categorised under 'Crimes Against Women'. The National Crime Records Bureau reported that by 2020, growth in the rate of crimes against women would exceed the population growth rate. Earlier, many crimes against women were not reported to police due to the social stigma attached, especially rape and molestation. Official statistics show a dramatic increase in the number of reported crimes against women. Women belonging to any class, caste, creed or religion can be victims of violence. It is seen from the reported cases that the most vulnerable section among the women are dalits, especially those who do not have strong support from the community and society where they live in. Domestic violence is very common in India.

### **The Crime under Indian Penal Code (IPC)**

- i. Rape (Section 376 IPC)
- ii. Kidnapping and abduction for specified purpose (Section 363-373 IPC)
- iii. Homicide for dowry, Dowry death or their attempts. (Sec. 302/304-B IPC)
- iv. Torture, both mental and physical (Sec.498-A –IPC)
- v. Sexual Harassment (Sec. 509 IPC)
- vi. Importation of girls (Up to 21 years of age) (Sec. 366-B IPC)

### **The Crimes under the Special and local Laws (SLL) - Gender specific laws**

- i. Immoral Traffic (Prevention) Act, 1956.
- ii. Dowry Prohibition Act, 1961
- iii. Indecent Representation of Women (Prohibition) Act, 1986.
- iv. Commission of Sati (Prevention) Act, 1987.

Police records in India show a high incidence of crimes against women. As per the National Crime Record Bureau (2011) crime rate trend analysis of crimes against women in India shows sharp increase in crime rate from (8.2%) in 2006 to (9.6 %) in 2010.

The most common crimes against women in India are sexual harassment, rape, dowry, child marriage, female infanticide and sex-selective abortion, domestic violence and trafficking. These crimes take diversified forms as they are very contextual in nature. Sexual harassment is bullying or coercion of a sexual nature, or the unwelcome or inappropriate promise of rewards in exchange for sexual favours. Sexual offence refers to a statutory offense that provides that it is a crime to knowingly cause another person to engage in an unwanted sexual act by force or threat. Sexual abuse, also referred to as molestation, is the forcing of undesired sexual behaviour by one person upon another. When that force is immediate, of short duration, or infrequent, it is called sexual assault. The offender is referred to as a sexual abuser or, often pejoratively, molester. The term also covers *any* behaviour by *any* adult towards a child to stimulate either the adult or child sexually. When the victim is younger than the age of consent, it is referred to as child sexual abuse.

The most heinous form of sexual assault is rape. Rape can be defined as the unlawful compelling of a

person through physical force to have sexual intercours. More than 20000 rapes are reported from several parts of the country during 2010 though there are stringent laws available to curtail it. Small girls and foreigners are victims of rape in India. Apart from the rapes of unusual nature including ones that involve con-sanguineous relatives like father- daughter, brother-sister etc, children as small as 2 or 3 year olds and foreigners are subjected to heinous incidents of rape. Among reported rapes Maharashtra stands first followed by Delhi. Increased violence against women is seen during war.. War rapes are common throughout history. Even in contemporary society, it is understood that girls and women are not spared during periods of conflict.

#### CRIME RATE (RAPE) IN INDIA

CRIME HEAD	2001	2006	2007	2008	2009	2010
Rape (Section 376 IPC)	16075 (1.6%)	19348 (1.7%)	20737 (1.8%)	21467 (1.9%)	21397 (1.8%)	22172 (1.9%)

Source: Crimes in India, National Crime record Bureau, GOI, 2011, 2

“In 2010, there were 22,193 victims of rape out of 22,172 reported cases in the country. 8.9% (1,975) of the total victims of rape were girls under 14 years of age, while 16.1% (3,570) were teenage girls (14-18 years). 57.4% (12,749) were women in the age-group 18-30 years and 17.0% ( 3,763)(were in the age-group of 30-50 years while 0.6% (136) were over 50 years of age”.<sup>14</sup> An increasing trend in cases of rape has been observed during 2006 - 2008. A mixed trend in the incidence of rape has been observed during 2008 - 2010. Reports reveal an increase of 7.2% in 2007 over 2006, an increase of 3.5% in 2008 over 2007, a decline of 0.3% in 2009 over 2008 and an increase of 3.6% in 2010 over 2009. Madhya Pradesh has reported the highest number of rape cases (3,135) accounting for 14.1% of total such cases reported in the country.

