



## Domestic Violence against Women: Issues and Challenges

**Mrs. Abhilasha Gaur Saraswat & Dr. Anupma Mehrotra**

Researcher Lecturer, Home-Science SRS Girls Degree College Bareilly.

Guide Associate Prof, Home –Science DAKPG College, Moradabad

*In ancient India, women enjoyed a significant role not only at home but in the society as whole. Many Vedic hymns are attributed to the women sages. The dialogue between Gargi and Yajnavalkya in the Brihadaranyaka Upanishad reflects the position that women held in the public sphere. The Turkish and Afghan invaders changed the gender equation in the sub – continent. The locals having lost the battle into subjection were coerced to hand over their women and so to protect the honour and chastity of the women became a major societal aim for the local population. The purdah system came in vogue as a result. A series of superstition and oppressive customs were manufactured that confined women within the four walls of their house. The patriarchy dominance was total. The male dominant society would not give women due regard and respect and the system continues to linger even in the twenty-first century.*

*As its most basic and obvious level, “Violence is an act carried out with the intention or perceived intention of physically hurting another person.” Adding the gender dimension to that definition amplifies it to include violent acts perpetrated on women because they are women. Women are vulnerable to various forms of violent treatment for several reasons. First and foremost because of being female, a woman is subjected to rape, female infanticide and sex related crimes. Secondly because of mere relationship to a man a woman is vulnerable to domestic violence, dowry, murder etc. Finally, because of the social group to which she belongs, in times of war, riots, or ethnic caste or class violence, a woman may be brutalized as a means of humiliating the community to which she belongs. Wife beating knows no class, race or religious distinctions particularly in our country. Women battering is not just an aberration the behaviour of a number of disturbed men; it is a violent manifestation of a male domination over women and the patriarchal attitude that sees women, especially wives as the property of men.*

### **Various forms of domestic violence**

The situation of Indian women cannot be fully understood without fully discussing the issue of violence committed against women throughout their life cycle – ranging from foeticides, infanticides, torture, rape, molestation, battering, trafficking, prostitution, forced marriage, sterilization, dowry death, custodial violence and

so on. According to the UN definition, the deprivation and denial of opportunities for basic human amenities and means of livelihood like health, education, training, skill building etc. are also part of violence against women. In recent years a new dimension has been added by the terrorist violence in some parts of the country, which has forced people to migrate from their

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native places. Women have become the worst sufferers in the process. Violence against women is a reflection of the deep rooted “gender ideology “ of the society. Often the crimes are committed by people who are traditionally supposed to be their protectors. But the victims, specially the sexually abused girls and women get the burnt of the act more than the abuser. Domestic violence is a means to keep women within the contrast of socially accepted decision makers. It is also a preventive measure for defying male authority and interference. Rape, molestation, kidnapping / abduction, eve-teasing / sexual harassment, dowry deaths and his relatives comprise the major crimes against women in the country. During the past one decade a rising tendency of violence against women and stepping up of trafficking and abuse of women has been noticed. Considerable rise in cruelty towards women within matrimonial homes shows the declining status of women. Domestic Violence includes harassment, maltreatment, brutality or cruelty and even the threat of assault-intimidation. It includes physical injury, as well as willfully or knowingly placing or attempting to place a spouse in fear of injury and compelling the spouse by force or threat to engage in any conduct or act, sexual or otherwise, from which the spouse has the right to abstain. Confining or detaining the spouse against one’s will or damaging property are also considered as acts of violence (Bedi, 1998). One of the commonest forms of violence is battering – i.e., Beating of women by men. Battering produces emotional as well as physical scars. While the bruises or knife wounds fade, the emotional injuries slowly kill the spirit. Psychological abuse is very difficult to capture in

studies. It has been found that severe psychological stress and living under terror and the mental torture of violence can lead to self-destructive behaviour and fatal consequences such as suicides (Heise, Pitanguy and Germain, 1994; IPPF, 1998; Rao, 1997).

The National Crime Records Bureau (NCRB) Report for the year 2011 highlights some staggering statistics about the domestic violence against women. The percentage share of domestic violence against women in the cognizable crime has grown from 3.8% in 2007 to 4.3% in 2011. According to the report of National Commission For Women (2015) more than 9700 cases of atrocities against women, including domestic violence and rape, have been registered since April one this year, with Uttar Pradesh seeing the highest number of such cases.

### **Factors perpetuating domestic violence**

The various factors that perpetuate domestic violence can be divided under the following categories:

#### **Cultural**

- \*Gender specific socialization
- \*Cultural definitions of appropriate sex roles
- \*Expectations of roles within relationships.
- \*Belief in the inherent superiority of males.
- \*Values that give men proprietary rights over women and girls.
- \*Notion of the family as the private sphere and under male control.
- \*Customs of marriage (bride price / dowry).
- \*Acceptability of violence as a means to resolve conflict.

#### **Economic**

- \*Women’s economic dependence on men.
- \*Limited access to cash and credit.
- \*Discriminatory laws regarding inheritance, property rights, use of communal lands.
- \*Maintenance after divorce or widowhood.

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\*Limited access to employment in formal and informal sectors.

\*Limited access to education and training for women.

### Political

\*Under-representation of women in power, politics, the media and in the legal and medical professions.

\*Domestic violence not taken seriously.

\*Notions of family being private and beyond control of the state.

\*Risk of challenge to status quo/religious laws.

\*Limited organization of women as a political force.

\*Limited participation of women in organized political system.

