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Domestic Violence against Married Women in India

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Abstract

Domestic abuse is an infringement of all the fundamental rights, as it encourages authority and subjugation on women behind the closed doors of homes. In India, married women experience violence at various stages of life but undoubtedly family violence is presumably one of the most prevalent types of crime against women. As a result, women encounter physical, sexual, emotional harassments resulting in negative consequences on the health of women. The violence includes behaviors that terrify, manipulate, bully or injure women. It is believed that the common causes of household violence include dowry, alcoholism of the spouse, extramarital affair, and unemployment of husband, infertility and desire for male child only. Domestic violence is considered as a major obstacle in the path of women empowerment and the aftermath is an impaired progress of country. The utopia in this scenario can be achieved when men stand firm and protective for their women, pay dignified respect and discourage discrimination in their society. Predominantly, it is seen that men are the victimizers but in Indian context, the key players of malice against women are not just only men but also women in their families and societies.

The paper reviews the domestic issues with reference to brutality against married women in India. It also analyzes a detailed study on current legislations that neglect to satisfy its long term effort of protection.

Keywords: Abuse, Domestic violence, Legislations, Women

Introduction

The present study embarks the depth of domestic abuse committed against women, an important issue in India. The women cover almost half of the total population. It has become necessary for modern world to provide equitable chances to both men and women so that they can assist to raise developmental index of society (Rahman, 2015). The discrimination against women is the outcome of old socio-cultural practices. Since ages, women were oppressed, exploited and

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subjugated in society. Women in ancient period were given respectable place and considered equal of men. However, the advent of medieval period had invited many evil practices which have hindered the progress of women. In 19th and 20th century, social reformers stepped to address the cause of women subordination. They propagated emancipation of women in all fields. Moreover, in Indian constitution many stringent laws were enumerated to protect and promote women's rights (Kaushik, 2007). Violence against women starts from her initial stage of life and carried out throughout the life (Mishra, 2006). In order to maintain authority and supremacy within the home, men inflict violent behavior against women and thus, subjugating them throughout the life (Veer, 2004). Married women suffer family violence either in the form of physical, mental, emotional, financial assault by husband and/or mother-in-laws. In family matters, women become the worst enemy of other women. Therefore, it would not be improper to say that almost every woman remains the target of family abuse either in childhood, adolescent age or matrimonial home or even at old age.

Literature Review

Herring (2018) illustrated the harshness of familial violence experienced by women in Indian culture. He further explained that domestic violence is not only related to battering or physical assault but also include immoral attribute. Immoral attributes incorporates coercive control, serious misuse of trust, harm to children, psychological pressure, psychological harassment, insult, humiliation and discrimination. In this paper, the author suggested government to address the issues of domestic violence in priority and measures to combat it. He also added that domestic violence should not be taken as private affairs. The atrocities of domestic violence could only be exposed, if it is understood at relational, personal and social level.

Krishnaraj (2007) opined that violence can be 'seen or unseen'. Indian societies discourage their women to openly talk about domestic violence and refer such issues as violation of ethics, etiquettes and religion. Violence is a forcible mechanism which is deeply embedded in the cultural code of conduct. His article focused on different forms of viciousness faced by women folk such as caste based violence, exploitation by landlords, domestic violence, riots prone violence, marital rape.

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Kapadia-Kandu et al. (2007) expounded the gender role and physical violence faced by young married women in Indian culture. He further asserted, usually women experience such violence at the hand of husband. The study is conducted in Maharashtra aimed to provide ideas on differential gender roles, domestic chorus and occurrence of physical violence. Moreover, the data is collected from two lower income groups which indicate two features to initiate physical violence among young married women i.e. within six months of marriage and after the birth of first child. The expectations by in-laws determine the rigidity or flexibility of matrimonial home. The findings of the study revealed that the critical social construct and atrocities in household, the measures to prevent violence at societal and community level through mass campaign and public health service and programs. He further stressed on gender customary practices and supporting the alternative means of conflict resolution to reduce violence against women.

Objectives:

- To study domestic violence as a major issue prevalent in India
- To examine the major forms of domestic abuse faced by women in India
- To study the causes and consequences of domestic violence in India
- To explore the legislative, constitutional provisions of the government to eliminate the family violence against women.
- To study the effectiveness of government policies that ensures protection and security to women.
- To suggest measures for the effective application of policies.

