

The Kerala Women's Commission (Kwc): A Panacea for Women's Confrontation In Kerala

S.S. Anuja

Assistant Professor of History
St. Mary's College (Autonomous)
Thoothukudi
anujashalom@gmail.com

Kerala Women's Commission (KWC): Its Origin and Concept

As a result of the working and recommendation of National Commission for Women the State level Women's Commission was formed in several States including Kerala. After the National commission for Women Bill, 1990 was passed in the Centre, a Bill corresponding to this was drafted out in the State namely *Kerala Women Commission Bill 1990*,¹ and was sent for the consent to the then President of India Mr. Ramaswami Venkataraman. The draft Bill was formed under the guidance² of the then Minister for Social Welfare Department, Smt. K.R. Gouri Amma with the legal aid from Justice V.R. Krishna Iyer and Justice Subrmanian Potti by the suggestions from Women's Organisations. Women's Organizations conducted demonstrations and strikes before the Parliament and Secretariat to translate the dream about Women's Commission to a reality. As a result of this, the bill got the amend of the President, Mr. Shankar Dayal Sharma in 1995, and the formation of Kerala Women's Commission came to reality in 1996 for improving the Status of Women in Kerala.³

The KWC Act was finally passed with the consent of the President on 15th September of 1995.⁴ The Commission, formed during the tenure of Shri. A.K. Antony as the Chief Minister came into force on 14th March 1996. The first Commission was headed by eminent poetess and social worker, Sugatha Kumari. The Commission also constituted of three other members and two ex-officio members who are noted dignitaries of the society. In 1997 the newly constituted Commission was reconstituted as per the act and started function after the inauguration by Smt. Suseela Gopalan, the former Minister of Social Welfare. In spite of the lacunas, the Women's Commissions are in fact a major achievement. It can speak for the women and can bring to the notice of the Government their various problems. When the problems received an institutional support, the Government and public will take note of them. This will facilitate their empowerment to a certain extent.⁵

Objectives, Responsibility and Duties of KWC

The primary duty of the commission is to uplift the status of women in Kerala. The following points are the responsibilities and duties of KWC:⁶

- ⇒ To enquire into instances of denial of Justice and discriminatory treatment of women and to recommend to the authorities concerned and government to initiative remedial measures to address the issue.
- ⇒ It provides protection or asylum that received assistance from the government including women agencies in order to give shelter for women, from whom they receive complaint against the violation of justice for women.
- ⇒ It empower the director to recommend to the authority concerned, to initiative prosecution measures in cases of crimes against women, under the relevant clauses that prescribed penalty for violation of the law, under the respective legislation that govern women.
- ⇒ It conduct research studies, which includes a comparative studies on the socio-economic-political status of women and have its updated periodically for initiating steps for protecting the rights of women.
- ⇒ Takes step if it receives any complaint regarding to any unfair practice reported from any women or registered women's organization under the Commission etc.⁷

Settlement of Cases

The complaints received by the Women's Commission are handled at the Case Section. The commission arrives at an appropriate decision after seeking and examining the verification report, if needed, from the Police/Revenue Department and taken evidence from the complaints and defendant. Yearly the number of cases or complaints registering in Women's Commission is increasing day by day.⁸ The Commission tried to settle the cases as far as possible, only if the client and the accused cooperate with the Commission solutions for their problems can be found. Most of the time due to the lack of this many complaints fails to find the result/stood remain without any settlement.⁹

Details of Settlement of Cases from 2007 to 2015¹⁰

Sl.No.	Year	No.of cases/ complaints received	No.of cases/ complaints settled	Pending
1	2007-2008	5349	3319	2030
2	2008-2009	7141	6671	470
3	2009-2010	6709	5996	713
4	2010-2011	6494	4248	2246
5	2011-2012	6500	2869	363
6	2012-2013	6652	3021	3631
7	2013-2014	6865	3088	3777
8	2014-2015	7072	3109	3968
Total		52,782	32,321	17,198

