Gender Issues For Policing in Punjab
GENDER ISSUES FOR POLICING IN PUNJAB

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Gender based violence has been recognized as a violation of human rights. This definition by the UN declaration on violence against women in 1993 makes an abuse-free life a fundamental entitlement of women. Further impetus to the agenda on violence against women came from the Beijing World Conference in 1995 which in its platform of action adopted combating violence against women as a prerequisite to empowerment of women. By bringing to the fore the historically and structurally unequal power relations as the root of gender-based violence and by addressing the invisible dimensions of violence, it challenged the sanctity of the personal as private. While social activists have been advocating the need for addressing structural conditions and discriminatory practices to achieve gender justice, ratification by member states of human rights instruments has promoted institutional arrangements to undermine violence against women. Subsequent policy and legal frameworks specify enforcement agencies that include police and criminal justice system to mainstream gender rights into their institutional mechanisms.

In Punjab, the perspectives on policing have responded to the growing global ascendancy of the rights approach, irrespective of gender, and have attempted to shift from an overarching repressive
state machinery to a more service-oriented functional organisation. While the task of maintaining order and providing security continues to guide the principles of policing, the police is now expected to implement citizen’s rights and discharge its responsibilities with the collaboration of the community. In fact, the pressing requirements of crime prevention and the increased outreach to the people underline the importance of incorporating community support. Mainstreaming the gender issues, particularly to a rights perspective within the police system throws up a number of problems. The traditional enforcement perspective operates to safeguard the law by punishing criminals. To the police system women remain invisible unless they are the culprits, since domestic affairs (where most of the crime against women occurs) are perceived to be outside the jurisdiction of public crime and the protection of citizens, in this case women, is viewed outside the role of the police. The police in Punjab is also faced with some peculiar gender concerns. While the economic development index of Punjab is among the best in the country in terms of per capita income, poverty level and life expectancy, the state has one of the poorest index for women’s development\(^1\). Female foeticide, the technologically aided crime against the female gender, is most rampant in Punjab and has masculinised the sex ratio to 874

\(^{1}\)29\(^{\text{th}}\) among the 35 states and UTs in India, the lowest among all the major states. Census of India 2001, *Provisional Population Totals* Paper 1 of 2001.
which is the most adverse among the major states of India. Other crime against women (such as dowry harassment and dowry deaths) is also among the highest in the state. Policing in the context of gender is further compounded by periods of violent conflict that the state has witnessed. The most recent is the period of terrorism in the mid-80s-90s. Violent caste assertions are the other emerging issues that would put pressure on law enforcement in the state. Since these are identity based assertions, gender body politic becomes integral to these movements and the police as an enforcement agency is expected to prevent such crime. Traditionally the police has been inaccessible to women and protecting women’s rights is challenging in the context of enforcement-oriented mechanisms and practices. Women’s representation in the police force, the nature of their work, promotions and division of status are other concerns that need to be addressed.

**NEED FOR POLICING IN THE CONTEXT OF GENDER**

**Increasingly unsafe conditions for women**

The extent of violence women face and the increasing incidence of violence against women point to the urgency for protecting women from abuse.
A look at the reported data on crime against women reveals that everyday more than six women fall victim to violent crimes such as dowry harassment, dowry death, rape, molestation and sexual harassment. In the past two decades the rate of increase in crime against women has been a phenomenal 749 per cent. For specific forms such as rape and dowry deaths, the increase has been as much as 3.34 times and 4.8 times respectively, while dowry
harassment has recorded an alarming increase of 101 times in the period 1981 to 2001.

Dowry related abuse has been consistently increasing. In 1981, it accounted for 18 per cent, while in 2001 it rose to 53 per cent of the total crime against women (see graph - 2).

It is worth noting that the domestic domain that is expected to be a woman’s shelter, is found to be increasingly unsafe. Dowry related abuse has been progressively increasing. It is the domestic sphere where the jurisdiction of the law is seen as an imposition and that makes policing of homes impossible.

**GRAPH – 2**

SHARE OF DOWRY RELATED CRIME AGAINST WOMEN IN PUNJAB

![Graph showing the share of dowry related crime against women in Punjab from 1981 to 2001.](image)

Source: Punjab Police 2001
Police not approached for redress of crime

These statistics do not, however, reflect the correct position of gender violence against women. While there has been a phenomenal increase in crime against women, certain forms of violence do not get reported at all. Wife-beating is one such form. Though no separate law for wife-beating exists, it is included in the category of grievous injury, if reported. Similarly, no cases of dowry demand are registered. The misuse of sex determination tests was declared a crime in Punjab in 1994 and in India in 1995, yet in 1996, only one case was reported. Social invisibility attached to crimes against women and the fear of social stigma contribute to the non-registration of such crimes with the police. While crimes like rape carry the fear of stigma, caste/rapes remain unperceived as violation in a caste hierarchical society. In a study of atrocities against women in Punjab², non-reporting was found high and it varied according to the nature of the crime and its acceptability in society. For each reported case of rape, 68 went unreported. As many as 374 cases of molestation went unreported against one reported case. Eve-teasing is a relatively ‘new crime’ which was reported for the first time in 1992. The extent of

unreported cases, however, reflects the widespread nature of the practice with 9177 unreported incidents against each reported case.

**TABLE 3**

RATIOS OF REPORTED TO UNREPORTED ATROCITIES IN PUNJAB

<table>
<thead>
<tr>
<th>Reported</th>
<th>Unreported</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 raped</td>
<td>768</td>
</tr>
<tr>
<td>1 molestation</td>
<td>374</td>
</tr>
<tr>
<td>1 eve-teasing</td>
<td>9177</td>
</tr>
<tr>
<td>1 dowry death</td>
<td>27</td>
</tr>
<tr>
<td>1 dowry harassment</td>
<td>299</td>
</tr>
</tbody>
</table>

Source: I.D.C. 1995

A comparison between unreported cases of dowry harassment and those that were reported reveals that for every reported case, an astonishing 299 go unreported. That a large number of dowry harassment cases remain unregistered is substantiated by a look at the cases that are brought to the women’s cells, NGOs and panchayats for compromise or reconciliation. For example, in a study of the then recently established women’s cell at Ropar, it was found that of the 31 cases handled by it in five months (02-09-94 to 22-02-95) seven related to dowry harassment. Interestingly, these cases are brought to the women’s cell of the police and yet these are part of unregistered dowry harassment cases. Similarly, of cases before the Faridkot Istri

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3 Ibid.
Sabha\textsuperscript{4}, 61 per cent concerned dowry harassment (see table 4), which are again part of unreported cases.

