Chapter 3
History of Domestic violence

Domestic violence is an age-old and universal problem that has existed for centuries. It has occurred in different forms in different periods of both unrecorded and recorded history. This occurrence lays testimony to the fact that most of the societies were patriarchal headed by a male member. During pre-biblical times when man did not understand their role in procreation, men 'feared, adored and obeyed the matriarch; the hearth which she tended in a cave or hut being the earliest social center and motherhood their prize mystery. When men realized their role in procreation, their status increased while a woman’s decreased and patriarchy became the norm. Davidson demonstrates how the Biblical story of Adam and Eve is used to perpetuate the inferior status of women because woman (Eve) being created out of man’s (Adam) rib clearly signifies her secondary status. The blame for the events in the Garden of Eden is also given to woman, not the man; thus making women culturally legitimate objects of antagonism (Davidson, 1977).

In the 6th century B.C., during the reign of Romulus in Rome, The Laws of the Chastisement permitted wife beating thus giving the husband the absolute
rights to physically discipline his wife. Further the law also provided protection to the husband from any kind of harm caused by the wife’s actions. It is in these ancient practices that we may trace of the origin of the theory of Rule of the Thumb. It simply meant that the husband could beat his wife with a rod having a circumference equal to the girth of the base of the man’s right thumb. Women were held in suppression during the middle or the ‘dark’ ages by the Roman and Jewish laws. Constantine the great was said to have burned his wife alive when she was of no use to him (Lemon, 1996). Europe in the middle ages saw domestic violence being perpetrated both by the higher classes and the ordinary men. The squires and noblemen beat their wives as regularly as they disciplined their slaves and following this example the peasants inflicted violence upon their wives. Unfortunately the church seemed to support patriarchal domination and women were looked upon as a different species whose only objective in life was to please the husband and win their goodwill through absolute devotion and service. A medieval Christian scholar, Friar Cherbubino of Sienna, wrote Rules of Marriage in support of wife beating (ibid).

The 16th century English courts did not recognise marital rape and advocated the contractual contract theory by which wives could not withdraw the consent given in the marriage contract until divorce. Some features of English common law were also followed by the early settlers of America who
permitted wife beating for correctional purposes. Late 16th century reign of Ivan the Terrible in Russia saw the issuance of Household Ordinance that provided descriptions on when and how a man might most effectively beat his wife. England, throughout the late 1500's had norms supporting violence against women. ‘The Golden Age of the Rod’ was the metaphor used to teach women and children that it is their sacred duty to obey the man of the house (Martin D. , 1981). Towards the late 18th century, beginnings with Mary Wollstonecraft’s ‘A Vindication of the Rights of Women’ (1792), gradual changes were seen in the area of wife beating and domestic violence with revision of statutes, inheritance laws and divorce rules. Later, John Stuart Mills’ ‘The Subjection of Women’ (1861), Francis Power Cobbe’s ‘Wife Torture in England’ (1878) followed much later by Betty Friedan’s ‘The Feminine Mystique’ (1963) influenced social outlook and exposed the problem of domestic violence, especially wife beating and challenged conventional thinking of the times which proved to be important steps culminating in the Feminist Movement which laid the revolutionary claim that ‘the personal is the political’ (Howard & Lewis, 1999).

The subordination of women is a common feature of all stages of history but what is typical in the context of India is the resistance to its elimination by society at large and society’s lack of recognition of it as a serious issue (Ahmed-Ghosh, 2004). According to Rizvi “the typical Indian family follows
the principles of Manu which is based on exercise of authority and power. It may or may not be wielded by a male but it certainly draws the legitimacy with the male line and is derived as well as determined by economic and power relations within the larger society and culture” (Rizvi, 2002).

There is an urgent need to look at the structural framework of gender relations, i.e., to the nature and basis of the subordination of women and its extent and specific form in early Indian society (Chakravarti, 2004). However attempts to look at the status of women in Indian society is rendered difficult owing to the “infinite variation on the status of women diverging according to cultural milieu, family structure, class, caste, property rights and morals (Thapar, 1975).

