

## *Domestic Violence against Women in Jammu and Kashmir: Nature and Incidence*

*(A Case Study of District Srinagar)*

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### **ABSTRACT**

*The aim of the present paper is to examine the nature and incidence of domestic violence against women. Domestic Violence is a sensitive topic and the varying causes which can spark the violence within the four walls of homes need to be analyzed carefully and study of the factors causing the violence may prevent a family to suffer from the menace of domestic violence. In India comprehensive household data on the prevalence and costs of domestic violence are lacking. This hidden nature of domestic violence against women remains so due to the social construction of the division between public and private affairs, either because women are ashamed to discuss about it, or because no one has thought to ask them about it, or because it is considered as a natural part of culture. The domestic violence against women composes of all acts which hurt the women physically and mentally. Thus, it reflects in all practices related to wife beating, harassment of women, denial of basic rights and needs to women, demand of dowry, threat of divorce to wives, abuse of women by in-laws, bride burning and rape of women. Domestic violence is to be perceived not as a law and order problem alone.*

**Keywords: Domestic, Violence, Nature, Incidence, Sensitive, Beating, Harassment**

### **INTRODUCTION**

Domestic violence is a national problem that affects women of all races, ages, economic status and religions with statistics emphasising the devastating effects of domestic violence on the lives of battered women. Domestic violence is a serious human rights threat



to women in every society rich and poor, developed and industrialised. Particularly in patriarchal societies, it is used as a weapon for subjugating women and suppressing their rights as equal partners in the family structure. Domestic violence is wide spread and cuts across caste, creed, class and all educational levels. Domestic violence is one of the crimes against women which are linked to their disadvantageous position in the society. Domestic violence refers to violence against women especially in matrimonial homes. Therefore domestic violence is recognized as the significant barriers of the empowerment of women, with consequences of women's health, their health-seeking behaviour and their adoption of small family norm.

Domestic violence is a heinous crime against society that has operated as a serious form of oppression of women and which has been increasing in alarming proportions. Incidence of domestic violence crosses all the barriers of class, income, race, culture and religion and is a highly under reported crime. Domestic violence is one of the greatest obstacles to gender equality and securing for women their fundamental rights to equal protection under the law and the right to life and liberty.

Women throughout the world have been accorded lower status than men. Traditionally, women were expected to be married off and settle down in life. Rights of power, position and authority over women were accorded to men. Women were given a very subordinate role and status, as the socio-economic and external conditions prevailing in ancient times were not favourable for the free movement of women. In the 21st century even though women are educated and equally participating in employment with men, still there are the social conventions, traditions and restrictions controlling the life of women directly or indirectly. Violence against women is a serious problem concerning human rights violation. In last two decades violence against women has emerged as the most burning issue throughout the globe.

Violence against women is any act of gender-based violence which results in, physical, sexual arbitrary deprivation of liberty in public or private life and violation of human rights of women in situations of armed conflicts (**Sheela Saravanan, 2000**). Women face restrictions in mobility, usually have less to eat than their male counterparts, are denied proper education and health care, are often forced into early arranged marriages, have few opportunities of employment and are underrepresented in the governments (**Wahed and**

**Bhuiya, 2007**). Violence against women is present across the world cutting across boundaries of culture, class, education, income, ethnicity and age. When the violence occurs within home, the abuse is effectively condoned by the tacit silence and the indifference by the instruments of the state and the law-enforcing machinery. Internationally, one in three women have been beaten, coerced into sex or abused in their lifetime by a member of her own family (**Heise et al. 1999**). The empirical study that numbers of family members, types of marriage and husband's education besides menstrual problems have significant influence on domestic violence **Murthy et al. (2004)**. While many researchers come out with findings that lifestyle of men such as smoking, alcoholism and drugs promote men to commit domestic violence (**Leonard, 1992; Mc Kenry et al., 1995; Rao, 1997 and Bhatt, 1998**). Domestic abuse has many forms, including physical aggression or threats thereof; sexual abuse; emotional abuse; controlling or domineering; intimidation; economic deprivation etc. Domestic violence can be possibly considered the most important element of the set of violence against women because of its far-reaching implications on their health, physical as well as psychological. It is not only a matter of human rights but also a concern of public health **Heise et al. 2002; Bates et al. (2004)**.

