

Domestic Violence against Women-A Wake-up Call!

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Abstract: The Indian mythology placed women on a very high pedestal but deterioration in their glorious status suffered a socio-cultural setback resulting in loss of their freedom. Women continue to suffer from increasing rate of violence both inside and outside homes. Domestic violence is an ongoing experience of physical, emotional and sexual abuse faced by women within the household. It occurs within all age groups, ethnic backgrounds and at all economic levels. It is considered as an accepted norm, part of married life and not as a violation of woman's rights. Despite what many people believe, domestic violence and abuse is not due to the abuser's loss of control over his or her behavior. In fact, abusive behavior and violence is a deliberate choice made by the abuser in order to control the victim. The declining sex ratio, dowry related murders, suicides by women and increasing number of rapes in our country have earned the disgraceful reputation of being one of the most dangerous countries for women to live. Noticing and acknowledging the warning signs and symptoms of domestic violence and abuse is the first step towards ending it. This paper is an attempt to sensitize people especially women themselves to understand that domestic violence has to be condemned at all levels. Women have to be empowered to become aware of their rights and the importance of participating in the process of decision making. Laws have been enacted and need to be effectively enforced against any kind of domestic abuse. Remedial measures and interventions need to be planned systematically and implemented to help the victims of domestic violence to break the vicious cycle and start living again.

Key words: Domestic violence, rights, awareness, abuse, interventions, strategies, empowerment

Introduction

Violence affects the lives of millions of women worldwide, in all socio-economic and educational classes. It cuts across cultural and religious barriers, impeding the right of women to participate fully in society. Women have been victims of ill-treatment, humiliation, torture and exploitation for times immemorial. Violence against women takes a dismaying variety of

forms, from domestic abuse and rape to child marriages and female circumcision. All are violations of the most fundamental human rights. Domestic violence is an ongoing experience of physical, emotional and/or sexual abuse faced by the women within the household. The abuser could be husband/and or other members from natal or marital families. It is not specific to any culture or community. It cuts across the boundaries of class, caste, religion, race and education. As we advance into 21st century, the home becomes more of an unsafe place for a woman than it ever was. She is more likely to face violence and resulting injury by men of her family than others. It is all the more paradoxical that while world attention and focus is on improving the status of women through better health, education and employment facilities, the woman is becoming threatened in her very home. Despite the overall economic growth, India is ranked 112 out of a total of 134 countries in the Global Gender Gap Index for the year 2010, while countries such as China have made considerable progress.

Severity of the problem

Surveys carried out throughout the world indicate that as many as 25-50% of all women in most societies have been physically assaulted at least once by their intimate partner at sometime in their lives (WHO, 2002). It has reached epidemic proportions in India. Even psychiatrists indicate that significant number of patients with psychological disorders have a history of rampant domestic violence. **The All India Democratic Women's Association** receives more than 50,000 complaints every year and its General Secretary Brinda Karat claims that almost two third of these cases are that of domestic violence. Gender violence causes more deaths and disability among women aged 15 to 44 years than cancer, malaria, traffic accidents or even war.

Domestic violence has a debilitating effect on women's physical as well as psychological health. The physical torture caused to married women by husbands and in-laws for not bringing sufficient dowry, dowry murders, wife battering speaks volumes for the oppressive conditions under which women live shrouded by a culture of silence. Apart from causing immediate injuries ranging from abrasions, sprains, lacerations, fractures, such acts of violence result in chronic pain, disfigurement, disability and even death. It is known to cause miscarriages, placental separation, foetal injuries and rupture of the uterus. It is common for the women to suffer psychological damage in the form of stress, fear, anxiety, weight loss and lack of sleep. Many of them refuse to eat or drink anything, have reported

suicidal thoughts and do not take care of themselves at all. Amongst women, who attempt suicide and are brought to the hospital, it has been found that domestic violence is one of the major causes that drives them to this point.

The United Nations Women's Development Fund (UNIFEM) estimates that domestic violence is the leading cause of death across the world. The figures of women who die of domestic violence are greater than the numbers of those who die in war, of cancer or in motor accidents. The UN study *In-depth Study on all Forms of Violence* released by the UN Secretary General at the 61 UN Assembly in October 2006 took particular note of the severity and the scale of the problem. If the statistics on domestic violence, a pattern of behaviour which is characterized by the exercise of control and misuse of power by one person within the home show that it is shockingly widespread, its impact is devastating. As domestic violence occurs across society regardless of age, race, ethnicity, social class, economic position, culture and religion, its fall-outs affects everyone in society. The effects on individuals, families and the society at large are long-term and adverse.