![Graph 3](image)

**GRAPH - 3**

**CASES WITH PUNJAB ISTRI SABHA, FARIDKOT (1990-94)**

Source: P.I.S. Faridkot, 1995

A later study revealed that every fourth household in Punjab acknowledged having faced a dowry demand, while every 28\textsuperscript{th} household mentioned having faced dowry harassment and every 3\textsuperscript{rd} household accepted the occurrence of wife beating\textsuperscript{5}. The extent of violence against women is much larger than what is acknowledged by the states across the world.\textsuperscript{6}

\textsuperscript{4} Ibid.

\textsuperscript{5} Dagar, Rainuka (2001) *Combating Violence Against Women* Chandigarh: Institute for Development and Communication

TABLE – 2

NTH HOUSEHOLDS THAT ACKNOWLEDGED FORMS OF VIOLENCE

<table>
<thead>
<tr>
<th>Form of violence</th>
<th>Majha</th>
<th>Malwa</th>
<th>Backward Malwa</th>
<th>Doaba</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dowry demand</td>
<td>5&lt;sup&gt;th&lt;/sup&gt;</td>
<td>4&lt;sup&gt;th&lt;/sup&gt;</td>
<td>4&lt;sup&gt;th&lt;/sup&gt;</td>
<td>3&lt;sup&gt;rd&lt;/sup&gt;</td>
<td>4&lt;sup&gt;th&lt;/sup&gt;</td>
</tr>
<tr>
<td>Dowry harassment</td>
<td>19&lt;sup&gt;th&lt;/sup&gt;</td>
<td>18&lt;sup&gt;th&lt;/sup&gt;</td>
<td>45&lt;sup&gt;th&lt;/sup&gt;</td>
<td>-</td>
<td>28&lt;sup&gt;th&lt;/sup&gt;</td>
</tr>
<tr>
<td>Dowry death</td>
<td>56&lt;sup&gt;th&lt;/sup&gt;</td>
<td>53&lt;sup&gt;th&lt;/sup&gt;</td>
<td>-</td>
<td>-</td>
<td>100&lt;sup&gt;th&lt;/sup&gt;</td>
</tr>
<tr>
<td>Wife Beating</td>
<td>3&lt;sup&gt;rd&lt;/sup&gt;</td>
<td>3&lt;sup&gt;rd&lt;/sup&gt;</td>
<td>2&lt;sup&gt;nd&lt;/sup&gt;</td>
<td>3&lt;sup&gt;rd&lt;/sup&gt;</td>
<td>3&lt;sup&gt;rd&lt;/sup&gt;</td>
</tr>
<tr>
<td>Rape</td>
<td>56&lt;sup&gt;th&lt;/sup&gt;</td>
<td>53&lt;sup&gt;rd&lt;/sup&gt;</td>
<td>45&lt;sup&gt;th&lt;/sup&gt;</td>
<td>-</td>
<td>66th</td>
</tr>
<tr>
<td>Molestation</td>
<td>56&lt;sup&gt;th&lt;/sup&gt;</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>200th</td>
</tr>
<tr>
<td>Eve Teasing</td>
<td>28&lt;sup&gt;th&lt;/sup&gt;</td>
<td>9&lt;sup&gt;th&lt;/sup&gt;</td>
<td>5&lt;sup&gt;th&lt;/sup&gt;</td>
<td>9&lt;sup&gt;th&lt;/sup&gt;</td>
<td>9&lt;sup&gt;th&lt;/sup&gt;</td>
</tr>
<tr>
<td>Sexual exploitation</td>
<td>--</td>
<td>--</td>
<td>11th</td>
<td>--</td>
<td>50&lt;sup&gt;th&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

Source: IDC Survey, 2000

The problem which the enforcement agencies face while dealing with atrocities against women is that even when an atrocity is accepted as violence, it still may not be voiced. Perceived abuse against women may remain confined to the home or in the minds of the victims for fear of a stigma, subjugative patriarchal structures, lack of legal literacy and even financial compulsions which make it difficult for a woman to fight a legal battle.
The following are the issues that policing in Punjab needs to confront to protect women from gender violence:

- **Police intervention sought only for extreme brutality**
  - Stigma of being a victim
  - Visibility to female abuse a dishonour to the family/kinship
  - Lack of advocacy of gender rights

- **Police perceived to be gender biased**
  - Police as a tool to maintain subjugative gender norms.

- **Viability of enforcement in exclusion to a gendered milieu**

- **Police lacks a victimology perspective**
  - Revictimization by the police

- **Women’s rights in conflict situations**

- **Masculinity, police and gender justice**
  - The police as a symbol of masculinity
  - Legality versus cultural norm of manliness

- **Policing gender in a multicultural context**

- **Women’s cell: Grievance redress centres**

- **Police intervention sought only against extreme brutality**

  The task of dispensing justice to women victims of violence is made difficult when cases are reported to the police only when the abuse has amplified to its extreme manifestations. It must be noted that a large number of violations against women occur as a process rather than an act of violence. For instance, the
subordination of the female gender in dowry related abuse traverses from dowry demand to dowry harassment to dowry death and sexual harassment could build from sexual innuendoes at the workplace to the physical act of molestation or rape. Since this is not a single act but a series of behaviour patterns discerning the line of acceptable social conduct to criminal violation it becomes amorphous especially when social structures specify a subjugative placement of women. So dowry exchange is a tradition but dowry demand, harassment and death a crime. Moreover, family life and the institution of marriage are sacrosanct for women and disruption either through court proceedings or even by voicing the abuse by the family is a choice that not many women would opt for and may even accept it as part of family dynamics.