## **Nature, Incidence of Domestic Violence against Women**

Domestic violence is as old as Indian history itself. The nature and extent of domestic violence depends upon the quality of life and basic social cultural milieu. Family as an institution laid down certain principles, which regulate the relationship between husband, wife and their children. The domestic violence causes a breach in the husband wife relationship due to many reasons. Primarily, the violence can be categorized in two ways i.e., Mental and Physical. The mental violence can be carried out with the help of psychological weapons (insult, abuse, humiliation etc.), that hurt the individual and the scars are deep rooted. The physical violence includes different types of aggressive /physical assaults i.e., husband beating wife. The physical violence is quite common among people living in lower and lower middle strata of the society. The inmates living in the family are generally affected by such incidents. But the adults such as parents, brothers, sisters and in laws are less affected by such acts as compared to innocent children who are in the formative phase or developing stage. The universality and pervasiveness of violence against women cuts across geographical, cultural and ethnic boundaries, so does it persist despite significant social

changes. The difference is usually one only of culturally or temporarily specific manifestations, but rarely that of the presence or absence of this violence itself. Domestic violence is a problem that affects many people in many countries, nowadays. The victims are mostly women and children and the abusers are usually their husbands /fathers. It usually happens at home, women of all cultures, races, occupations, income levels and ages are battered by husbands.

The domestic violence against women composes of all acts which hurt the women physically and mentally. Thus it reflects in all practices related to wife beating, harassment of women, denial to basic rights and needs to women, demand of dowry, grabbing of working women's money, threat of divorce to wives, eve teasing of girls, sexual exploitation/harassment of women, psychological torture, denial of due property rights, abuse of women by in laws families, attempt to kill women in these families, bride- burning and rape of women.<sup>1</sup> An aspect of power dynamics of social situations, violence is not simply aggression or injury committed by one individual (man) against another (women); it is a behaviour in which a more powerful person takes advantage of and abuses a less powerful one.<sup>2</sup> The domestic violence as in other parts of country is seen in Kashmir as well. In spite of education and economic empowerment of women they are still subjected to many types of violence at her in laws home. There is need to understand the level of violence found in the urban Kashmir, so that socio-legal measures could be taken for preventing the same in future.

Domestic Violence against women is increasing alarmingly in the Kashmir Valley while the studies carried out revealed that more than 40 per cent of women in Kashmir are physically or mentally abused by the husbands or by the in-laws. Observers believe that in most of the cases of domestic violence, the reasons are dowry, interference from in-laws, misunderstandings, giving birth to female babies and it results in a steep rise in the number of domestic violence cases in Kashmir. Domestic violence is a growing menace in the state and it is considered as a private matter which discourages women to reveal it in public or report it.

Thus, a broader view of violence is taken for the purpose of the study. Further, for the purpose of analysis domestic violence against women has been classified as (i) Physical (ii)

<sup>1</sup> Dr. Bashir Ahmed Dabla, (2009), *Domestic violence against women in the Kashmir valley*.

<sup>2</sup> Dr.M.U.Qureshi, (2006), *Women and Crime*. Jay Kay Publishers Kashmir.

Emotional and (iii) Economic. While describing the nature, incidence and extent of domestic violence, different forms of violence used by perpetrators were considered;

**(i) Respondents Perceptions of Domestic Violence:** The perceptions of domestic violence reported by the respondents were different depending upon the nature of violence experienced by them. Naturally, respondents who did not experience any violence could not give their perception in clear terms. Beating by husband was perceived as domestic violence by large majority of respondent (about 90.09 per cent) and torturing by 78 per cent of respondents. Around 35 to 39 per cent respondents perceived scolding, insulting, repeated quarrels, mental harassment and rude behaviour, singularly or jointly, as domestic violence against women. About 30 to 40 per cent respondents treated sexual abuse and suspecting character as their perception of domestic violence. Thus, it is clear that there is no uniformity about the nature of domestic violence in the opinion of the respondents.

**(ii) Instigators of Domestic Violence:** Domestic violence is not a natural phenomenon and as such is not the outcome of natural relationship and behaviour. In reality, it is the effect of some precipitating factors and instigation. Mother-in-law in the family is regarded as the principal instigator of violence against daughter in law.

However, the findings of this study do not support this view. The study reveals that in majority of the cases (90.09), the husband was the principal instigator of violence as against 40 per cent of the cases, wherein mother-in-law played major role in instigating violence. Instigation from father-in-law and brother-in-law was not significant. However, sister-in-law was not much behind in instigating violence. Our study indicates that husband is the principal instigator and also executor of violence in the family.

**(iii) Nature & Extent of Physical Violence:** The most common and frequently used forms of physical violence reported by the respondents are slaps, beating, pushing, kicking, throwing objects, beating with cane, burning with rod, holding with rope, sexual coercion or assault. Out of these beating, kicking, slapping and pushing were reported by about 58 per cent of the respondents as the forms of domestic violence.