Some of the biggest victims of domestic violence are the smallest. According to a recent report from **UNICEF** *Behind Closed Doors: The Impact of Domestic Violence on Children (2006)*, nearly 275 million of children worldwide witness abuse in their everyday life. In South Asia, the estimates range from 40.8 million to 88 million children. Women's organisations across the world and especially in South Asia, where the problem is extreme and severe, have been trying to bring the issue of domestic violence into public discourse. But domestic violence is not easy to talk about. It is still viewed as a 'private' issue that does not warrant public dialogue or policy attention. Generally, the woman affected by domestic violence, is reluctant to complain since the act is committed by a close family member. She does not want to break her marriage and prefers to suffer quietly. She blames herself for violence thinking that she is not good enough for her partner or that her behaviour or conduct needs improvement. Her trauma and mental agony continue unabated.

Around two-third of married women in India were victims of domestic violence and one incident of violence translates into women losing seven working days in the country, a United Nations report said. As many as 70 per cent of married women in India between the age of 15 and 49 are victims of beating, rape or coerced sex, the United Nation Population Fund report said. However, the rate of domestic violence is much higher in Egypt with 94 per cent and Zambia with 91 per cent. The report said violence against women was putting a huge strain on a nation's social and legal services and leads to heavy loss of productivity. But

is domestic violence really a 'private' issue? When homes 'normalise' violence against women, it becomes 'normal' in the streets and the society at large.

The sense of 'entitlement' and 'control' that men have over women spills over from the home to the public arena as is reflected by the unequal gender norms and socio-economic power structures wherein women are not allowed to share equally in rights, resources and opportunities. We associate women with passivity, dependency, timidity, vulnerability, helplessness, being emotional while men are associated with activity, independence, adventure, reliance and rationality. Violence against women within homes, hence, creates and strengthens inequality among men and women in the larger society. Women will never be equal in their public lives until they are equal in their homes. Domestic violence is central to people's rights. Violence within homes make women lose the freedom to live their lives the way they want.

Causes

A female in her lifespan, passes through many roles and in each role, there is a possibility of exploitation. These multiple roles begin in the home as a daughter, sister, wife, daughter-in-law and mother. The roles increase when she interacts with the outside world or tries to be a working hand. If she chooses to work, then her roles multiply into a subordinate, boss or a colleague. In all these multifarious roles, there are possibilities of exploitation. With more and more women becoming independent and voicing their opinions, marriage has become a battlefield of clashing egos. Men, who are yet to get over the attitudes of treating wives as subordinates cannot meet the challenge of women with their own minds. They resort to violence to keep control. The feeling that a woman or wife is something that you own as your property is deeply etched in the psyche of men. Women tolerate violence as they find no alternative from the abusive relationship. They perceive themselves inferior to men. Dependency on males makes them feel the lack of self-confidence and the inability to recognize their own potential.

According to **NFHS-2 Report** (National Family Health Survey) about 25% of women subjected to domestic violence came from nuclear families as compared to 18% from non-nuclear families. When both partners work and have a nuclear family with no support system leads to more clashes and higher number of cases of domestic violence. A scrutiny of cases reported in the newspapers in the last few months shows that at least 90% of cases involving women have been of incest, rape and dowry deaths resulting either from a woman being

killed or being driven through mental and physical torture by her family members to a state when she kills herself. In a society like India where so much shame is associated with rape and life becomes hell for the raped woman, over 10,000 cases are being reported every year and the perpetrators are most often relatives or men known to the victim. The crime is often committed in the house. The capital city holds the horrific records of incest cases reported in the last ten years. The dowry deaths and cases of burning of women are skyrocketing every year. These figures are just a tip of the large scale violence that women face in their daily lives.

According to a 2002 study, 45 percent of Indian women are slapped, kicked or beaten by their husbands. India also had the highest rate of violence during pregnancy. Of the women reporting violence, 50 percent were kicked, beaten or hit when pregnant. About 74.8 percent of the women who reported violence have attempted to commit suicide. Educated women are aware of their rights and are no longer willing to follow commands blindly. When they ask questions, it causes conflicts, which, in turn, leads to violence. In many Indian states, working women are asked to hand over their paycheck to the husband and have no control over their finances. So, if they stop doing so or start asserting their right, there is bound to be friction.