The issue of domestic violence in present India

Family is an institution, either in the form of nuclear or joint system. The patriarchal structures of Indian families keep women under their control and power. Women are oppressed, humiliated and are given no identity and respect. Even today, women face several types of violence in the form of abuse and harassments. Some manifestations of domestic violence include bride burning, wife battering, verbal abuse, dowry oriented violence, patriarchal structure and its practice and female feticides (Shankar et. al, 1998). Domestic Violence is defined as any "act of physical, sexual, emotional and economic abuse committed against women by intimate partner, in laws or member of the family" (Shankar et. al, 1998, p. 107). The dowry issues have

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taken severe form. Societies demand heavy dowry at the time of marriage and force perspective bride's parents to handover almost all of their wealth. Moreover, women had to bear numerous torture and humiliation from the husband and in-laws. In many of the cases, it had taken draconian shape. Women are burnt with kerosene oil or the fuel used in the pressurized cook stove. The number of incidences of bride burning has remained closely associated with dowry demands (Willigen & Channa, 1991). Usually, the dowry victims are married at young age and get pregnant before the age of 18. In this regard, Teays, 1991 talked about Shakti Shaline who outspokenly discussed the atrocities faced by young women. She also spoke about her husband's relatives who mistreated her for not giving birth to child in the first year of marriage and for not bringing enough dowries. In Indian culture, the matter is not surprising that marital abuse especially women beating is unnoticeable. It is a systematic and structural manifestation of social control. The myths, stereotype attitude of family and society and irrelevant social norms are the reasons to support wife battering. The society perceives battered women as mentally disturbed and sick individuals (Subadra, 1999).

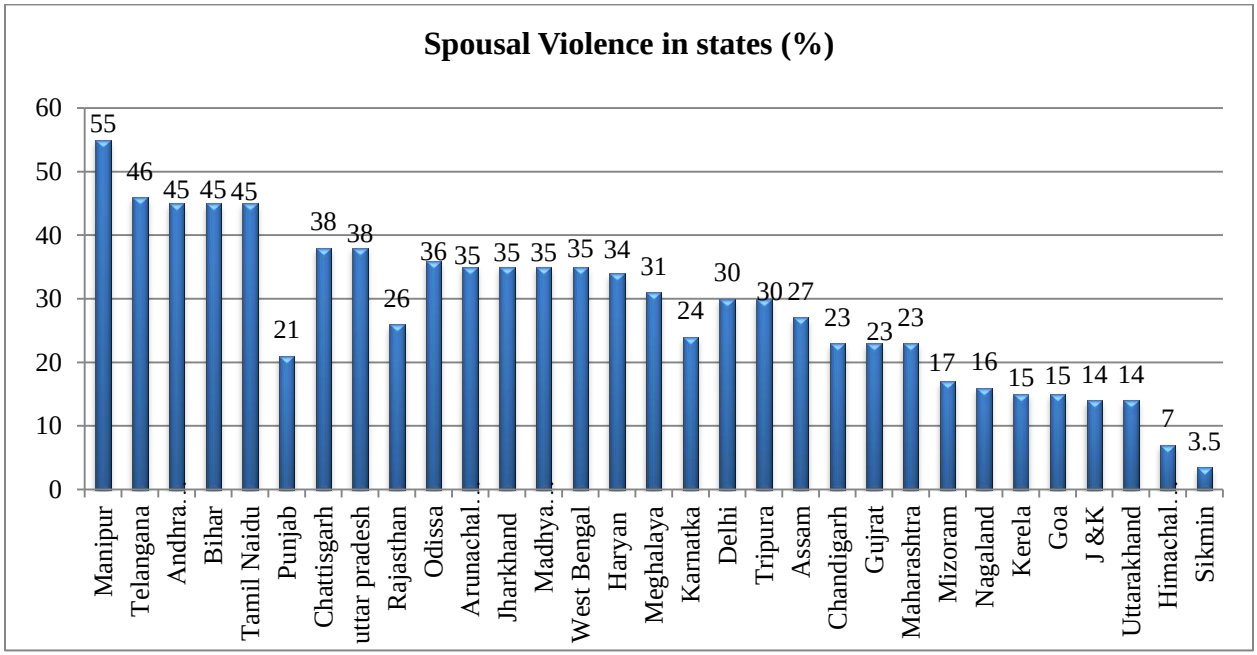
On the contrary, the relationship between mother-in-law and daughter-in-law are often not found pleasant in the present day scenario. In most of the families, the dominant and interfering nature of mother-in-law create tension among family members. Usually, son (husband of the victim) remains silent and supports his mother in the wrongdoing act. Therefore at this stage, two possibilities occur: either woman suffer domestic violence or leave home and file for divorce.