Moreover, the degree of visibility of gender crime is determined to a large extent by physical assault, social placement and the degree of normative sanction to the gender differentiating system. Cultural sanction to wife-beating is reflected in the absence of a specific law dealing with and defining wife-beating. In Punjab, as in India, wife-beating per se is not listed as an offence but can be
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tried under sections dealing with hurt and grievous injury.\textsuperscript{7} In fact, in tune with the social tolerance to the practice of wife-beating, there were no reported cases. However, according to a survey every third home in Punjab is plagued with wife-beating.\textsuperscript{8} Wife-beating involving slight physical force, a slap or arm twisting, is found to fall within normative acceptability.\textsuperscript{9} In fact physical assertion against the wife is considered in many sections to be a marital prerogative of the husband.\textsuperscript{10} The normative acceptance of wife-beating can be gauged from the victims' own sanction to the concept of wife-beating\textsuperscript{11} and the legitimacy accorded to it under certain circumstances.\textsuperscript{12} Similarly eve-teasing

\textsuperscript{7} Refer to Indian Penal Code (IPC), Sections 319-23.
\textsuperscript{8} Dagar, Rainuka op.cit. (2001).
\textsuperscript{9} Studies in countries which have had a history of women's movements have found women's perception of violence to include emotional, sexual and physical elements, including threat and include an awareness of the uncertainty and potential of men's violence. However, male perception of violence has been found to be narrower than women's and coincides with women's understanding of violence in the study. This being 'Physical violence is reduced to the use of a relatively fleeting part of the man's body, or an object (weapon) held by the hand, onto a part of the woman's body. It is for this reason that holding or blocking or even throwing the women, is not necessarily constructed as (physical) violence is greater than the exclusions described above, when there is visible damage when the damage is relatively lasting, when the police arrest.'
\textsuperscript{10} 'In many cultures women are socialized to accept physical and emotional chastisement as a husbands marital prerogative, limiting the range of behaviour they consider abuse.
\textsuperscript{11} Heise, L. et. al. op.cit (1994), p. 5.
\textsuperscript{12} Scholars report that a main reason behind the invisibility of wife-beating is the acceptance and attitude of women themselves to this violence – they quote the often repeated. “If our husbands don’t have the right to beat us then who does?”
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has low visibility as an abuse. This is mainly because it does not endanger female chastity and verbal innuendo is not an overtly violent sexual assault.\textsuperscript{13} In fact, in certain sections it is also perceived as normal behaviour.\textsuperscript{14} Thus a large majority of casual eve-teasing cases remain unaccounted for, probably even invisible to the victim. In fact, a large number of unreported cases of eve-teasing uncovered by the report on Atrocities Against Women constitute cases that were brought to the notice of the Panchayats found to be processed in accordance to certain ideological constructs. Some key influencing factors identified being:

(i) the physical severity and visibility of the injuries sustain

(ii) the degree to which women conform to or deviate from appropriate female roles of wife, mother, homemaker

(iii) the degree to which women are seen as responsible

(iv) the degree to which women are thought to have provoked their own demise either by:

(a) being sexually inappropriate, that is, having friendships or relationships with men outside marriage, being bisexual or lesbian

(b) Being inappropriate in terms of gender, that is, bad mothers, bad cooks, bad housewives

(c) challenging either the gender assumptions of their expected roles or challenging male dominations.


\textsuperscript{13}Routine harassment and assault, such as being followed, flashed at or verbally abused are such regular experiences for women and so readily dismissed as 'trivial' or discounted on the grounds that 'nothing actually happened' that few women even consider that as worth reporting to the police.


\textsuperscript{14} Respondents in urban middle groups cited explanation such as if the girl is beautiful, it is natural men will 'appreciate' her or that nonphysical sexual exchange by the male is normal.

in the rural areas and the municipal commissioner / NGOs in the urban areas.

Eve-teasing has been reported to be widespread yet it continues to function under the garb of acceptable social conduct. Eve-teasing as a recognised offence under the Indian law, reflects protection of the ‘modesty of the female’ and is thus more organic to the Indian cultural milieu that perceives female chastity as an honour to be protected.

Thus due to the socialisation of the norms and values of patriarchy, certain acts of injustice against women are not perceived as gender abuse. Wife-beating is generally considered to be normal and is accepted as part of family life. While wife-beating per se is rampant in households, its visibility is largely restricted to ‘incidents of wife-bashing or wife-battering.

Similarly, sex determination test may not be perceived as an abuse by certain individuals, yet to others it may constitute abuse of the

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15 Irrespective of age, class or dress, women are harassed on the streets, while traveling in buses or trains, or at their work place. Harassment can range from verbal lampooning and abuse with suggesting sexual overtones or physical manhandling, and fingerling to “accidental” jostling against women. This is probably one of the few crimes which are committed in broad day light and among the many crimes perpetrated on women which are completely ignored by the police and the public.

Gandhi, N. and Shah, N. op.cit. (1992), p. 49

16 Definition of eve teasing and molestation under Section 509, and 354 I.P.C. respectively use the words ‘intent to insult the modesty’ / intent to outrage her modesty’.
female gender. Another aspect pertaining to the invisibility of gender related abuse is that a certain behaviour may be perceived as an abuse in one context, yet in another it may be viewed as normal. For instance, eve-teasing by college youths may be seen as an interactive behaviour of the young. Yet eve-teasing by persons from the lower strata may be perceived as an affront. When an abuse is not perceived to be an abuse, apparently it ceases to be a problem. Consequently it becomes difficult for the police to combat such abuse which is not perceived.

- **Stigma of being a victim**

  Certain types of violence have a stigma attached to them. In the non-familial context, molestation and rape are such forms. If a female is sexually abused she and even her family may not voice the injustice for fear of the stigma attached to it. In fact, in such cases, the victim herself is treated like a criminal. The victim is perceived to have undermined the family honour by not upholding the esteemed value of chastity. Since female chastity is highly valued in a patriarchal society, any damage to this chastity results in social ostracism of the victim and invites social action not against the occurrence of this crime but against the voicing of the crime.
Within the familial context, a female is socially ostracised if she voices family matters in public. The sanctity of the family is expected to be maintained at any cost. Since wife-beating is normative, any wife raising her voice against this in public is seen as going against the norms and privacy of the family.

- **Visibility to female abuse a dishonour to the family/kinship**

Violence against women occurs in every sphere of society. Certain kinds of violence occur within the home while others are more prone to occur in the wider society. Reporting of the crime, however, may not only be a matter of visibility of the abuse, but also of the nature of the crime and its implications vis-à-vis gender positioning.