The research team, led by S.V Subramanian, Assistant Professor in the Department of Society, **Human Development and Health at HSPH**, analyzed data from 92,000 Indian households where domestic violence was rampant. According to WHO, India is home to 15-20 million asthmatics while spousal violence is rampant. In a first of its kind study that links domestic violence with the rising cases of asthma in India, researchers from the Harvard School of Public Health have found that women who are victims of domestic violence have a 37% increased risk of suffering from various common respiratory disorders. On the other hand, women who had not experienced domestic violence themselves but had witnessed such acts against other female members in the same household were at an increased risk of developing asthma by 21% in comparison to women who lived in violence-free environments. Similarly, children aged between 0-4 years living with women who experienced domestic violence were found to be 30% more at risk of suffering from asthma.

The latest **National Family Health Survey-III**, carried out in 29 states during 2005-06, has found that 37% women reported being physically or sexually abused by their husbands at some time in their lives. Domestic violence experts say the problem in India

stems from a cultural bias against women who challenge their husband's right to control their behavior. Women who do this even by asking for household money or stepping out of the house without their permission are seen as punishable acts. This process leads men to believe their notion of masculinity and manhood is reflected to the degree to which they control their wives. On March 8, we celebrate International Woman's Day, the world over. In India, we have a woman holding the highest office as the President of the country, Head of the ruling coalition as well as the leader of opposition are women and four Indian states have women Chief ministers. One third reservation for women in the local bodies has brought a large number of women from economically and socially disadvantaged communities into political arena. But the gender gap seems to be dismal.

Problem of Perception

Men have always been taught to perceive themselves as the superior sex that makes them believe they have to control their wives, especially if they are considered disobedient. Although men's preoccupation with controlling their wives declines with age, as does the incidence of sexual violence, researchers found that the highest rates of sexual violence were among highly educated men. Thirty-two percent of men with zero years of education and 42 percent men with one-to-five years of education reported sexual violence. Among men with six-to-10 years of education as well as those with high-school education and higher, this figure increased to 57 percent. A similar pattern was seen when the problem was analyzed according to income and socioeconomic standing. Those at the lowest rungs of the socioeconomic ladder like migrant labor, cobblers, carpenters, and barbers showed a sexual violence rate of 35 percent. The rate almost doubled to 61 percent among the highest income groups.

Equally disturbing is the finding that two of every five women in an abusive relationship in India remain silent about their suffering because of shame and family honor. The studies have also shown, nearly one-third of the Indian women experiencing abuse had thought about running away, but most said they feared leaving their young children and had no place to go. Activists felt that for intervention strategies to succeed attitudes about violence would have to change and the level of awareness, among both men and women, about the negative impact of violence had to be raised.

The meaning of gender and sexuality and the balance of power between women and men at all levels of society must be reviewed. Combating violence against women requires challenging the way that gender roles and power relations are articulated in society. In many countries women have a low status. They are considered as inferior and there is a strong belief that men are superior to them and even own them. Changing people's attitude and mentality towards women will take a long time, at least a generation, many believe, and perhaps longer. Nevertheless, raising awareness of the issue of violence against women, and educating boys and men to view women as valuable partners in life, in the development of a society and in the attainment of peace are just as important as taking legal steps to protect women's human rights.

It is also important in order to prevent violence that non-violent means be used to resolve conflict between all members of society. Breaking the cycle of abuse will require concerted collaboration and action between governmental and non-governmental agencies including educators, health-care authorities, police personnel, legislators, the judiciary and the mass media. In India, one incident of violence translates into the women losing seven working days. In the United States, total loss adds up to 12.6 billion dollars annually and Australia loses 6.3 billion dollars per year. It has been observed that women with tangible economic assets were less likely to be victims of domestic violence than those who lack them. In Kerala, a survey found that 49 per cent women without property reported domestic violence compared with only seven per cent who owned property.

The family counseling centres have been set up by Police department in every state in India and supported by the state governments provide legal services in cases violence related to dowry, harassment by in-laws, child marriage and rape. Despite efforts by governments and campaigns carried out by international organizations, violence against women has been continuing on a wide scale in both developed and developing countries. Women in several countries justify wife-beating for one reason or another. The reasons include neglecting children, going out without telling partner, arguing with partner, refusing to have sex, not preparing food properly or on time and talking with other men.