It is often believed that home is one of the safest and secured places to live. However, majority of the atrocities against women happen within the home. Here, the 'protector' of violence becomes the 'perpetrator' of violence (Nigam, 2008). In many cases, women themselves are responsible for their miserable condition. It is seen that women remain mute spectator rather than disclosing the matter to police or other helping hands such as, NGOs. Usually, marital violence is not considered as an act of violence as a result, it remains unreported by police. This negligence attitude of administration encourages more offence against women. (Goel, 2004).

The issues pertaining to viciousness against women have not only received national but also international attention. A Commission on the Status of Women was set up by United Nations in 1946. Similarly, the fourth World Conferences on 'Women Issues' were held in

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Mexico City (1975), followed by Copenhagen in 1980, Nairobi in 1985 and Beijing in 1995. Moreover, the Beijing Conference dealt with the undertakings of achieving gender parity and empowerment of women. The Vienna Conference (1993) declared the rights of women and girls as unchallengeable, integral and inseparable part of universal human rights (Bhatt, 2010).



Note: National Family Health Survey (NFHS-4) 2015-16, p. 570

The above figure depicts proportion of the spousal violence in states. The highest percentage of violence among the spouses was observed in Manipur i.e. 46%. The next was Telangana followed by Andhra, Bihar, Tamil Naidu and other states. The least percentage of spousal violence was found in Sikkim (3.5%).

Forms of Domestic Violence

Domestic atrocities is a coercive action conducted against any person with the intention to gain and exercise power over them. Generally, it is committed against women folk or the intimate partners such as submission, threat, refusal or dominance. These include:

1. **Physical Violence**: It is the act of physical aggression, including beating, punching, verbal abuse, threatening with weapons, pushing, kicking, slapping, burning, and causes a feeling

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of pain, injury and bodily harm. Victim gets severe injuries and marks on body. Sometimes, excessive torture results in death of victims.

2. **Sexual Violence**: Sexual violence is often used as of force or threat to unwillingly engage in sexual activity even by spouse (also known as marital rape), is a shameful act of crime against women. Women are forced and threatened to maintain sexual contact with their partners. As a result, women go through with severe health issues including mind and body.

3. **Emotional Violence:** This is also known as psychological violence including intimidation, constant insult, injuring a person' emotions, confidence and understates annoyance. In addition to it, several other acts such as separating a person from friends and family, recording their movement and confinement of access to information. Sometimes, women are isolated and neglected by their own family members. Emotional abuse is not a minor issue as it decreases self –confidence, self-esteem and sense of unworthiness and cause clinical depression among victims.

4. **Economic Violence**: The term 'economic abuse' can be defined as, demonization of males over females by not giving access to living allowances and other significant resources. In this type of violence, victims are denied of chances and abilities to progress and work. They are discriminated, deprived of life facilities including financial and educational and compelling victim to depend on perpetrators' financially (Chhikara, et. al, 2013).

Factors Responsible for Domestic Violence

Domestic violence is a worst crime and is often committed by close member(s) of family such as husband, father and in laws. The factors that are responsible for domestic violence include:

1. **Cultural Level:** Indian societies are traditionally bound. It assigns different roles to men and women. The concept of patriarchy is deeply seated which has tagged men as a superior creature than women. The customary traditions such as dowry, bride price, child marriage, no property rights have lowered the condition of women. Moreover, in order to resolve domestic oriented conflicts, women themselves do not oppose violence. They again consider such issues bounded by societal etiquettes and respects.