Women in the hunting gathering economy had a valuable role both in the production and reproduction process. Neumayer characterises such a society as ‘matristic’- one in which women were not subjected to the authority of men or of another woman (Neumayer, 1983). Lack of adequate source regarding the position of women in Harappan Civilisation does not allow a proper appraisal of their position but the presence of numerous bronze statues, of Mother Goddess and the dancing girl might be an indication of the fact that women still had an important position (Chakravarti, 2004). According to Chakravarti, the first large group to be enslaved in early Indian history were
women who were subjugated by the conquerors in the struggles between the Aryans and non Aryans in the Rig Vedic times.

Sanction of violence and measures to control the wives are explicit in many texts of ancient India. Manu’s Dharma Sastra says that ‘day and night women must be kept in dependence by the males of their families. “The special responsibility in guarding women is laid upon the husband who is represented as most vulnerable to the loss of his progeny through the infidelity of women. Considering it the highest duty of the husband Manu enjoins that even the weak man must strive to guard their wives” (Chakravarti, 2004). The golden periods of Indian history, that of the Guptas and the Mauryas saw no improvement in the condition of women. Women continued to be oppressed by the male section of society. In the years that followed there was a gradual erosion of women’s rights with regressive customs like child marriage, purdah and Sati (Umar, 1998).

In the period preceding independence, certain changes were sought to be brought about in the social and familial position of women through the social reform movements of the nineteenth century which attempted to reform practices like Sati, ill treatment of widows, ban on widow remarriage, child marriage, denial of property rights and education to women (Desai & Krishnaraj, 2004). However, these movements were seen to be entrenched in a
patriarchal ideology (Sarkar, 1985). This was further echoed in words of Kamlesh Mohan who said that “the project of reforming women was guided by the male perception of the rationale and timing for modernising women and not by the wishes or desires of women themselves” (Mohan, 2007). Presence of women’s oppression in the pre-independence period can be ascertained from writings of history which say that Indian women, toughened by the traumatic experiences of imperialism from episodes like Jallianwala Bagh massacre ‘learnt to perceive a vital link among the individual, family and national fortunes’. It was during those times that women used print media to express their anger, silence or new consciousness about male domination and possibilities of new social and political roles and of self definition (Mohan, 2007). Though the Indian constitution after independence was based on the principles of justice, liberty, equality and fraternity (Preamble to the Constitution of India), there remained much to be done to improve the condition of women. The ‘Towards Equality’ report released in 1975 by the Commission on the Status of Women in India which portrayed some shocking facts on women’s status like decline of female sex ratio, female illiteracy, low wages, increasing atrocities on women that a reconsideration of women’s status became imminent (Gopalan, 2001).
Forms of Domestic violence:

Domestic violence can take different forms and may be inflicted in many different ways. The type of abuse differs from community to community and also from person to person depending on the peculiarities of the situation. It may range from direct physical abuse resulting in severe injuries to the victims or may be in the form of silent emotional/psychological abuse which causes mental harm and depression in the victim. The World Health Organisation in its definition of domestic violence takes into account physical, psychological and sexual acts of coercion to be forms of domestic violence. The United Nations uses a wider frame of reference for the different forms of abuse and includes, in addition to physical, psychological and sexual violence, other acts such as kidnapping, threats, intimidation, coercion, stalking, humiliating verbal abuse, arson, destruction of property, marital rape, dowry related violence, female genital mutilation, violence related to exploitation through prostitution to be included under the term domestic violence. Although forms of domestic violence may vary, power and control are the central themes in such abusive behaviour (Kurst-Swanger & Petcosky).

Physical Violence:

Physical abuse is the intentional use of force with the potential for causing injury, harm, disability or death for e.g., hitting, shoving, biting, restraint, kicking, or use of a weapon. More serious forms of physical abuse in the home
may include burning, stabbing or beating with objects such as a belt, baseball bat or hammer.