Family life is considered private and outside the realm of societal intervention. This demarcation between public and private life: limits the scope of intervention and increases the invisibility of the abuse within the family.

Family matters are not shared with people outside the family. Moreover, the family has primacy over the individual. Thus family honour is maintained even at the cost of individual inconvenience and, at times, individual abuse. Thus, when a
women is raped, the first concern is to conceal it from society.\textsuperscript{17} Maintaining the aura of female dignity and chastity takes precedence over medical treatment of the victim.

- **Lack of advocacy on gender rights**

Another reason for not expressing felt injustice is that people are not even aware that the state has made certain laws for redressing these injustices. Pressures of family subjugation and social isolation are so strong that many times people are unable to conceive that they have rights given by the state to deal with these acts of injustice.

For instance, a rural widow was fighting for her share in the property of her husband against his second wife. The Panchayat also felt that she deserved a share and had tried to allot her some land, but she was facing stiff resistance from her husband's second wife and progeny. All concerned, including the panchayat, were unaware that bigamy was unlawful and, therefore, the second wife had no rights either to property or to the inheritance of the

\textsuperscript{17} “More relevant than any breach of human rights is that knowledge of such a breach should be confined to the patrilineage, or the village community. The rule of village exogamy was particularly helpful as instances of incest elopement and premarital alliances were covered up when the girls in question were married off to men in a distant village.” Channa, Subhadra Mitra (1997) ‘Gender and Social Space in a Haryana Village’, \textit{Indian Journal of Gender Studies} 4(1), p. 23.
man. With this information, the woman with the help of the panchayat and a lawyer could regain her property. Bigamy being an established practice, especially in the rural areas of North India, was not perceived to be unlawful. The lack of legal literacy was allowing misappropriation of ancestral inheritance.

- **Police perceived to be gender biased**

  Subjugative and oppressive situations for women are normal in the Punjabi society and are accepted by all, even the women themselves. Thus, even if a woman reports an abuse to her friends, the community, the panchayat or the police, many a time, she herself is perceived to be the wrongdoer. In wife-beating or bashing incidents, it is common for the woman to be told even by the police that she had provoked her husband and, therefore, she got what she deserved.\(^\text{18}\) Even in cases of rape or eve-teasing, the woman is blamed for inviting the situation on her, either by dressing in a provocative manner or by moving alone in dark or lonely places.

\(^{18}\) The non-serious response of police has been noted in most communities and attempts to reform policing has pledged commitment to treat violence in the home as seriously as violence in the street and elsewhere.

Reporting of crime against women also suffers due to the popular perception regarding the insensitivity and gender bias\(^{19}\) of the police. In a survey on community perception of the police response to cases relating to women, the findings were not very complimentary to the police.\(^{20}\)

- There was dissatisfaction among the community with the police response to women since they found the police abusive and prejudiced.

\[\text{GRAPH - 4} \]

\begin{center}
\text{COMMUNITY PERCEPTION REGARDING DISSATISFACTION WITH POLICE INTERACTION WITH WOMEN}
\end{center}

\begin{center}
\begin{tabular}{c|c}
1 & 16.93 \\
2 & 29.66 \\
3 & 21.26 \\
4 & 9.45 \\
5 & 15.79 \\
\end{tabular}
\end{center}

Source: IDC Citizen Rights Survey, 2002


\(^{20}\) A number of studies have reported that women frequently found dealing with the police problematic.


• The police distanced itself from cases related to marital and family disputes, not wanting to intervene in what was termed as a private affair.

• There was also a perception that the police sought sexual favours from women victims and thus women avoided reporting or seeking assistance from the police. Thus 17.4 per cent of the women perceived the police force to be prejudiced against them and also (46.5 per cent) a threat.

**GRAPH - 5**

**PERCEPTION OF WOMEN REGARDING PPREJUDICE OF POLICE FORCE AND THREAT AGAINST THEM**

Source : IDC Rights Survey, 2000

• The police, on the other hand, complained that women lodged fake cases and were unduly favoured by the law.
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GRAPH - 6

PERCEPTION OF POLICE PERSONNEL REGARDING
MISUSE OF LAW BY WOMEN

Source: IDC Rights Survey, 2000

- The extent of prejudice against women was significant. Lack of gender sensitisation was evidently very strong.

- Police as a tool to maintain subjugative gender norms

The reporting of gender crime may at times even be used as a negotiating mechanism in family disputes, property matters or in elopement cases. In-depth investigations from a police station, for instance, have revealed that when young girls elope to get married to their beaus, the parents register a case of kidnapping since marriage by choice is not the social norm. The police then becomes an effective tool to control the errant couples to social dictates. Also the women’s cell set up at the district police level is
used to settle cases ‘amicably’ rather than report the crime. For instance, in the women’s cell at Moga police district, 1522 complaints had been registered since its inception in 1997. Of these, only 11 or 0.72 per cent had resulted in registering an FIR and in 71.02 per cent of the cases ‘settlement’ between the parties was reached.\(^{21}\) The effort of the women’s cell is to work out a compromise, albeit in accordance with gender, caste and social strata considerations. For instance, in wife-battering cases, the wife could be asked to adhere to the wishes of the husband and be dutiful to her in-laws which in other words means to be submissive to gender roles, and avoid confrontation.

Thus, even when there is equality before the law, social hierarchies ensure inequality in practice.

\[\Box\] **Viability of enforcement to exclusion of a gendered milieu?**

Notwithstanding the ingrained gender constructs, recognition of women’s rights has gained social acceptance in India, as also in Punjab. In particular there has been a growing concern for the increasing number of atrocities against women. The state’s response has been to make the laws on violence against women

\(^{21}\) Pramod Kumar, Dagar, Rainuka op.cit. (1995)
more stringent. Dowry laws have been bolstered\textsuperscript{22}, sex
determination has been made an offence\textsuperscript{23} and efforts have been
made to make laws against sexual harassment at the work place\textsuperscript{24}.
The focus on the stringency of the laws directly puts the onus on
the police, which as an enforcement agency is excepted to
implement these laws. A focus only on punishment rather than a
multi-focused holistic perspective on gender violence that takes
into consideration the socio-cultural conditions, questions the
viability of enforcement itself. If the transfer of payments at the
time of marriage (dowry exchange) remains integral to the
hierarchical structures between the bride giving and receiving
families, then enforcing dowry related abuses becomes difficult if
not impossible when the victims themselves do not perceive an
abuse. Social intervention in the hegemonic interaction only
allows ‘aberrations’ of the prescribed conduct scrutiny by the
legal periscope, be it dowry abuse, sexual violence or wife-
beating. In other words, structural underpinnings make the law
cognizable only to the manifestation and not the concept.