#### HEAD-WISE INCIDENTS OF CRIME AGAINST WOMEN DURING 2006 - 2010

S. No	Crime Head	2006	2007	2008	2009	2010
1	Rape	19,348	20,737	21,467	21,397	22,172
2	Kidnapping and Abduction	17,414	20,416	22,939	25,741	29,795
3	Dowry Death	7,618	8,093	8,172	8,383	8,391
4	Torture	63,128	75,930	81,344	89,546	94,041
5	Molestation	36,617	38,734	40,413	38,711	40,613
6	Sexual Harassment	9,9666	10,950	12,214	11,009	9,961
7	Importation of Girls	67	61	67	48	36
8	Sati	0	0	1	0	0
9	Immoral Traffic (Prevention)	4,541	3,568	2,659	2,474	2,499
10	Indecent Representation of Women	1,562	1,200	1,025	845	895
11	Dowry	4504	5623	5555	5,650	5182
	Total	1,64,765	1,85,312	1,95,856	2,03,804	2,13,585

Molestation is a sexual crime committed against children up to the age of 18. Media reports say that at least 25 girls are abused in India everyday. Even 3 year old children are sexually abused. Other forms of sexual harassments are committed verbally or by using sign language etc, which are sometimes neglected and sometimes ignored by the victims. Only on rare occasions are these reported.

Dowry is another menace. In the name of dowry, women are so harassed that many times either the victim herself commits suicide or those who are around her kill her. Dowry refers to material assets such as money or property that is provided by a bride to her husband at the time of her marriage. Dowry becomes a problem when the bride is forced to give it. Although it is one of the most hated systems, surprisingly, it is growing day by day. Dowry is so vicious that it leads to many other crimes against women including female infanticide, late marriage or no marriage, forced marriages, unsuitable matches, unhappy married life, breakdown of marriage and dowry deaths. According to data compiled by the National Crime Records Bureau (NCRB), a total of 2,276 female suicides due to dowry disputes were reported in 2006 that is six a day on an average. The figure was 2,305 in 2005. In 2004, at least 2,585 such cases were registered across the country. Statistics suggest that Madhya Pradesh topped the list for the fourth time with 585 cases, accounting for one-

fourth of the total number of such suicides in the country. West Bengal was second with 445 cases and Uttar Pradesh, third, with 314 cases. The national capital was seventh with 69 cases. In 2010, 8391 dowry death cases were reported across India, implying that a bride was burned every 90 minutes, by statistics recently released by the National Crime Records Bureau. Prevalence of dowry deaths in Kerala is lower than the national average. In 1985, the Dowry Prohibition (maintenance of lists of presents to the bride and bridegroom) Rules were framed. According to the rules, a signed list should be maintained, of presents given at the time of marriage to the bride and the bridegroom. The list should contain a brief description of each present, its approximate value, the name of the presenter, and his/her relationship with the recipient. However, these rules are rarely enforced.

Child marriage is another crime committed against women in India. Though the law says that a girl's marriageable age is 18, many girls are 'given in' marriage before this age.. The report also showed that 40% of the world's child marriages occur in India.

Female infanticide (killing of girl infants) is still prevalent in India both in urban as well as in some parts of rural areas. Sometimes this is infanticide by neglect, for example families may not spend money on critical medicines or withhold care for a sick girl. Mostly girls are killed immediately after birth because of fear for the difficulties a girl child has to undergo during her life time. In some communities dowry is given from 'birth to death' and this is the main cause of female infanticide. In cities, female infanticide takes place in the form of female foeticide. Research and reports indicate the increasing use of prenatal sex selection in some regions. In India, preference for sons appears to be undiminished despite socio-economic development, exposing cultural sources of male bias.

"During 2001- 2011, the share of children to total population declined and the decline was sharper for female children than male children, in the age group 0—6 years," said the study "Children in India 2012- A Statistical Appraisal", conducted by the Central Statistical Organisation. "Though the overall sex ratio of the country is showing improvement, the child sex ratio is declining, which is a matter of concern," the study said. According to the report, female child population in the age group of 0-6 years was 78.83 million in 2001 which declined to 75.84 million in 2011. The population of girl child was 15.88 per cent of the total female population of 496.5 million in 2001, which declined to 12.9 per cent of total number of 586.47 million women in 2011. Similarly the population of male children has also declined from 85.01 million in 2001 to 82.95 per cent in 2011. During 1991-2011, the child sex ratio declined from 945 to 914, whereas the overall sex ratio showed an improvement from 927 to 940. "Though the child sex ratio in rural India is 919 which is 17 points higher than that of urban India, the decline in child sex ratio during 2001—2011, in rural areas, is more than three times as compared to the drop in urban India, which is a matter of grave concern". Domestic abuse, *also known as* spousal abuse, can happen to anyone, yet the problem is often overlooked, excused, or denied. This is especially true when the nature of abuse is psychological rather than physical. Even physical assaults are often hid by families. Only in extreme cases like wife beating do victims seek help. Domestic Violence can be described as the misuse of power by an adult in a relationship to control his partner.