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2. **Economic Level**: Women experience economic abuse not only at home but almost in all walks of life. The economic abuse demands women to forcefully remain dependent on their husbands. There are many cases in India where men do not allow their wives and sisters to go work and become financially dependent. Secondly, at workplaces women are discriminated in such a way that they are paid less than men. Economic abuse includes giving fewer wages than men, limiting job facilities in organized and unorganized sector.
3. **Legal Level:** It is often believed that women in India have no faith in judicial system and enforcement mechanism. The lesser access to women in legal service, mistreatment of women and girl by enforcement agencies and judicial system, inefficient laws regarding divorces, maintenance and child custody contribute to domestic violence against women.
4. **Political Violence**: Women are also prone to become victims of political violence also. This violence is carried out through the state. State considers domestic violence as a matter of private affairs. It neglects to provide justice to victims. It also restricts the participation of women in political institutions (UNICEF, 2017).

Consequences of Domestic Violence on Women

In detail, abusive behaviors at home have negative effect on victim, society and development of country. Victims for example, prefer to remain quiet and surrender themselves in an emotionally and disturbed environment of house. The mental atrocities affect the efficiency to more prominent degree. Numerous casualty of abusive behavior commit suicide and numbers of such cases are alarmingly high. The vast majority of working females are exploited in office. As a result, it decreases their working capacity and detrimental to their well-being. At the point when violence is done before child, it affect their mind adversely. Their children are also inculcated with the same behavior in their lives. Similarly in case of partner violence, women face adverse effect on their sexual and emotional relationship. There are two different sides, a considerable lot of them file divorce or ask for separation, affecting the lives of children. Secondly, due to unawareness of proper human rights and laws of constitution, women get exploited and harassed at the hand of relatives and husband (Kumar, 2010).

Legislations and Schemes Enacted for Domestic Violence

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Although, women are exposed to various threats, but the household atrocities is one of the heinous offences committed against women. Much legislation has been implemented and executed with an aim to deal with the issues of women effectively. Some of the major laws include:

- Rape (Section 376 IPC)
- Dowry deaths (Section 304B IPC)
- Assault on woman with intent to outrage her modesty (Sec. 354 IPC)
- Sexual harassment (Sec.354A IPC)
- Assault on woman with intent to outrage her modesty (Sec. 354C IPC)
- Cruelty by husband or his relatives, (Sec. 498A IPC)
- The Dowry Prohibition Act, 1961
- The Commission of Sati Prevention Act, 1987

According to the DVA, 2005; Domestic Violence mentioned-

I. Any damage or injury that endangers the health, safety, limb or well-being either mental or physical, sexual, verbal and emotional or economic abuse.
II. If one harasses, harms, injures or causes danger to the aggrieved person with a view to compel her or any other person related to her to satisfy any unlawful demand such as dowry or other property or valuable security.
III. If any person injures or causes harm, whether physical or mental to the aggrieved person;
IV. Any person who believes that an act of domestic violence has been or is being committed may give exempts such persons from any liability, civil or criminal.

The constitution of India had enacted several provisions to safeguard women. These are in the form of fundamental rights, including Article14, 15(1), 15(3), 16(2). In addition to the Directive principle of the state that stands for the welfare of women including Article39, 42. Similarly fundamental duties of Article 51(e) also focus on Women development (Das, 2010).

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Many policy and plan have been undertaken by the government to give power to women and protect them from domestic torture and abuse. These schemes are as follows:

- **Swadhar Greh Scheme**: The 'Swadhar' Yojna was conducted with an aim to provide shelter to women living in unhealthy and unfavorable condition. It also insist on the proper care and need of the women under difficult circumstances and under no condition they should be left abandoned which could lead to abuse, exploitation and desolation. (Ministry of women and child development, 2015)
- **Ujjwala**: This Scheme was introduced to bring women engaged in immoral earring to the mainstream and provide shelter to them. (Ministry of women and child development, 2016).
- **One stop center**: 'One stop center' is an initiative to help women affected by violence in private, public, family and workplace. This supports women who are endure physical, sexual, emotional, psychological and economic abuse support women affected by violence, in private and public space, within the family community and at the workplace. Moreover, the women injured in domestic violence, sexual harassment, trafficking, acid attack, witch-hunting and honor killing related crime is benefitted with specialized services. (Ministry of Women and Child Development, 2015).