Physically abusive acts of these kinds are overt and might have serious consequences on the health and mental stability of the women. “It is the most visible and life threatening form of domestic violence and usually establishes the basis for the coercive effects of psychological battering (Kramaree & Spencer, 2000). Considering the life threatening nature of the acts of domestic violence, Kramaree and Spencer argue that “a woman’s behaviour may irritate or anger her partner, she may be intoxicated or assertive, or maybe even having an affair; but none of the behaviours on her part justifies his beating her”. Conversely, “perpetrators may have multitude problems: they may be alcoholics, veterans suffering from post traumatic stress disorder, survivors of child abuse or victims of racism, but these acts are not the reasons why they abuse someone else”. Studies show that the prime targets of physical abuse are children, especially small children (Giddens, 2006). Population based research findings reveal that 10 to over 50 percent of women reported being hit or otherwise physically harmed by an intimate male partner at some point in their lives (Heise, Ellsberg, & Gottemoeller, December, 1999). Physical abuse by a husband has been sanctioned in many cultures and in countries like Bangladesh, Cambodia, India, Mexico, Nigeria, Pakistan, Tanzania and Zimbabwe it has been found that violence is frequently viewed as physical
chastisement - the husband's right to correct an erring wife (Giddens, 2006). While responding to such violence women are found to use active strategies like resisting, fleeing or capitulating to their husband's demands.

**Emotional or Psychological Violence**

Unlike physical abuse, emotional abuse does not involve direct injury or hurt to the abused woman. Emotional abuse according to Swanger and Petcosky (p 113) is said to lie on a continuum - "partners may rely on name calling, degradation and hurting their partners with words out of anger and frustration. Instead of using more effective communication tools, a partner or both the partners may reduce a dispute to more immature, childlike responses in which one or both parties are left emotionally wounded. At the other end of the continuum is a terroristic form of emotional abuse wherein abusers use tactics similar to the brainwashing used on prisoners of war, hostages and cult members. Such tactics may include isolation, humiliation, making allegations about the victim and blaming her for things she has not done". Emotional abuse might sometimes be the consequence of physical abuse too when the victims suffer from 'battering fatigue' after an episode of serious physical battery (Mega et al, 2001). It might also include acts like denial of access to money, education or health care and so on (Kramaree & Spencer, 2000). As the level of human emotions cannot be quantified easily, so quantifying psychological abuse is difficult and very few studies have been conducted to
establish prevalence rates of this type of violence. But the severity of the abuse is an established fact since 'undermining an individual’s sense of self esteem can have serious mental and physical health consequences and has been identified as a major reason for suicide' (Kramaree & Spencer, 2000).

**Sexual Violence:**

Sexual abuse in a domestic relationship may involve a number of sexual violations including rape, forced pornography, fondling or grabbing. Sexual assaults upon women are often committed with the use of physical force or the threat of it or psychological coercion (Kurst-Swanger & Petcosky, Violence in the Home). Sexual abuse is defined as any situation in which one is forced to participate in unwanted, unsafe or degrading sexual activity (Renzetti, Edelson, & Bergen, 2000). It may also be referred to as marital or partner rape, a form of violence whereby sex is used to hurt, degrade, humiliate and gain power over the victim (Langford & Thompson, 2004). It is difficult to identify sexual abuse in a domestic relationship partly due to the silence maintained by both the husband and the wife and partly due to the various state legislations that has allowed marital exemption to sexual assault loss. According to the National Coalition against Domestic Violence (NCADV) between one third and one half of all battered women are raped by their husbands at least once during the relationship(www.ncadv.org). In India, wife’s ‘duty’ to have sex
with her husband is reflected in the Indian Penal Code (IPC) which has no
mention of husband-wife rape (Chawla, 2004).

Economic Violence:

Economic violence is when the abuser has complete control over the victim’s
money and other economic resources or activities. Economic violence toward
women occurs when a male abuser maintains control of the family finances,
deciding without regard to women how the money is to be spent or saved,
thereby reducing women to complete dependence for money to meet their
personal needs. It may involve putting women on strict allowance or forcing
them to beg for money (UNIFEM, 1999). Thus women may live a life of
luxury but they do not have control over money nor can they make decisions
as to how to spend it (Fawole, 2008).

Impact of Domestic violence

Domestic violence has serious impact on the health and well being of the
women who suffer it, on their children and also has an indirect impact on the
society at large.