#### Forms of violence experienced by women throughout their lifespan

Source: Adapted from Heise

Phase	Type of Violence Present
Pre-birth	Sex-selective abortion; battering during pregnancy; coerced pregnancy.
Infancy	Female infanticide; emotional and physical abuse; differential access to food and medical care.
Girlhood	Child marriage; genital mutilation; sexual abuse by family members and strangers; differential access to food, medical care and education
Adolescence	Violence during courtship; economically coerced sex (e.g. for school fees); sexual abuse in the workplace; rape; sexual harassment; arranged marriage; trafficking.
Reproductive age	Physical, psychological and sexual abuse by intimate male partners and relatives; forced pregnancies by partner; sexual abuse in the workplace; sexual harassment; rape; abuse of widows, including property grabbing and sexual cleansing practices.
Elderly	Abuse of widows, including property grabbing; accusations of witchcraft; physical and psychological violence by younger family members; differential access to food and medical care.

### Crimes against Women in Kerala

Kerala is the most crime-prone state, ahead of Uttar Pradesh and even Delhi. The latest National Crime Records Bureau (NCRB) figures comparing incidents of crime across states, note that Kerala is the most crime affected state and Kochi the most dangerous city. Figures compiled on a yearly basis till 2010 show that Kerala has a crime rate of 424.1, more than double the national average of 187.6. Of the 2,41,986 incidents of violent crime in the country, Kerala accounted for 11,756, more than much larger states like Rajasthan (10,577) and comparable to its bigger neighbours such as Tamil Nadu (12,333) and Andhra Pradesh (12,491). Incidence of crimes committed against tourist women is very high in Trivandrum compared to many cities in other states. State Crime Record Bureau statistics show high rate of incidence of crimes against women in Malappuram, followed by rural Trivandrum. Ernakulam city registered lowest crime rate in Kerala, followed by Pathanamthitta. As far as rape cases are concerned, Malappuram topped with 70 cases, followed by rural Trivandrum with 66 cases.

#### CRIMES AGAINST WOMEN-2012

Reported cases on Crimes against Women for the year 2012 up to September

Sl. No	Districts	Rape	Moles-tation	Kidnap-ping	Eve-Teasing	Dowry Death	Cruelty by Husband/ Relatives	Other Offences	Total
1	Trivandrum City	25	169	12	14	1	125	36	382
2	Trivandrum Rural	66	415	7	26	6	308	30	858
3	Pathanamthitta	26	111	11	7	1	125	21	302
4	Kollam City	34	121	14	23	3	250	31	476
5	Kollam Rural	35	206	6	16	0	256	10	529
6	Alappuzha	27	183	8	8	1	222	14	463
7	Idukki	42	138	9	6	1	182	14	392
8	Kottayam	38	204	15	37	0	214	65	573
9	Ernakulam City	17	77	4	14	0	91	75	278
10	Ernakulam Rural	41	115	6	18	0	175	98	453
11	Thrissur City	24	85	5	16	0	118	175	423
12	Thrissur Rural	37	177	8	24	2	289	128	665
13	Palakkad	50	101	6	7	2	315	19	500
14	Malappuram	70	170	2	18	2	508	192	962
15	Kozhikode City	12	73	2	61	0	114	130	392
16	Kozhikode Rural	29	107	10	11	0	236	59	452
17	Wyanad	24	54	3	12	1	78	152	324
18	Kannur	50	136	7	9	0	292	248	742
19	Kasaragod	66	121	6	9	3	152	172	529
20	Railways	0	35	0	7	0	0	19	61
21	CBCID	2	0	0	0	0	0	0	2
TOTAL		715	2798	141	343	23	4050	1688	9758

*State Crime Records Bureau, Thiruvananthapuram, Kerala.*

### Conclusion

Kerala is a rapidly changing society and with the present consumerist culture, the value system is being eroded,

which has resulted in a cancerous growth in Kerala's once golden culture. In nearly every home, there is purposeful, ostentatious display of consumerism, paving the way for an unhappy, highly criminalized society with increasing levels of sexual harassment and violence against women. Domestic violence is a menace in Kerala. Assertion of one's individuality and rising awareness among women is the main reason for this. Domestic violence is rarely reported. One way to measure domestic violence is by looking at the divorce rate in Kerala. Violence against women can be reduced by the collective effort of law enforcing agents, the public and women themselves. The present study is to search for answers and to find solutions. The main question which comes to the mind is as to why the incidence of crime against women is very high in Kerala inspite of being a highly literate society. The second question for which we have to find an answer is as to why the crime rate is high in the state despite relatively high levels of empowerment and status of women in Kerala, in comparison with the other states of India. While answering these questions we attempt at finding solutions to reduce the crime rate in the state.

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