\textsuperscript{22} The Dowry Prohibition (Maintenance of lists of presents to the bride and bridegroom) Rules, 1985.
\textsuperscript{23} The Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 and the
\textsuperscript{24} The Supreme Court judgment of 15 August 1997 provides guidelines prohibiting sexual
harassment at the workplace.
Therefore, dowry exchange is an accepted custom, yet dowry harassment, its outcome, is an offence, thus promoting an outcry for enforcement if the crime has transgressed the sanctioned gender norms such as dowry death, yet allowing the police to practice non-interference if the abuse is perceived within the domain of gender structures such as wife-beating. Gender bias permeates the police as a social institution cannot, in fact, be insulated from social pressures while dealing with gender crime.

- **Police lacks a victimology perspective**

The enforcement perspective promotes the police as an instrument of the law to bring the culprits to book, but then it acts as a barrier to the aspect of service delivery. Catering to the needs of the victim is seen to be outside the scope of police duty. The institution is governed by crime requirements where investigations have primacy and there is no provision for addressing human suffering. The system, in fact, lacks a victimology perspective specifically in the context of women.25 There are no requisites of medical aid such as a doctor on call, a medical ward, psychiatrist, counsellor or even a social worker

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25 Pramod Kumar, Dagar, Rainuka op.cit. (1995)
within the police station. While it is a prerequisite for a rape victim to be medically examined by a government doctor to substantiate the abuse, the contact remains part of the investigative procedures rather than treatment for the physical ordeal. The administration of relief in term of psychosomatic and physical injury remains unattended, let alone counselling of family members which remains a far cry.

Incorporation of a rights approach requires a two-fold measure – addressing the needs of the victim and being grounded in gender reality. Thus while the crime of rape or molestation is committed only on an individual female, the entire family may feel violated. Violation of the valued female chastity and its use as an instrument to dishonour a particular family or caste, by defying their women make women particularly vulnerable. While the emphasis may be on dishonouring a particular group affiliation and not a victim individuality, rape is perceived to dishonour the victim because of the attached social stigma. However, the physical and psychological trauma suffered by the individual

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26 Ibid.
27 According to Mies as long as rape victims and women themselves believe in the concept of ‘honour’ which they cherish more than the autonomy of a woman over her body and life, they are in tacit complicity with the rapist.
receives the least attention. In fact, the family and kinship may be motivated to avoid attention to rape since this would give publicity to the incident and damage its social status. The family and the larger community afford protection against rape through normatively denouncing such acts, but when the incident does occur, a large part of the blame is placed on the individual woman. Thus damage in rape is perceived to occur to the group or the family, but the onus of blame is placed on the individual, on the female victim.

- **Revictimisation by police**

  The police personnel lack sensitivity to gender issues and compound the problem by allowing the structures of patriarchy to redefine the issues of women victimization which results in victim blaming. Rather than catering to the victim, the police responds to gender norms that reflect the victim’s abetment to crime. Thus in cases of wife-beating or rape, the female is perceived to have provoked the abuse against herself. The perpetrator-victim dichotomy gets absolved and male aggression is naturalised. The

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beliefs apportioning the blame to women for inciting sexual abuse reflects not only the attitude of the police but also that of other institutions including the state and medical agencies despite legal recognition of a female’s need for protection.29 In fact, victim blaming by institutions has been exposed as re-victimisation of the violated female.30 In other words, the police functionaries become partisan to the violence suffered and dispense customary justice through victim blaming. Victim targeting is not restricted to women sufferers and can also be directed at the male members of the family. Responding to the gender constructs, the male members may be treated with disdain for perceived betrayal or non-fulfilment of the role of protectors – not man enough to protect the women. Thus instead of being provided with relief or a protection programme, the victim could be targeted for the ‘misadventure’. Revictimisation may also occur when the victim faces sexual abuse from the protectors themselves – a fallen or disgraced woman is considered accessible to male advances. By becoming a victim, especially of sexual abuse, a female, according to her social placement, may be seen as soliciting male attention.

Irrespective of the abuse, women shy away from contact with the police. As many as 17 per cent of the respondents in a survey opined that the police itself abused women they come in contact with at the police station. Insensitivity to gender concerns was mentioned by 41 per cent of the respondents. The message to the public was clear – that the police cannot be trusted to deal with women victims or complainants.

Women’s rights in conflict situations

Punjab has a history of violence, the most recent being the decade of terrorism in the mid-eighties and nineties. In such times, victimization of women increases manifold, specially if it involves
violence emanating from identity assertions. Women as identity markers due to their reproductive function are targeted since their pollution affects the purity of the group. Violation of women’s human rights, particularly sexual abuse, in times of identity conflicts, is well documented the world over. In Punjab women were targeted by opposing groups, including terrorists and the state. According to a survey rape increased 49 per cent in the dying stages of the violence. This increase was accepted by both the police and the militants. The then DGP initiated an Operation Clean-up to check transgression by policemen and the terrorist outfits issued codes of conduct for their cadres. Also women faced curtailment of their rights by members of their own group, in terms of imposing codes of conduct and dress. Non-adherence to these codes invited violence. Besides being targeted women also become vulnerable since the law and order situation is precarious in such times and crime against women is likely to escalate. In the period of crisis during terrorism in Punjab, a

32 February 1992, India Today
Panthic Committee
33 Pramod Kumar, Dagar, Rainuka op.cit. (1995).
report calculated 49 per cent increase in rape cases\textsuperscript{34}. During this time, non-reporting also increased both due to diversion of the police force to tackle the crisis and the lack of confidence in crime management activity. The police infrastructure is also not geared to address aspects relating to protection of women’s rights in a crisis. It responds to its primary agenda of providing peace and is found to view women as suspects.