Several governments have started taking action and enacting laws to fight the menace but their effect is limited because of deep-rooted social mores in several societies. Violence kills and disables as many women between the ages of 15 and 44 as cancer and its toll on women's health surpasses that of traffic accidents and malaria combined. The consequences

of gender-based violence are devastating, including life-long emotional distress, mental health issues and poor reproductive health. Abused women are also at a higher risk of acquiring HIV according to various researches, which puts burden on the healthcare system as they become long-term users of health services. Besides, the effect might extend to future generation as children who see violence, or were victims themselves, often suffer a lasting psychological damage.

Interventions:

Health Sector-an ideal site for Intervention

Any act of violence invariably causes physical and psychological trauma for the treatment of which the woman approaches health care system. It plays a crucial role in documenting the episodes of violence that are useful in the struggle to seek justice. Doctors and nurses are in a unique position to identify abuse and refer women for counseling. A woman is more likely to share the actual cause of injury or reason for suicide with a doctor than anybody else. By just treating her for visible symptoms, the doctor is just providing first aid and not really treating her fully. Domestic violence was not recognized as a public health issue till recently. It is considered as a personal matter by the health workers who think it is an accepted norm, part of married life and not as a violation of woman's rights. They consider it a law and order problem and so believe that the police should look into it.

Sensitization of Health-care workers

It is therefore necessary to sensitize first of all the health workers at all levels to domestic violence and train them to screen, identify, document and refer women suffering from domestic violence for counseling. Violence at home is a violation of woman's human rights and it has to be understood as a human rights as well as public health issue.

Sensitization of Police Personnel

The Sub Inspectors who are directly responsible for investigating the crime by and large have an inhuman attitude toward incest and raped women. The victims fear the gruelling interrogation sessions more than the criminal does. The policemen ask the victim obscene questions. The reason behind these can be seen from two points of view. Firstly, the ordinary policeman is ill equipped to deal with the difficult and sensitive cases of domestic violence and secondly, the social background from which the policemen are drawn is itself found to be wanting in its behavioral attitude towards the female sex. Many of them do not want to even register FIR against the abuser despite seeing the woman battered. She is sent back and many

times the husband starts to torture her even more or sometimes burns or kills her. The women police officers can handle these cases better. It is of paramount importance to sensitize the police personnel who record the woman's statement. The police force needs fundamental changes in concept, attitude, training and above all motivation. There are also examples of individual initiatives like creation of special cells in Delhi to deal with crimes against women. The legal requirements also sometimes are a stumbling block for the enforcement machinery. Be it rape or dowry death, gathering evidences are difficult. Constant rapport between NGO's and police can be helpful to the victim.

National Commission for Women

The United Nation's Commission on the status of women in its 25th report had recommended to all member states the establishment of National commission or similar body with mandate to review estimate and recommend measures and priorities to ensure equality between men and women in all spheres of national life. Acting on this resolution, Government of India set up a Committee in 1971 known as the Committee on the Status of Women. In order to ensure the implementation of various measures, the committee recommended the constitution at the centre and in states of a commission. It is indeed surprising to note that the government took sixteen years to give effect to the recommendation of the committee for setting up a National Commission.

The Commission has been entrusted to investigate and examine all matters relating to safeguards provided for women under the Constitution and other laws, presentation to the central government annually and at other times reports upon the working of those safeguards. Making recommendations for the effective implementation of the laws as well as suggesting amendments, remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislations has been done by the Commission from time to time.

Taking up the cases of violations of constitutional provisions or other laws with the authorities, looking into complaints and taking notice of matters relating to deprivation of women's rights; non implementation of laws meant to provide protection to women and also to achieve the objective of equality and development; non compliance of policy decisions, ensuring welfare and providing relief to women and taking up issues arising out of such matters with authorities; calling for investigations into specific problems or situations out of discrimination and atrocities against women and identifying the constraints so as to recommend strategies for their removal. Undertaking promotional research, participating and advising on the planning process of socioeconomic development of women, inspecting jails,

remand homes, women's institutions or other places of custody of women, funding litigation involving issues affecting a large body of women are other duties of the commission.