Most of the respondents in this category were from middle class and lower class families and in 90.09 per cent of the cases the perpetrators were their husbands. Assault with weapon and sexual assault were reported only in about 30 per cent to 40 per cent of the cases.

Thus, in majority of the cases, the forms of physical violence used by the perpetrators were found to be beating, slapping, pushing, kicking, assault with weapons and sexual abuse.<sup>3</sup>

**(iv) Nature and Extent of Emotional Violence:** Domestic violence also includes placing a woman in fear of imminent serious bodily harm by threat of force. This causes a reasonable person to suffer substantial emotional distress. The respondents were asked to describe the nature and extent of emotional violence used against them by the perpetrators. About 22.3 per cent of the victims of domestic violence reported that they were emotionally abused by insulting them in the presence of their children and relatives, by blaming them for everything that went wrong in the family, levelling charges against them on small and negligible matters and compelling them to feel guilty for no fault of theirs. The study also revealed that about 0.99 per cent of the respondents were given threats of divorce, treated like servants in the family and were harassed in a number of ways. The worst type of emotional abuse experience by about 11 per cent of the respondents was the repeated charge of extra-marital relations. A number of respondents, it is observed, were not allowed to meet their friend, relatives and parents, they had no freedom to express their views on family matters, their health problems were neglected and strict watch was kept on their movements. To state precisely, a sufficiently large number of respondents (about 22.3 per cent) were the victims of emotional abuse. The study also revealed that the incidence and extent of emotional abuse was more in urban areas as compared with rural areas. Similarly, the victims of emotional violence were more in number from upper class, higher-middle class and lower-middleclass families as compared to lower class families and families living below poverty line.

**(V) Economic Abuse:** Economic abuse is a new concept in domestic violence. It is the result of dependency. Women's access to resources is largely determined by their relationships to men through marriage. The dependency of women is fully exploited by men for controlling women. In the present study efforts were made to find out how far dependency results in economic abuse of women. In order to maintain dependency the women respondents were prevented from taking a job, they were forced to leave the existing job, full salary was forcefully seized from them, they were pressurised to bring money from their family of orientation and they were not given freedom to make purchases of their choice.

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<sup>3</sup> Agence Flavia (1987). *Violence in the family: Wife Beating*. Rehana Gandially (ed.) New Delhi: Sage Publications.



**(vi) Frequency of Violence:** Violence against women, if occasionally caused, does not assume the form of a problem. However, when it is repeatedly used, for whatever reasons, it does become a cognisable issue. As a part of this study, it was, therefore, enquired as to how many times the act of violence is repeated in the case of a victim.

The results revealed that about 21.3 per cent of the respondents faced violence practically every day. Incident of violence in the cases of 24.7 per cent of the respondents faced violence once or twice in a week. About 27.3 per cent of the respondents faced violence in a year. It was observed that the frequency of violence was not uniform in all cases and there was variation from one case to the other. No significant difference was noticed between the rural and urban areas in this respect. However, it was observed that frequency of violence was more in lower class and below poverty line families as compared to families belonging to upper class and middle class families. Further, as compared to joint families, the violence appeared to be more frequent in nuclear families.

**(vii) Duration of Violence:** The respondents were asked to state as to how long they were being abused. A large majority (80 per cent) of respondents informed that they were victims of violence for the last more than five years, followed by 70 percentages of respondents who were being harassed in their family for the last one to five years. It is observed that these women are living under violent conditions due to a number of limiting factors.

**(ix) Impact of Domestic Violence:** Domestic violence is not considered seriously unless it involves homicide or serious physical injury to the victim. However, from the stand point of victim violence, in whatever form or in whatever degree, is violence.

The reactions of victims about the violence experienced by them are likely to be different depending upon their level of education, family background, life situation and availability or non-availability of alternatives. The reaction to abuse may be sudden or instant, it may also culminate into long-term impact on the life of the victim, her children and family as a whole.

The immediate reactions to violence as reported by the respondents were resistance, fighting back, hatred against the abuser, feeling of taking revenge, helplessness, humiliation and shame. It was observed in analysis of data that about 26 per cent of the respondents resisted the violent action of the perpetrators and about 60 per cent fought back for defending them from the abuse. However, 10 per cent of the total respondents were helpless and had to

surrender to the perpetrators. About 4 per cent of the respondents in each case developed hatred against the abusers and had a strong feeling of taking revenge. Feeling of helplessness and shame was also reported by some of the respondents.