At the level of day-to-day functioning, response to crime against women as any other crime of ‘peace’ times is relegated in importance as compared with national security. However that gender violence is directly impacted by the nature of the upheaval remains invisible. Yet while organic response to violence against women may not be forthcoming, external attention to women’s rights needs to be catered to. Gender policy in fact becomes goal oriented. In other words to reduce crime against women, efforts to control the rise in crime can translate into data rather than crime management. It has been found that police thanas had more reports of cases of rape and dowry deaths whereas the police districts which collate crime from the lower level thanas showed

\textsuperscript{34} Ibid.
that the number of crimes was less.\textsuperscript{35} By the time the data reached the district level, many cases had ‘disappeared’.

Police response to protect women’s rights suffers from certain structural and orientation handicaps. These constraints become more binding in times of security crisis, when women’s rights are jeopardised to a great extent, leaving women more vulnerable.

\begin{itemize}
\item \textbf{Masculinity, police and gender justice}
\end{itemize}

\begin{itemize}
\item Police as a symbol of masculinity
\end{itemize}

The construction of masculinities has been intrinsically linked with the phenomena of identifying, defining, explaining and legitimizing violence.\textsuperscript{36} The cultivation of masculinities is ground in the social context and in Punjab manliness in the form of heroism and martyrdom is lauded. The dominant groups pride themselves in being a martial race and norms of honour revenge and the culture of violence is integral to the identity. Masculinity is strongly identified with the notion of violence and warfare and

\textsuperscript{35} See Atrocities Against Women – discrepancy between reported and compiled data. For instance data from a police thana revealed 2,3,3, and 5 rape cases registered for the year 1991, 1992, 1993 and 94 respectively while there were none reflected in the data compiled at the police district which has a number of thanas under it, pg. 53

\textsuperscript{36} “Given the sexual division of labour and the particular position of men in relation to activities to do with the state and warfare, men may play a crucial role in defining the parameters within which violence is defined and understood.” Morgan, D.H.J. (1987), ‘Masculinity and Violence’ in Hanmer, J. and Maynard, M. (eds.) Women, Violence and Social Control (p. 181) London : Macmillan.
the military, police and other security forces are eulogized as manly occupations. Such a cultural landscape perforce limits women’s access to masculine sites foremost among which is the police. As a manly occupation the police system is constructed around symbols and practices considered manly. These include the use of vulgar language, loud voice, manly swagger. Sexual connotations abound and the police station is taboo for decent women. This is problematic both for representation of gender diversity within the police force itself and also for women victims and women citizens requiring police services.

- **Legality versus cultural norm of manliness**

Provision of justice in the context of gender abuse has dimensions beyond the legal aspect. The sanctity of married life views external intervention as an interference. The police operates according to the normative code of inaction in case of wife-beating. It is common for the women to be confronted by the

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37 The stereotyped cultural values of the police canteen may be read as an almost pure form of ‘hegemonic masculinity’. They highlight (i) aggressive, physical action; (ii) a strong sense of competitiveness and preoccupation with the imagery of conflict; (iii) exaggerated heterosexual orientations, often articulated in terms of misogynistic and patriarchal attitudes towards women; and (iv) the operation of rigid in-group/out-group distinctions whose consequences are strongly exclusionary in the case of out-groups and strongly assertive of loyalty and affinity in the case of in-groups.

dictum that matters between a husband and a wife are non-cognizable and the law enforcement agencies fail to enforce the law when incidents of wife beating are brought to the police. It is considered manly to control the women in ones family, particularly the wife. If this control extends to physical beating or even bashing, a man is perceived to be endorsing his law at home. The police by imposing legality in protecting the individual women are then undermining the manliness of the husband by subjecting him to controls in the running of his own home. In fact masculinity in a martial context is endorsed to take revenge in case the dignity of a woman has been violative. Thus if a female has been teased or sexually harassed it is the pride of her family that the men of her family respond to physical revenge. Neither would the family approach the police for justice and nor would the police intervene since it is honourable for the family to take revenge. If these cultural sentiments are not considered by the police then the police itself would be outcasted by the community.

- **Policing gender in a multicultural context**

  The police is coloured by the cultural and social placement of groups in its dispention of justice. The invisibility of sexual abuse
draws sanction from cultural formations and relations of groups within a society. In Punjab, women of the Scheduled Castes have historically formed part of the survival alliances whereby they are available to the upper caste men for whom they work as part of the feudal relations of the labour and the land-owner\textsuperscript{38}. Technically such activity falls within the realm of crime since pressurizing a woman to sexual relations is defined as rape. Yet this relation has social sanctity and the police as part of the social structure follows the dictum of dominant groups by respecting this norm. Thus even instances of violence reported by the Dalits are cases that involve lower caste men and upper caste women and are dealt with in accordance to the social rules. While transgression by the lower caste men would be dealt with more severely even if it were a case of mutual liaison. The family response to this social transgression is supported by the police. On the other hand, legal proceedings against reported abuse of SC

\textsuperscript{38} Refer to Gandhi, M. and Shah, N. op.cit. (1992), p. 42. The extra economic coercion and personal bondage that characterises feudal society leads to landlords possessing not only the labour but also the bodies of the peasant women. Raman, Vasanthi (1985) The Nari Mukti Movement in Assam’ taken from Gandhi, N. and Shah, N. The Issues at Stake : Theory and Practice in the Contemporary Women’s Movement in India (p.87) New Delhi : Kali for Women. According to Abdulah caste related rape is important in Indian society where casteism and sexism are both very strong. The rape of lower caste women is a socially sanctioned way to express sex and class domination. Abdulali, S. (1988) Rape in India : An Empirical Picture’ in Ghadially, R. (ed.) Women in Indian Society (p.204) New Delhi : Sage Publications.
women has been found to be in connivance with social dictates. Such practices of the police are now being targeted with the identity assertions of the SCs.

The police by abetting hegemonic social divides institutionalizes the abuse against a particular social group.