Legal Aid

The Constitution of India guarantees equality, freedom, opportunity and protection to women and various social legislations give them several exclusive rights. Yet, they have an unequal status in society. With reference to dignity of women, it is very important that some legal assistance is given to women in need who want to have redress of their rights through court of law but their financial position does not permit them. In this context, it is important to study the concept of legal aid. The Legal Services Authorities Act is one of the most valuable pieces of social legislation that Parliament adopted in the 40th anniversary year of Indian independence. To meet the challenge of increasing domestic violence, the Criminal Acts were amended in 1983 and 1986 to create special categories of offences dealing with cruelty to wives, dowry harassments and dowry death. The first amendment introduced a new section cruelty to wives under 498-A of Indian Penal code. Although it aimed to deal with dowry harassment and suicide, it was wide enough to cover the incidents of domestic violence also because the word dowry as such is not mentioned. It includes physical as well as mental violence or cruelty. The section is an effective deterrent to violent husbands if the judiciary and police interpret and enforce it in the right spirit. Denial of food, insistence on perverse sexual conduct etc. were held to be examples of domestic violence for registering cases under IPC. Further, the Law of Evidence was also amended to provide presumption in law against husband, his relatives if a married woman commits suicide within seven years of marriage.

Domestic Violence Prevention Act

Recently, the Supreme Court has passed The Domestic Violence Prevention Act dealing with domestic violence as any action, omission or conduct which is of such a nature as to harm or has the potential of harming or injuring the health, safety or wellbeing of a woman or a girl child. Such violence could be physical, sexual (without her consent), verbal, mental or economic. Verbal and mental abuses include insults, ridicule, humiliation, degrading or name calling especially with regard to not having a child or a male child. Prohibiting or restricting continued access to resources or facilities which the person aggrieved is entitled to use or enjoy by virtue of the domestic relationship will come within the purview of 'economic abuse'. The affected woman can approach the court which is empowered to pass a 'Protection Order' to prohibit the respondents from committing acts of domestic violence, prevent her from being removed from the house and prohibiting the respondents from entering her house, in case she decides to live alone. A significant aspect of the ruling is that even a friend of the

victim can file a petition in the court for relief on behalf of the victim with her written consent. The court which shall try offences punishable under this Act can also pass a monetary relief order to enable her to meet her expenses and the needs of her children; loss of earning, medical expenses, maintenance including for the children; loss on account of damage or removal of property and compensation for domestic violence inflicted upon her. The breach of order will be a cognizable offence and shall be punishable with imprisonment which may extend up to 3 years or fine up to Rs. 20,000 or both.

Recommendations

Certain recommendations to prevent crime against women are:

- Establishment of special courts to deal with cases of crime against women
- Setting up a time limit for the disposal of cases against women. Protracted criminal trials are an impediment in securing justice.
- Attempts should be made to prevent delay in investigations of crimes like rape, dowry deaths etc.
- Gender sensitization to ensure equality and removing discriminatory practices should be brought about in society.
- A person convicted of an offence under Dowry Prohibition Act should face dismissal from service.
- Legal literacy to be given to women to make them aware of their rights.
- Mandatory Crime (Women) Cell should function in every Police station and powers given to DGP (Crime/women) to take cases and offences related to women.
- National Commission for Women be given more powers than just be a recommendatory body. Its branches should be established at every district so that violation of human rights of women can be reported.
- Legal aid should be made available to women in distress.
- Women NGO's should be involved in all decisions taken affecting women.

The need of the time is that the existing laws should be enforced strictly. The society is registering a steady social advance. The old reactionary conception of the role, position and function of women is slowly giving way to a new higher and more democratic conception. The age of marriage has been steadily rising. Education is spreading among a larger section of women. The modern woman is slowly breaking through the shell of a narrow domestic existence and is beginning to participate in the various activities outside the home. They are

giving attention towards assimilation of innovative and modern values. This helps in driving away social discrepancies such as dowry system, inequality and domestic violence.

Communication media are a powerful tool for the creation of an alternative and positive image of women and could promote new attitudes and strategies for action directed towards the achievement of the goal of equality for women. They should portray images consistent with human dignity of girls and women and not encourage demeaning, degrading and negative, conventional, stereotypical images of women and violence against them. Women themselves will have to come forward, start taking their own decisions regarding their life. They have to walk those few steps, which will get them at par with men. But this cannot be possible without a change in the attitude and a change in the views of their family members. The need of the hour is not simply to criticize the social or cultural or political structure but the actual empowerment of women in all spheres of life in order to enhance their status. Any approach designed to combat violence must be twofold, addressing the root causes of the problem and treating its manifestations. Society at large, including judges and police officers, must be educated to change the social attitudes and beliefs that encourage male violence.

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