**(x) Coping Behaviour of Victims:** The victims of domestic violence adopt a number of strategies for dealing with the abusive situation. The strategies depend upon their perceptions of violent situation. The analysis of victims immediate reactions to violence indicated that their reactions were either self-directed or directed to others.

However, when the strategies bear no results the victim feels helpless and is compelled to seek some help from other persons. The sources of help are informal and formal. The victim in the first instance approaches informal sources for help and when she fails in seeking their help the victim has no other alternative than to seek the help from formal sources. In the present study, we have examined the coping behaviour of the victims of violence with reference to personal strategies, use of informal assistance sources and formal help sources. It is observed that the victims have first used informal help sources before approaching the formal help sources, when personal strategies failed to give expected results. The analysis of data clearly showed that in majority of the cases (44%), family members did not intervene to stop the violence, when the respondents were abused in their very presence. It is observed that in more than 50 per cent of the cases from district Srinagar there was no intervention of family members when the respondents were abused physically, verbally, emotionally and economically. There was no significant difference in the attitude of family members from urban and rural areas and from upper class, middle class and lower class families. Nearly 49 per cent of the respondents approached the informal sources with a view to seek their help but about one-third of them could not do so for reasons not disclosed by them. In minority of the cases the victims were advised to patch up with the abusers or break off their marriage. Only in about one-third of the cases, the victims were directed to seek help from NGOs or police or seek the advice from lawyers.

It is interesting to note that in spite of the abusive situation the victims continued to live with the perpetrators. An enquiry into the compulsions under which they were living in abusive situation revealed that majority of them had no other place to go for shelter. (43%); about one-fourth had to do so for the sake of their children and nearly 16 per cent of them



were tolerating the abuse under pressure from their parents. There were others who hoped that situation will change for better in future.

**(xii) Long-term Impact of Domestic Violence:** In the present study, attempts were made to examine the long-term impact of domestic violence on the personal and social life of the victims. About 5 per cent of the respondents did not report any long term impact of violence. However, about 38 per cent of the respondents were mentally disturbed and disorganised; about 23 per cent in each case reduced their social contacts and were ashamed of mixing with friends and relatives and about 26 per cent were living with impaired health. Thus, more than three-fourth of the respondents were victims of long term impact of violence.

**(xiii) Impact on Family Life:** The domestic violence against women spoils the cordial relationships among the members of the family. The data analysis revealed that due to violence perpetrated against women the conjugal relations were strained and were always under tension in about 39 per cent of the cases. Quarrels took place on minor issues frequently in about 29 per cent of the families. Mutual trust between the husband and the wife was lost in about 23 per cent of the cases and communication gap widened in about 21 per cent of the cases. Thus, as reported by a large majority of the respondents (about 81 per cent) the normal family life is disturbed and adversely affected due to violence against women.

**(xiv) Impact on the Life of Children:** How and in what manner the life of children is affected due to domestic violence? The serious impact of verbal and physical violence against women leads to loss of respect for elders in the family. The data analysis disclosed that in about 20 per cent of the families the children lost respects for their parents, they were not properly taken care of by the abused mothers and they always remain under tension. The responding mothers also reported that the personality development of the children was blocked (16%) and they were afraid that their children may become the abusers in their life (10%). Thus, the life of the children in the families where their mothers are abused gets adversely affected.<sup>4</sup>

**(xv) Impact on Sex-life of Victims:** About 70 per cent of the respondents gave positive response to the question on sex-life. The respondents both from urban and rural areas and from families having different social status freely expressed their views on impact of violence on their sex-life. A majority of 23 per cent of the respondents out of 202 reported that they

<sup>4</sup> Ganguly Arti (1993). *"Violence in the Family" An objective Analysis in Promila Kapur (ed.) Girl-Child and Family Violence, New Delhi: Har Aanand Publications.*

have lost interest in sex as well as love for their husbands due to violence committed on them in which their husbands were directly or indirectly involved. Nearly 90.09 per cent of the respondents developed irritation for their husbands because husbands themselves were the perpetrators of violence against them. As the memories of violence and inhuman treatment invaded the minds of about 13 per cent of the respondents could not get satisfaction during and after the sex.

**(xvi) Opinion about the Relief available to the Victims of Violence**

It was observed during the process of investigation that a large number of respondents were ignorant about the relief available to the victims of domestic violence. Therefore, the investigators had to explain to them the nature and sources of relief available under law and with the social organisations before recording their opinion on the reliefs available. In spite of these efforts on the part of investigators about 19 per cent of the respondents indicated their inability to state their opinion on the relief available to victims of violence. In the opinion of about 15 per cent of the respondents the relief available to the victims were not effective as far as the protection of interest of the abused women was concerned. Nearly 12 per cent of the respondents rated the available relief as insufficient to meet the requirements of the victims. “The relief measures were described as complicated due to procedures that were beyond the understanding of ordinary victims” was the opinion of about 18 per cent of the respondents and equal per cent of the respondents firmly stated that the available relief was not guaranteed. Thus, about 80 per cent of the respondents were not satisfied with the relief available to victims of domestic violence.