- **Women’s cell: Grievance redress centre**

  The need to provide women with an avenue for police contact resulted in the creation of women’s cells in every police district. The first one was inaugurated on 31st July, 1989, in Patiala and the process continued for a decade. Now every police district has a separate women’s cell headed by a DSP. The broad objective of these cells is to provide women with access to the police and assistance in crime relating to women. These include all legal crimes from indecent sexual exposures to trafficking in women, to abetment of suicide and dowry harassment etc. The cells are intended to provide relief and justice to individuals. Largely, they function as grievance redress agencies parallel to the panchayats but are perceived to be more effective due to the outreach and authority of the police.
A case study\(^{39}\) of the Ropar women’s cells shows that a large number of cases are received by these cells. In 1993-94, the Ropar Cell received 33 cases. Interestingly, these constituted unregistered cases, even though their organisation functions under the Police Department. The nature of these cases reveals that a majority of them related to family disputes (35 per cent). Wife-beating and dowry harassment together accounted for 22 per cent. Another factor was that these cases belonged to both rural and urban areas and in cases of molestation or eve-teasing all victims were widows. The modus operandi of the women’s cells is to bring about reconciliation in cases of family maladjustment and to warn alcoholic husbands against indulging in their dependence. The effectiveness of the women’s cell is no doubt perceived to be high as is reflected by the number of cases that accrue to them even when the agency is only in its third year of operation. To state another example of the women’s cell functioning within the parameters of social hierarchies and thereby remaining ineffective in dispensing justice – a Sarpanch (head of local body at the village level) had molested a women and the victim had complained against him to the women’s cell. He, however, did not

\(^{39}\) See Pramod Kumar, Dagar, Rainuka op.cit. (1995)
even answer the summons of the cell and the case was kept in abeyance since no FIR had been registered. Some idea of the effectiveness of these cells can be had from the perception of one of the DSPs in-charge of the women’s cell. According to him, ‘95 per cent of the problems are due to non-adjustment of women who are given unnecessary impetus by their parents’. Thus when the interventionists are themselves instruments of the gender system, the effectiveness of that intervention is a foregone conclusion. The functioning of these cells can be maintained to the extent that the people perceive them to be performing a social service outside the internal politics of the village and mohalla communities in bringing about family reconciliations. Effectiveness of these cells is nominal and the need is to introduce transparency in their functioning. While the concept of women’s cell recognises the need to focus and address violence against women by providing women access to the system of justice, it creates small pockets distanced and delinked from the dominant stream of policing procedures. Marginalisation and biased adjudication to women as victims continues, yet providing comfort to the policy makers of having catered to the interests of women. This viewpoint ignores the systemic nature of the
violence against women and its compartmentalised effort allows crime against women to be dealt with in accordance with the existing gender subjectivities.

In order to meet the challenge of providing gender justice within the restricted scope of the legal provisions, the police needs to develop a victimology perspective, so that the system responds to the rights of a victim, gender sensitises the police functionaries and initiates awareness regarding gender justice through its community policing programmes.
### ANNEXURE

#### TABLE 1

REPORTED CRIME AGAINST WOMEN IN PUNJAB (1966-2001)

<table>
<thead>
<tr>
<th>Year</th>
<th>Eve-teasing</th>
<th>Molestation</th>
<th>Rape</th>
<th>Dowry Harrassment</th>
<th>Dowry Death</th>
<th>Kidnapping</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966</td>
<td>-</td>
<td>49</td>
<td>26</td>
<td>-</td>
<td>2</td>
<td>NA</td>
</tr>
<tr>
<td>1971</td>
<td>-</td>
<td>72</td>
<td>22</td>
<td>1</td>
<td>4</td>
<td>NA</td>
</tr>
<tr>
<td>1976</td>
<td>-</td>
<td>108</td>
<td>46</td>
<td>2</td>
<td>10</td>
<td>NA</td>
</tr>
<tr>
<td>1981</td>
<td>-</td>
<td>120</td>
<td>74</td>
<td>11</td>
<td>32</td>
<td>NA</td>
</tr>
<tr>
<td>1982</td>
<td>-</td>
<td>119</td>
<td>44</td>
<td>5</td>
<td>43</td>
<td>NA</td>
</tr>
<tr>
<td>1983</td>
<td>-</td>
<td>96</td>
<td>60</td>
<td>9</td>
<td>40</td>
<td>NA</td>
</tr>
<tr>
<td>1984</td>
<td>-</td>
<td>81</td>
<td>54</td>
<td>6</td>
<td>51</td>
<td>NA</td>
</tr>
<tr>
<td>1985</td>
<td>-</td>
<td>114</td>
<td>83</td>
<td>9</td>
<td>45</td>
<td>NA</td>
</tr>
<tr>
<td>1986</td>
<td>-</td>
<td>78</td>
<td>60</td>
<td>15</td>
<td>36</td>
<td>NA</td>
</tr>
<tr>
<td>1987</td>
<td>-</td>
<td>67</td>
<td>44</td>
<td>17</td>
<td>58</td>
<td>NA</td>
</tr>
<tr>
<td>1988</td>
<td>-</td>
<td>59</td>
<td>51</td>
<td>28</td>
<td>51</td>
<td>NA</td>
</tr>
<tr>
<td>1989</td>
<td>-</td>
<td>84</td>
<td>78</td>
<td>57</td>
<td>60</td>
<td>NA</td>
</tr>
<tr>
<td>1990</td>
<td>-</td>
<td>94</td>
<td>77</td>
<td>65</td>
<td>84</td>
<td>NA</td>
</tr>
<tr>
<td>1991</td>
<td>-</td>
<td>7</td>
<td>34</td>
<td>11</td>
<td>51</td>
<td>NA</td>
</tr>
<tr>
<td>1992</td>
<td>2</td>
<td>18</td>
<td>43</td>
<td>18</td>
<td>104</td>
<td>53</td>
</tr>
<tr>
<td>1993</td>
<td>0</td>
<td>14</td>
<td>57</td>
<td>17</td>
<td>95</td>
<td>NA</td>
</tr>
<tr>
<td>1994</td>
<td>3</td>
<td>38</td>
<td>83</td>
<td>59</td>
<td>100</td>
<td>NA</td>
</tr>
<tr>
<td>1995</td>
<td>2</td>
<td>52</td>
<td>69</td>
<td>91</td>
<td>139</td>
<td>111</td>
</tr>
<tr>
<td>1996</td>
<td>2</td>
<td>92</td>
<td>148</td>
<td>201</td>
<td>164</td>
<td>164</td>
</tr>
<tr>
<td>1997</td>
<td>3</td>
<td>128</td>
<td>161</td>
<td>220</td>
<td>182</td>
<td>176</td>
</tr>
<tr>
<td>1998</td>
<td>10</td>
<td>108</td>
<td>186</td>
<td>384</td>
<td>212</td>
<td>226</td>
</tr>
<tr>
<td>1999</td>
<td>6</td>
<td>160</td>
<td>256</td>
<td>568</td>
<td>169</td>
<td>274</td>
</tr>
<tr>
<td>2000</td>
<td>12</td>
<td>167</td>
<td>229</td>
<td>655</td>
<td>135</td>
<td>177</td>
</tr>
<tr>
<td>2001</td>
<td>126</td>
<td>374</td>
<td>248</td>
<td>1110</td>
<td>154</td>
<td>339</td>
</tr>
</tbody>
</table>