  Hence, many schemes are sanctioned to improve the circumstances of women and protect them from atrocities. These schemes could not reach to millions of people and lack of awareness remain continue.

Findings

- It has been found that women face more violence by their partner than mother in-law. Sometimes mother in-laws act as a catalyst to instigate violence against their daughter in laws. A study report conducted on the topic "A study of nature, extent, incidence and impact of domestic violence against women in the state of Andhra Pradesh, Chhattisgarh, Maharashtra and Madhya Pradesh" depicted the similarity of the instigator of violence (Planning Commission, n.d.).
- Despite, domestic violence act 2005, there was no decrease in domestic crime against women. The study was conducted on 'Protection of women from the Domestic Violence

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Act 2005: A lesson from a decade of implementation' which gave the statement that despite the implementation of PWDV, the gap continued (Tulsayan, 2016).

- In spite of registered FIR, police are least bothered of domestic violence matters. As a result, their negligence leads to more practice of domestic violence. In the document entitled 'Law enforcement response to Domestic violence call for service' no similarity was observed in the service of police. However, this study reflected that with time, positive changes also occurred in the enforcement mechanism. This was considered as the good indication for the welfare of society (Townsend et.al, 2006).

Recommendations

The researcher put forth the following recommendations:

- It is important to create awareness and sensitize people in common and women in particular about the issues of domestic violence.
- Government as well as non-governmental agencies should encourage the execution of suitable plans and policies to reduce violent behavior against women.
- Central and state government should expand and display the laws related to domestic abuse within home and matrimonial home. It should collaborate with NGOs to work efficiently at grass root level.
- Mass media can also promote domestic violence. Therefore, concrete action should be taken against the media that broadcast, advertise and encourages superiority of men over women.
- Police personnel should be taught about the Domestic Violence Act of 2005. They should be guided about the proper usage of the act with the victim.
- Efforts should be made to include content and sensitize students at school, colleges and university levels. This will not only help women but also men to remain sensitize about the evil behavior of societies. Students should be encourage to restrict such violence in their lives and homes.
- A reform in the judicial system and the strict enforcement mechanism such as domestic violence act, dowry harassment act, need proper implementation is also required.

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- Generally, women remain the mute spectator and suffer at the hand of husband and in laws. Therefore, women must be sensitize and encourage to realize their rights and take action against the perpetrators.
- There should be an establishment of special cell for women suffering from issues of atrocities committed against them at home such as dowry deaths, and suicides.
- Our society is highly patriarchal and this set up are responsible for the brutality against women within and outside the house. Therefore, need is to change the mindset and attitude of the male chauvinist society towards women folk.
- The police do not consider domestic issues as a felony especially the marital violence and dowry related violence. Therefore, unbiased police personnel must be established to deal with the problems related to domestic violence. Moreover, the human values and gender sensitization must be aroused within the law enforcement bodies.
- Free and speedy disposal of the cases relating to domestic violence must be done. This will avoid unnecessary harms, stress and humiliation experienced by victim in their matrimonial life.
- Counseling service must be established in rural and urban areas to provide better assistance to women victim regarding domestic violence. Moreover, this will also help victims to discuss their traumatic experience in their past, take measures and start a new beginning in their life.
- Married women are common victims of domestic violence. Sometimes, mother-in laws play a decisive role to provoke her son against his wife. This area needs a specific improvement. People should spread a word of maintaining affectionate behavior between mother-in law and daughter in law. In this regard, various societal events, competitions, contest can be organized to promote love and welfare among the society members.

Conclusions

It is the matter of concern that despite numerous stringent laws, active judiciary, women's organization crime against women is increasing. It is a serious issue and is pondering as a major factor leading to atrocious violence. The changes that are required to be addressed include thinking of society, its structure and grass roots. The various factors causing violence against

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women within and outside homes need to be addresses carefully. A nation cannot develop without empowering and respecting its women. Women themselves should be aware of their rights and measures should be adopted to sensitize them in social, political and economic matters. In order to develop a healthy environment, positive attitude should be created among women. They should be taught a lesson of independence. Change of attitude of men towards capacity of women, special responsibility of women on child rearing, legislation need action, addressing domestic violence through education should be considered as a matter of priority in the governmental policies and its executions (Goel, 2004).

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