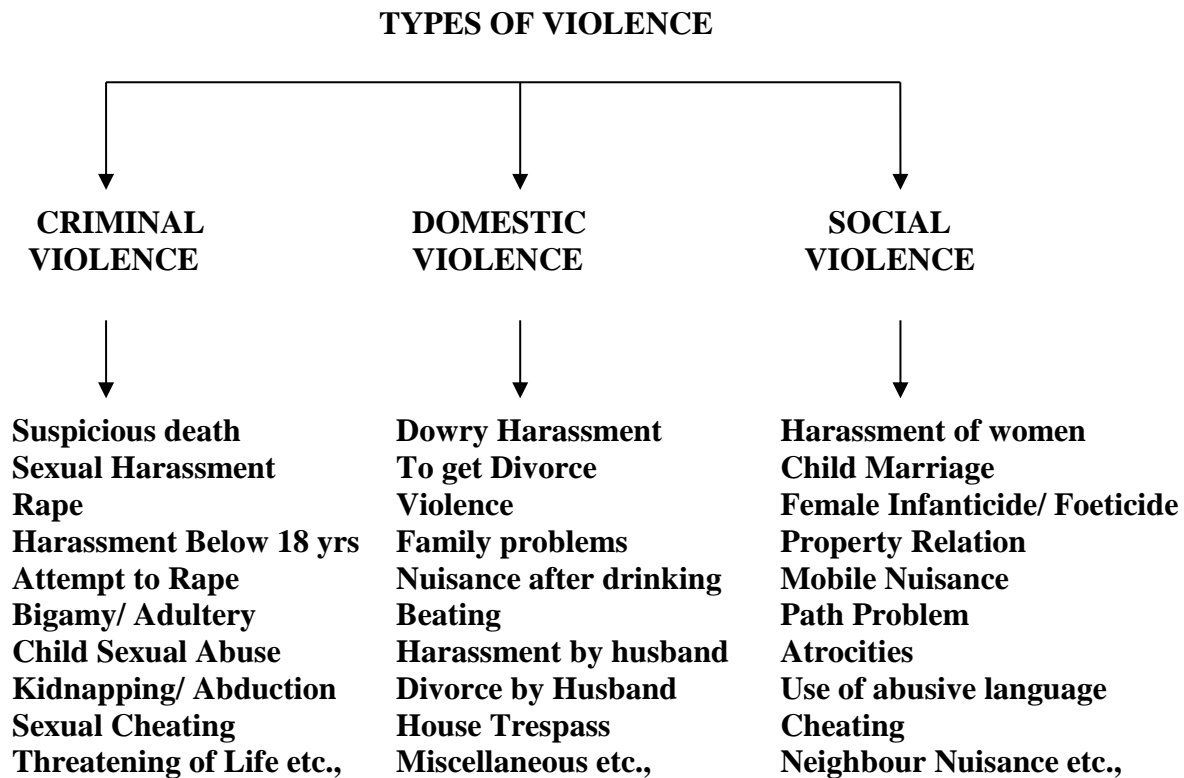
A number of pending cases can also clearly refer from the details. This shows that sometimes the Commission calls for Ad-hoc Committees to look into certain pending cases/complaints; there are varied independent reasons for the pending of complaints.

The Violence against the Women is not a myth but a reality.¹¹ *Violence against women “is an act of illegal criminal use of physical force and it also includes” exploitation discrimination upholding of unequal economic and social structures the creation of an atmosphere of terror, threat or reprisal.*¹²

On the basis of the petitions received the categorisation of the complaints and its analysis are mentioned below. They are mainly classified in to three types of Violence. They are as follows:

- i. Domestic Violence;
- ii. Social Violence and
- iii. Criminal Violence.

Types of Violence can be categorised in the following flow chart



Particulars in which the Kerala Women's Commission received the Petitions

I) Criminal Violence

Sl. No.	Subject	No. of Petitions
1	Threatening to Life	1127
2	Cheating	924
3	Suspicious death	443
4	Rape	205
5	Sexual Harassment	177
6	Attempts to Rape	162
7	Harassment below 18 years	139
8	Bigamy / Adultery	39
9	Child sexual abuse	4
10	Kidnapping / Abduction	4
Total		3,224

The table clearly mentions that the petitions relating to threatening to life is highly mention, the second is cheating by offering marriage and it includes both the mental and physical ill-treatment of the women reported in Commission.