**(xvii) Suggestions for Reducing/Curbing Domestic Violence:** It is to be noted that most of the respondents were confused about the suggestions to be made for reducing domestic violence. In spite of this the respondents from urban as well as rural areas suggested a number of measures to curtail the incidence of domestic violence against women. The measures suggested by the respondents were (I) creating awareness on family and community level (47 per cent), (ii) very strict and effective law to punish the abusers and protect the victims (31 per cent), (iii) Family orientation for cordial interpersonal relations among the family members (30 per cent), and (iv) launching a drive against the evil of domestic violence by social activists (25 per cent). Suggestions like public defamation of abusers, social boycott of perpetrators and spiritual guidance by religious leaders etc. were also made by about 15



per cent of the respondents. Thus, the measures suggested by majority of respondents point out to the lacuna in the present efforts on the part of social organisation and Government policy regarding this issue.

### **CONCLUSION**

Domestic Violence is a sensitive topic and the varying causes which can spark the violence within the four walls of homes need to be analyzed carefully and study of the factors causing the violence may prevent a family to suffer from the menace of domestic violence. In India comprehensive household data on the prevalence and costs of domestic violence are lacking. This hidden nature of domestic violence against women remains so due to the social construction of the division between public and private affairs, either because women are ashamed to discuss about it, or because no one has thought to ask them about it, or because it is considered as a natural part of culture. Domestic violence is to be perceived not as a law and order problem alone. Primarily it is a socio cultural problem. Its impact has far reaching effects on the family life, health of woman, life of children etc. Studies such as these which examine the causes, its nature and manifestations and consequences would assist the general society to understand the magnitude as well as its implications on the lives as well as the institution of family. Examining the characteristics of the women who experience violence and the contexts in which they live helps to identify some of the common risk factors, if any, for violence.

### **SUGGESTIONS**

It is to be noted that most of the respondents were confused about the suggestions to be made for reducing domestic violence. In spite of this the respondents from urban as well as rural areas suggested a number of measures to curtail the incidence of domestic violence against women. The measures suggested by the respondents were (I) creating awareness at family and community level, (ii) very strict and effective law to punish the abusers and protect the victims, (iii) Family orientation for cordial interpersonal relations among the family members, and (IV) launching a drive against the evil of domestic violence by social activists. Suggestions like public defamation of abusers, social boycott of perpetrators and spiritual guidance by religious leaders etc. were also made by about 15 per cent of the respondents. Thus, the measures suggested by majority of respondents point out to the lacuna

in the present efforts on the part of social organization and Government policy regarding this issue.

1. It has been generally observed that all practices related to violence against women may not be controlled wholly or negated completely with the formulation and application of the relevant social legislation only. There is also the need of broader social support through the organization of social movement against these inhuman practices. Thus, the legal and social efforts at various levels jointly may lead to the resolution of the problems created by these practices.

2. Social legislature may be carried out about all practices related to violence against women. In this connection, while it may be updated/ revised in the context of radical changes, uncovered areas in domestic violence against women, such as torture-harassment by in-laws and grabbing the salary of working women, may be covered fully.

3. It seems important to establish sufficient number of family courts in State to deal with and resolve chronic as well as fresh cases of domestic violence against women. If this practice succeeds in resolving significant number of relevant cases, it will have long-term positive implications on the resolution of problems of the concerned women. Some cases, especially related to separation, divorce, maintenance, inheritance rights, torture, dowry deaths, molestation and physical beating, may be taken up and resolved to the maximum satisfaction of the parties concerned.

4. In addition to the police and courts, the role of the 'Mohalla Committees' seems highly relevant and needed for the realistic, effective and productive resolution of women's problems related to domestic violence. These committees may compose of the social notables, senior citizens, family/clan heads and other relevant persons of the concerned locality and may function within the local area only.

5. It seems necessary to develop among women awareness about their rights and obligations in all fields of life. While this process may be carried out in the schools, families, educational, religious, political, and cultural and other institutions, it needs a broader, deeper and continuous campaign by women as well as by men. Without proper social awareness among women, they can neither think about nor can resist different practices related to domestic violence against them.

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