### Legal

\*Lesser legal status of women either by written law and/or by practice.

\*Laws regarding divorce, child custody, maintenance and inheritance.

\*Legal definitions of rape and domestic abuse.

\*Low levels of legal literacy among women.

\*Insensitive treatment of women and girls by police and judiciary.

The above mentioned factors act as challenges faced by the society and its members, specially females who have to face them daily in their routine in one form or the other. Essentially, violence happens in three contexts :- the family, the community, and the state. At each point key social institutions fulfill critical and interactive roles in defining, legitimating and maintaining the violence.

### The

### Family

The family is a major site of violence. A family is vulnerable even before birth as sex-determination tests now provide the means to selectively abort the female foetus. During childhood, a girl child is often deprived of food and medical care in favour of her male siblings. While her mother is systematically disciplined, through beatings, to fulfill her domestic duties towards the husband and family, Amartya Sen's Papers presented in NCRET-2K16 Conference can be accessed from

1990 Essay "More Than 100 Million Women Are Missing", revealed that due to a complex interaction of cultural and economic dynamics, played out largely through decision made in the home against the well being of females, there are infact regions in the world where the ratio of women to men is dramatically imbalanced. Overt control of a woman's sexuality, through either forced pregnancy or forced abortion by the male, is another form of gender violence perpetrated within the family.

### The Community

"Community", the social, cultural, religious, ethnic, or racial reference groups – those from which people derive sense of identity and key values play a critical role in reinforcing the structure of the family and the position of women within it. Female circumcision (more accurately described as genital mutilation) occurs not only with the moral support of the cultural community, but also by persons regarded as agents of the community, such as local healers or midwives. Witch-burning, sati, punishment for extramarital sex including rape and other forms of physical chastisement are among additional practices of gender violence perpetrated towards women in the name of preserving ethnic or religious integrity. At the level of community, the communication media play a role in perpetrating violence against women through overt pornography, or graphic expressions of female sexual subjugation through violence.

### The

### State

The third location of gender violence is at the level of the State itself, although State culpability is difficult to categorize. Establishing State accountability in gender violence is elusive since most states consider acts of violence towards women to be "private" in nature and carried out by non-state agents. Rape and torture of woman in detention by their custodians is the most obvious situation in which the State can be identified as a direct agent of gender violence, overt government policies, such as forced



sterilization or experimentation on women with unsafe drugs, are also examples of State-sponsored gender violence. Finally the State's culpability in perpetuating violence through omission, that is, by failing to take appropriate measures to protect vulnerable women, is becoming evident. Under this concept, the State becomes blameworthy by not passing or enforcing appropriate laws and policies to protect women from, for example, battery in the home. The State is also guilty of condoning violence when it accepts the "honour defence" and grants men immunities for violence in cases where they murder their wives or lovers. Thus, the state is not just a locus of violence, but under certain circumstances, the perpetrator as well.

### **Government initiatives to combat domestic violence**

To address the widespread problem of domestic violence against women and to create an institution of protection officers for protection of women from domestic violence, the Ministry of Women and Child Development also brought out a legislation called 'Domestic Violence Against Women (Prevention) Bill, 2000', which came out as an Act in the year 2005 viz, 'The Protection Of Women From Domestic Violence Act, 2005' and 'The Protection Of Women From Domestic Violence Rules 2006'. According to the DVA, 2005; Domestic Violence includes:-

1. Any harm or injury that endangers health, safety, limb or well-being either mental or physical abuse, sexual abuse, verbal and emotional abuse or economic abuse.
  2. If one harasses, harms, injures or endangers the aggrieved with a view to coerce her or any other related to her to meet any any unlawful demand for any dowry or other property or valuable security.
  3. If one injures or causes harm, whether physical or mental to the aggrieved person. This act ensures the reporting of cases of domestic violence against women to a
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"Protection Officer" who then prepares a Domestic Incident Report to the magistrate and forward hard copies thereof to the police officer incharge of the police station within the local limits of jurisdiction. According to DVA, 2005; Domestic Violence includes in addition to the Constitutional provisions and legislative measures, various institutional support systems for services to women affected by violence such as National Commission for women, Human Rights Commission, Innovative Justice Delivery System, (Family court, *Parivarik Mahila Lok Adalat*), Special law enforcement mechanism (Women Police Station and Crimes Against Women Cell) Legal Aids and Public Interest Litigation, Media Camps and Sensitization of all concerned are also available for support of women on the violent situation.

### **Conclusion**

An old Sanskrit saying reminds us that Gods dwell in the place where women are worshipped / respected. If such is our great heritage, the why do our womenfolk in this enlightened 21<sup>st</sup> century also continue to be at the receiving end of domestic violence? This is indeed a paradox. Mere Lip- Service or glib talk about the emancipation of women is not sufficient. A concrete, determined effort is needed to eradicate this evil from our midst. While any appreciable change in the status and role of women requires sweeping social change, what is most important is for a woman to know her rights. Women can and should use the legal system to their advantage. In addition, by insisting on the protection and assertion of their rights, women may begin to encourage social change needed so desperately. One cannot deny the positive correlation between education and development. A large number of studies have proved that women's education leads to rise in their ability and capacity to control their lives and surroundings. Education also leads to greater control over their lives and choices. A holistic



approach towards empowerment of women with concrete results can only be attained through education of women. There is no disagreement that nothing is more important for sustainable development than the social, economic, and political empowerment of women and their education is the only sustainable route for actual empowerment.

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