II) Domestic Violence

Sl. No.	Subject	No. of Petitions
1	Dowry Harassment	371
2	To get Divorce	32
3	Violence	3693
4	Family Problems	5534
5	Nuisance after Drinking	291
6	Beating	1580
7	Divorce by Husband	22
8	House Trespass	42
9	Harassment by Husband	1408
10	Miscellaneous	1823
Total		14,796

The above data indicate different kinds of Domestic Violence, among which the complaints relating to the family problems rates the highest one, the next is Violence. The demand for the protection of women within the in-law family and relationships is needed. The number of violence and its kinds has increased in number but the number of dowry harassment is comparatively low.

III) Social Violence

Sl. No.	Subject	No. of Petitions
1	Harassment of Women	4277
2	Property Related	1447
3	Use of Abusive Language	963
4	Neighbours Nuisance	907
5	Path Problem	363
6	Harassment at Work Place	244
7	Cyber / Mobile Nuisance	95

8	Atrocities	67
Total		8,391

While considering the Social Violence we can identify that the Harassment against the women is the highest and it clearly states that the demand for the Commission is further more relevant and needed in order to protect the women both in the family and the society.¹³ When we analyse the status of the violence as a whole we can find that the domestic violence is at the peak comparing to the social and criminal violence. Its a reality that the condition of women in the in-law relations is not secured and protected.

IV) Relating to Work Place

SI No:	Subject	No: of Petitions
1	Job Related	849
2	Harassment at Work Place (Govt.)	159
3	Harassment at Work Place (Private)	47
4	Harassment at Work Place	38

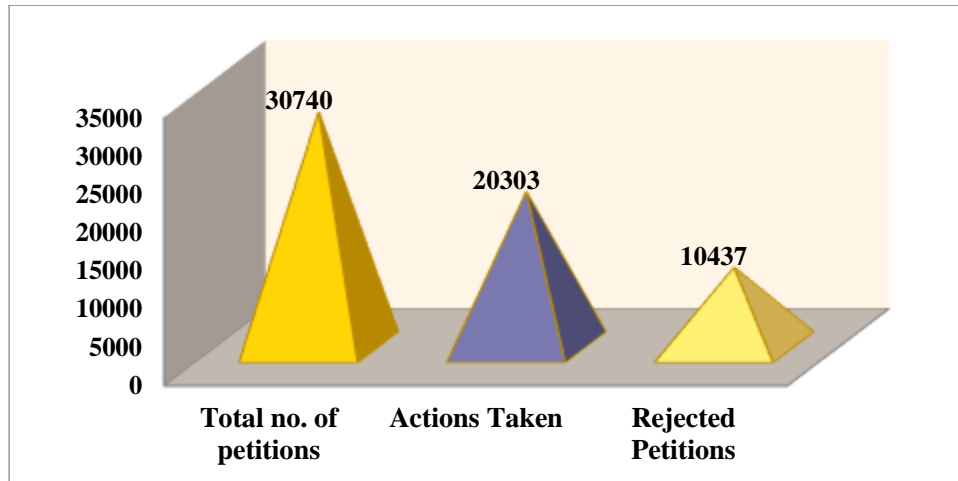
Harassment at work place is also a reality, commission receives the complaints on this field in various categories like whether the harassment occurred at private work place or government work place etc., since the commission will have to see if it can take direct action or can only give recommendation to the Government directly to take further actions.¹⁴ Harassment at government office is reported high than the private work place.

V) Relating to Officials

Sl. No.	Subject	No. of Petitions
1	Complaints against Police	579
2	Doctor's Negligance	58
3	Police Harassment	43
4	Police Apathy	21

The ill-treatment of police is a reality, the torture from them is somehow or other never reported because of fear. Here comparing to others the complaints against the police is thrice in number while comparing to the others.