The World Health Organisation study on domestic violence reports on the
everseous toll physical and sexual violence by husbands or partners has on the
health and well being of women around the world. Abused women were more
likely than others to have poor health and health related problems which may also be psychological or mental in nature. Women may have suicidal thoughts or attempts, mental distress or physical symptoms like pain dizziness, etc (www.who.org). According to Charlotte Watts of the London school of Hygiene and Tropical Medicine, “the degree to which the health consequences of partner violence in the WHO study are consistent across sites, both within and between countries is striking. Partner violence appears to have a similar impact on women’s health and well being regardless of where she lives, the prevalence of violence in her setting or her cultural or economic background”. Thus, just like the problem of domestic violence occurs across countries, in women of all ages, its impact is also felt in the same way irrespective of the location or structural setting of the women upon whom it is perpetrated.

Psychological abuse may affect a woman’s overall psychological well being to the same extent as physical abuse or battering. Despite the difficulty in defining the term psychological abuse owing to the private nature of the problem, its long term negative impacts on the psychological well being of the women on whom violence is perpetrated, has been found in many studies across the globe. Psychologically abused women are found to have lower self efficacy, higher depression and lower self-esteem. Further, it was found that the severity of the abuse was positively related with depression scores. Victims of psychological abuse were found to experience emotional
domestic violence, objectification and distortion of subjective reality. Psychological abuse is an effective predictor of women's problem-solving confidence, depression, anxiety and somatisation. Baldry (2003) also reached the same conclusion while trying to investigate the relative contribution of psychological and physical abuse to the development of psychological symptoms. Apart from women's mental health and associated problems, psychological abuse also has a negative impact on the physical health and well being of women. It is predictive of illegal drug use, negative health perception and cognitive impairment. Domestic or interpersonal violence may lead to the development of complex traumatic syndrome, which includes post traumatic stress disorders as well as symptoms caused by the long term nature of the trauma which manifests as depression, anxiety and characterological changes caused by living in constant fear (Herman, 1992). Further, research has found that the extent, severity and type of abuse strongly influence the intensity of post traumatic stress disorder in a women and psychological abuse may cause as much damage as physical abuse (Jones, Hughes, & Unterstaller, 2001). A study of 6632 married men in India led to the finding that men who were physically or sexually abusive towards their spouses were more likely to engage in extra-marital sex and have sexually transmitted diseases which put the life of the women at stake. Unplanned pregnancies were more common amongst wives of abusive men, particularly those who were sexually abusive (Bachchus, Bewley, & Mezey, 2001). Domestic violence involving physical
Domestic violence during pregnancy might lead to abdominal trauma which can cause placental abruption, fetal loss, premature labour or delivery of a low birth weight infant (Newberger, et al., 1992). Memories of the humiliation and loss of control felt during the abuse may result in panic and dissociation. Domestic violence during pregnancy has also been seen to be associated with maternal homicide, the chances of which increased with the presence of factors like threatened or actual harm with a weapon, presence of guns or knives in the home, sexual abuse, prior criminal conviction of the partner, threats of homicide or suicide and an abusive partner who is not the biological father of the baby (Bachchus, Bewley, & Mezey, 2001). Apart from the physical impact, pregnant mothers who are perpetrated domestic violence also show psychological problems like depression, general psychological distress, hostility, depression, anxiety, interpersonal sensitivity and somatisation (Martin, Kilgallen, Dee, Dawson, & Campbell, 1998). According to the National Human Development Report, India, data on suicide by women reveals some of the aspects of psychological and emotional abuse particularly when women see suicide as a mean to escape from the miseries of their life (HDR, 2001).

Domestic violence may have its effects felt not only on the health of women but also on their employment and financial position. "Battered women face multiple barriers to seeking or maintaining employment and to staying safe on
the job. Specifically, battered women may lose their jobs due to the short or long term effects of abuse, quit due to safety concerns or be prohibited from working by their abusive partners" (Moe & Bell, 2004). Women are unable to look for employment due to domestic violence, struggle with emotional injury to employment (ibid) and their employment is also affected due to abuse-induced Post-traumatic Stress Disorder, drug or alcohol addiction (Lloyd, 1997). Moreover, stalking, threatening their children, destroying work documents also affect a women's position at the workplace (Moe & Bell, 2004). Employers of battered or abused women also feel the impact as it means greater cost in employee sponsored health care plans, lowered productivity turnover and increased security costs (Zachary, 2000). It is also found that abused women's experiences of violence may victimise other employees causing them extended physical or psychological harm, lowered productivity, absenteeism and turnover (Brownell, 1996).