Source: Punjab Police 2001

(NA – NOT AVAILABLE)
TABLE -2
SHARE OF DOWRY RELATED CRIME AGAINST WOMEN IN PUNJAB

<table>
<thead>
<tr>
<th>YEAR</th>
<th>Dowry Related Crime</th>
</tr>
</thead>
<tbody>
<tr>
<td>1981</td>
<td>18.14</td>
</tr>
<tr>
<td>1982</td>
<td>22.74</td>
</tr>
<tr>
<td>1983</td>
<td>23.9</td>
</tr>
<tr>
<td>1984</td>
<td>29.68</td>
</tr>
<tr>
<td>1985</td>
<td>21.51</td>
</tr>
<tr>
<td>1986</td>
<td>26.98</td>
</tr>
<tr>
<td>1987</td>
<td>40.32</td>
</tr>
<tr>
<td>1988</td>
<td>41.79</td>
</tr>
<tr>
<td>1989</td>
<td>41.93</td>
</tr>
<tr>
<td>1990</td>
<td>46.56</td>
</tr>
<tr>
<td>1991</td>
<td>43.35</td>
</tr>
<tr>
<td>1992</td>
<td>51.26</td>
</tr>
<tr>
<td>1993</td>
<td>60.21</td>
</tr>
<tr>
<td>1994</td>
<td>56.18</td>
</tr>
<tr>
<td>1995</td>
<td>49.46</td>
</tr>
<tr>
<td>1996</td>
<td>47.21</td>
</tr>
<tr>
<td>1997</td>
<td>46.1</td>
</tr>
<tr>
<td>1998</td>
<td>52.93</td>
</tr>
<tr>
<td>1999</td>
<td>51.39</td>
</tr>
<tr>
<td>2000</td>
<td>57.45</td>
</tr>
<tr>
<td>2001</td>
<td>53.76</td>
</tr>
</tbody>
</table>

Source: Punjab Police 2001
TABLE - 3

CASES WITH PUNJAB ISTRI SABHA, FARIDKOT (1990-94)

<table>
<thead>
<tr>
<th>Cases</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Eve-teasing</td>
<td>2</td>
</tr>
<tr>
<td>Molestation</td>
<td>1</td>
</tr>
<tr>
<td>Wife-beating</td>
<td>8</td>
</tr>
<tr>
<td>Dowry harassment</td>
<td>20</td>
</tr>
<tr>
<td>Dowry death</td>
<td>2</td>
</tr>
</tbody>
</table>

Source: P.I.S. Faridkot, 1995

TABLE - 4

COMMUNITY PERCEPTION REGARDING DISSATISFACTION WITH POLICE INTERACTION WITH WOMEN

<table>
<thead>
<tr>
<th>Perception</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Themelves abuse women</td>
<td>129</td>
</tr>
<tr>
<td></td>
<td>16.93</td>
</tr>
<tr>
<td>Insensitive to women’s issues</td>
<td>226</td>
</tr>
<tr>
<td></td>
<td>29.66</td>
</tr>
<tr>
<td>Corrupt and lack discipline</td>
<td>162</td>
</tr>
<tr>
<td></td>
<td>21.26</td>
</tr>
<tr>
<td>Lack of female police force</td>
<td>72</td>
</tr>
<tr>
<td></td>
<td>9.45</td>
</tr>
<tr>
<td>Ineffective working</td>
<td>120</td>
</tr>
<tr>
<td></td>
<td>15.75</td>
</tr>
<tr>
<td>Total</td>
<td>762</td>
</tr>
</tbody>
</table>

% of males are taken from column totals

Source: IDC Citizen Rights Survey, 2002
### TABLE - 5
**PERCEPTION OF WOMEN REGARDING PREJUDICE OF POLICE FORCE AND THREAT AGAINST THEM**

<table>
<thead>
<tr>
<th>PERCEPTION</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prejudice against them</td>
<td>17.4</td>
</tr>
<tr>
<td>Threat against them</td>
<td>46.5</td>
</tr>
</tbody>
</table>

Source: IDC Citizen Rights Survey, 2000

### Table - 6
**PERCEPTION OF POLICE PERSONNEL REGARDING WOMEN LODGING FAKE CASES UNDULY FAVOURED BY LAW FORCE**

<table>
<thead>
<tr>
<th>PERCEPTION</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perception of Police personnel</td>
<td>21.3</td>
</tr>
</tbody>
</table>

Source: IDC Rights Survey, 2000

### TABLE - 7
**COMMUNITY PERCEPTIONS REGARDING ABUSIVE AND PREJUDICED RESPONSE OF POLICE AGAINST WOMEN**

<table>
<thead>
<tr>
<th>PERCEPTION</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Themselves abuse women</td>
<td>82</td>
<td>47</td>
<td>129</td>
</tr>
<tr>
<td></td>
<td>17.45</td>
<td>16.10</td>
<td>16.93</td>
</tr>
<tr>
<td>Insensitive to women’s issues</td>
<td>173</td>
<td>121</td>
<td>226</td>
</tr>
<tr>
<td></td>
<td>36.81</td>
<td>41.44</td>
<td>29.66</td>
</tr>
</tbody>
</table>

Source: IDC Citizen Rights Survey, 2002