SUMMARY

The main aim with which this study was undertaken was to make the issue of violence against women a “centrality”. The purpose of this study was to identify the problems critical to women that were not previously understood as developmental or human rights issue. One such area that has emerged is the phenomenon of domestic violence. An initiative has been made through this Study in creating a shift in perspective from viewing the issue of violence within the family as one falling strictly within the “private” domain to one that merits ‘public’ concern. Though a woman faces violence within the home throughout her lifetime starting from birth, yet this Study has taken up the issue of Domestic Violence alone. Infact, it is not to say that other forms of violence against women are no less critical.

Chapter 1 gives an overview of the problem of domestic violence. It provides insight into the issue of gender inequality and defines the phenomenon of domestic violence in different countries and says that, “there is no universally accepted definition of violence against women”. The definition of United Nations Declaration on the Elimination of Violence Against Women (1993) refers to the gender –based roots of violence, recognising that “violence against women is one of the crucial social mechanisms by which women are forced into subordinate position
compared with men.” It broadens the definition of violence by including both physical and psychological harm done towards women, particularly in three areas: violence occurring in the family, within the general community, and violence perpetrated or condoned by the State. WHO adopted a typology that categorizes violence in three broad categories, according to those committing the violent act:

- self-directed violence,
- interpersonal violence,
- collective violence.

Further America, India and Britain almost all countries define violence as per the above given definitions. The chapter also gives a small insight into the abusive behaviour of the abuser and the abusive patterns faced by women in different countries and circumstances.

Elaborating the gender dynamics of domestic violence, it says that masculinity and feminity are defined not by biology but by social, cultural and psychological attributes, which are acquired through becoming a man or a woman in a particular society at a particular time. The term gender is hence used to describe those characteristics of men and women, which are socially defined, in contrast to those which are biologically determined. While sexually differentiated bodies can be seen as an important aspect of the human experience, it is in the socially
differentiated arrangements of gender that we must seek an explanation for the very different ways in which men and women experience the world. Gender-based violence is an extremely complex phenomenon, deeply rooted in gender/power relations. Power dynamics strongly influence or constrain women’s ability to exercise choices in their own lives, including choices that would enable them to resist abuse. Societal norms about gender relations often reinforce this lack of choice. However, sexuality and self-identity and cultural beliefs that perpetuate women’s subordinated status whereby violence against her is legitimized also form an important aspect of gender violence.

The last part of the chapter discusses the development and formal recognition of women’s right as human rights and the fact that violence against women is a form of violation of their human rights.

Chapter 2 discusses the scope and the magnitude of the problem. Most of the data available on violence against women are believed to be not only conservative, but unreliable. Studies vary in the sample size of women chosen, and the ways in which questions have been posed. It is difficult to compare these studies because of inconsistency in the definition of domestic violence and in the parameters used, which can range from physical abuse alone, to physical, sexual and psychological abuse. Debate regarding the magnitude of the problem is also clouded by
the fact that domestic violence is a crime that is under-recorded and under-reported.

Globally, women in non-conflict settings are at greatest risk of violence from their husband or intimate partner, rather than from strangers or others known to them. The results are consistent with similar studies from industrialized countries, and challenge commonly held perceptions that the home is a place of safety or refuge for women.

Chapter 3 deals with the causes of domestic violence. It says there is no one single factor to account for violence perpetrated against women. Increasingly, research has focused on the inter-relatedness of various factors that should improve our understanding of the problem within different cultural contexts.

Several complex and interconnected institutionalised social and cultural factors have kept women particularly vulnerable to the violence directed at them, all of them manifestations of historically unequal power relations between men and women. Factors contributing to these unequal power relations include: socio-economic forces, the family institution where power relations are enforced, fear of control over female sexuality, belief in the inherent superiority of males, and legislation and cultural sanctions that have traditionally denied women and children an independent legal and social status. All of these have been dealt with
under separate categories of cultural/social/religious, economic, political and legal.

Coming to Chapter 4, it briefs us about the consequences of domestic violence. Violence against women is a violation of women’s human rights and prevents women from enjoying their human rights and fundamental freedoms, such as the rights to life and security of the person, to the highest attainable standard of physical and mental health, to education, work and housing and to participation in public life.