The Petitions Received in Women's Commission from 2010 to 2015



Here we can find out that the Commission received a total number of petitions of 30740 reported between 2010 and 2015, in which more than half number of cases were considered while others were rejected. More over this is the same case while considering the petitions received by the Commission even today, this may be due to several reasons like: non-cooperation of the offender for hearing; continued absence of both the petitioner and the counter petitioner; non-cooperation and misunderstanding of the petitioner and offender etc., Anyhow even today the condition is almost the same but the present Commission tries to take its active measures in order to find solutions for the raising complaints of the Keralite women.¹⁵ Only if the petitioner and their relating ones co-operate with each other or in case of the victim and offender co-operate with the Commission then solutions can be found.

Findings, Suggestion and Conclusion

While considering the above list it is clear that the violence against the women is high which means that the ill-treatment of women in the society and family is increasing so that the need and demand for the Kerala Women's Commission is day by day increasing. However it is a fact that the atrocities will decrease only if the mentality of the human being changes, the vision of equal right and respect, equal opportunity and concerns, equal pride and honour, equal quality and effort, equal mentality without any kind of gender discrimination occurs, only can we find a change of development and growth both in the family and society. It is the family which is the basis of all moral values, where one learn to

share, love, care, respect etc., So if the base is strong enough then the tendencies to do criminal attitude both physically and mentally will reduce in its number.

However, the inception of Kerala Women's Commission activities a self confidence has been instilled among the women of Kerala. Women developed a secure feeling. There is no doubt that the Commission could help many a women to refrain from their suicide attempts in a State like Kerala which once was first in its suicide rate. The formation of the Commission could also affect a shift in the attitude of men towards women. Thus, the socially transformed, economically equipped politically awaked and culturally independent women folks of the state could able to face confidentially; even though, the mares of Eagle eye stairs and waits patiently in the dark corners; where she stood firmly with a heart/soul spiritually strengthened and materially keeping utmost hope on the legal assessment for her future.

Endnotes:

¹ **J. Devika**, *Individuals, Householders, Citizens Malayalis and Family Plannin (1930-1970)*, Introduction Part, Zubaan Publishers, New Delhi, 2008, pp. 8-9.

² **The Kerala Women Commission.**, *Women and Law for Protection of Rights*, UNFPA Publication, Trivandrum, 2001, pp. 11- 15.

³ **The KWC, 1990 (Act 17 of 1995)** Section 1 and 2, Ins. By Act 27 of 2007 published in K.G. Ext. No. 1861, Dated, 15th October 2007, (w.e.f. 24th January 2007), p. 19.

⁴ **Ibid.**, p. 14.

⁵ **The KWC, 1990 (Act 17 of 1995)** Section 1 and 2, Ins. By Act 27 of 2007 published in K.G. Ext. No. 1861, Dated, 15th October 2007, (w.e.f. 24th January 2007), pp. 25-26.

⁶ **Ibid.**, Section: 2, pp. 32-34.

⁷ **Tranvacore Legislative Council Proceedings**, Vol.XIX, Government Press, Trivandrum, 2000, p. 305.

⁸ **Kinda Mayoux and Susan Jotmson**, Report on Micro-Finance Programmes and Women's Empowerment Strategies for Increasing Impact, Action Aid, Ethiopia. There different approaches have been identified by **Batliwala (1994)**, p. 51.

⁹ **The KWC, Souvenir**, Superintend of Government of Central Press, Thiruvananthapuram, 2008-2011, pp. 28-30.

¹⁰ **Corresponding Annual Reports**, *Kerala Women's Commission*, Trivandrum.

¹¹ **K. Saradmoni**, *Finding the Household Conceptual and Methodological Issues*, Sage Publication, New Delhi. 1992, p.167.

¹² **Ashinw Roy.**, *Violence Against Women*, Rajat Publications, New Delhi, 1996, p. 130.

¹³ **Indian Planning Commission.**, *Kerala Development Report*, Academic Foundation, New Delhi, 2008, pp 63-64.

¹⁴ **English Records.**, File No: 66/47, Travancore Legislative Council Proceedings, Bundle No: 190, Vo.XIX, Kerala State Archives, Thiruvananthapuram, 1947, p. 325.

¹⁵ **Daniel Patrick Moynihan with Suzanne Weaver**, *A Dangerous Place*, Bombay: Allied Publishers, 1975, p. 41.