Such violence perpetuates the subordination of women and the unequal distribution of power between women and men. It has consequences for women’s health and well-being, carries a heavy human and economic cost, hinders development and can also lead to displacement. The chapter elaborates on 4 most common and crucial consequences: Denial of fundamental rights, human development goals undermined, health consequences and the socio-economic costs of violence against women that includes—direct costs, non-monetary costs, economic and social effects.

Chapter 5 is one of the most important chapter dealing with strategies and intervention. Emphasising the need for an integrated approach A multi-layered strategy that addresses the structural causes of violence against women while providing immediate services to victim-
survivors ensures sustainability and is the only strategy that has potential to eliminate this scourge.

When planning strategies and interventions, there are a variety of stakeholders that should be borne in mind. Partnerships with these stakeholders can operate on several levels at once - at the level of the family, within the local community, within civil society, at the state level and at the international level. The chapter concludes with an emphasis on rethinking and redefining the stereotype roles of men and women.

Chapter 6 deals with ways and methods of combating domestic violence. The Chapter begins with a discussion on the International standards and the Government of India’s responsibilities and commitments. Quoting an article by Radhika Coomaraswamy, the chapter says “It is the duty of the state to ensure that there is no impunity for the perpetrators of such violence. Often state policies and inaction perpetuate or condone such violence within the domestic sphere. States have a double duty under international human rights law. They are not only required not to commit human rights violations, but also to prevent and respond to human rights abuses”. Coomaraswamy says “three doctrines, developed by human rights scholars and activists, have to be taken into account when dealing with the issue of violence against women by private actors. The first is that states have a responsibility to exercise due
diligence to prevent, investigate and punish international law violations and pay just compensation.” Second is that the states have to ensure equal treatment in the eyes of law as well as equal protection of law to all its subjects. The last is to treat domestic violence as a form of torture punishable by law.

The reality of the situation on the ground for women and members of vulnerable groups continues to be extremely harsh despite the Constitutional, legislative and administrative framework in place in India. The failure to implement protective provisions and continuing gender, caste and class biases within society ensures that Constitutional and legal safeguards are rendered meaningless to many. Violence against women does not only have a physical impact but also an impact on their ability to enjoy the full range of rights including social, economic and political: the right of women to enjoy the full range of rights is indivisible.

Today, many States recognize the importance of protecting women from abuse and punishing the perpetrators of the crime. The following steps have been suggested for the same:

(a) Criminalization of wife beating.
(b) Legislation for protection of women from domestic violence.
(c) Police action
(d) Training and community support services.
(e) Cooperation at all levels – Govt and society
The Chapter further discusses various laws passed by various countries for the protection of women from domestic violence. Last but not the least it discusses “The Protection of Women from Domestic Violence Act, 2005” passed by the Government of India. Listing its key features it provides an analysis of the judgements passed under it. An analysis of the judgements passed by the judiciary under the law passed by the executive is necessary for the proper assessment of the benevolence of the legislation.

Chapter 7 deals with the questionnaire that was circulated among the Respondents. There were 2 category of Respondents. One was the uneducated/less educated, working/non-working, rural, lower income group, and the other was educated, working/non-working, urban, middle/higher income group. After analysing the answers of the Respondents, a result was prepared. This result proved the hypothesis that lack of knowledge and awareness on the part of the Respondents about their rights rendered them incapable of appreciating the fact that situation of violence leads to denial of fundamental rights. This preposition has however been supported by an international consensus that has come into existence which asserts that incidents of domestic violence lead to denial of fundamental rights.

As far as violence among the three categories of (a) working and
non-working (b) educated and uneducated (c) urban and rural, are concerned, it was found that factors like “non-visibility” “behind closed doors” and “non-reporting of cases” due to family pressure or fear of the police and judicial delays kept the incidences of domestic violence hidden among educated/middle and higher income group. An important factor was “saving the family honour” as some women reported that their natal family might also disown them if they report such incidences to the authorities. It is thus clear that there is no criterion of violence happening or not-happening in a given situation.

Although most women in the survey were in favour of having laws on domestic violence and also in favour of the perpetrators of crimes being punished, yet a sizable number of them were against filing complaints against their husbands and in-laws in case of domestic violence. This contrast is a reflection of the fact that though women want protection yet they have not been able to rise above the patriarchal psychology ingrained in them for generations. The responses sought from women in the survey show that state has a huge responsibility on its shoulders to protect women from violence and discrimination. There is a growing legitimate expectation from the State to provide protection even within the four walls of home. This reflects the seriousness and the extent of domestic violence which results in gender based inequality.