Women who face domestic violence may suffer from a lack of personal control and exhibit temporary or permanent changes in their physical health and emotional set up. Studies have shown that 'experiencing physical or emotional assaults at the hands of a family member significantly reduces a victim's sense of personal control (Umberson, Anderson, Glick, & Shapiro, 1998) which Leonore Walker calls the 'battered women syndrome', a situation when repeated victimization leads woman to think that they cannot predict the
outcome of their behaviour—a process called ‘learned helplessness’ (Walker, 1984). Walker, on the basis of this theory and upon further observation concluded that this loss of personal control has severe psychological and emotional consequences like the presence of flashbacks and dissociative experiences among women victimised by domestic violence.

The effects of domestic violence is not only felt when the women continue to stay in the violent household. But it leads to additional difficulties even after the women leaves the house. “after leaving, mothers and their children are undifferentiated from other single-parent families and are broadly viewed as high risk, deficient, ineffective, temporary structures where children are susceptible to multiple health and social problems” (Wuest, Ford-Gilboe, Meritt-Gray, & Berman, 2003). Women who are victims of domestic violence are 12 times more likely to attempt suicide than those who do not experience such violence (UNIFEM Gender Fact Sheet-5, Masculinity and Gender Based Violence).

Children who witness or experience abuse may exhibit a range of behavioural symptoms including sleep disturbances, poor performance at school, emotional detachment, stammering, being taken into care and suicide attempts (Bachchus, Bewley, & Mezey, 2001). In Leon, Nicaragua, children of women who were physically and sexually abused by their parents were six times more
likely than other children to die before the age of five. A study conducted in Tamil Nadu and Uttar Pradesh also found that women who had been beaten were significantly more likely than non-abused women to have had an infant death or pregnancy loss from abortion, miscarriage or still birth (Jejeebhoy, 1998). Another study in Maharashtra found that children of mothers who were beaten received less food than other children suggesting that mothers could not bargain with their husbands on their children’s behalf (Ganatra, Coyaji, & Rao, 1998).

Apart from the unquantifiable human costs, there are economic costs to society related to the use of resources such as medical treatment, housing, legal assistance, counselling and lost days of employment due to sickness. A study of the financial implications of domestic violence estimated that selected healthcare costs for a year in one London borough was in excess of £580,000 including consultations with general practitioners, health visitors and accident and emergency services, but excluding hospitalisations and prescriptions (Bachchus, Bewley, & Mezey, 2001).

**Domestic Violence: International Perspective**

Domestic violence against women is a problem that is faced by women in all parts of the world. The first ever WHO study on domestic violence shows the
commonalty of the problem of domestic violence in women’s lives and reports on the enormous toll physical and sexual violence by husbands and partners has on the health and well being of women around the world. Around one quarter to one half of all women who had been physically assaulted by their partners said that they had suffered physical injuries as a direct result (www.who.org). Around the world, at least one in every three women has been beaten, coerced into sex or otherwise abused by a man in her lifetime and 20 percent of the women are reported to have been abused by men with whom they live (UNIFEM). Population based surveys from around the world found the prevalence of domestic violence to be between 10 percent to 60 percent of women in various settings who had been physically assaulted at least once by their husbands or an intimate male partner (Heise, Ellsberg, & Gottemoeller, 1999).

A study carried out in Leon, Nicaragua among a representative sample of 498 women found that 52 per cent reported having experienced physical partner abuse at some point in their lives, 21 per cent reported having experienced all three types of abuse-physical, emotional and sexual. The consequence of physical abuse in terms of women’s health and problems with children were found to be serious with battered women experiencing ‘feeling of shame, isolation and entrapment which, together with a lack of family and community support, often contribute to women’s difficulty in recognising and
disengaging from a violence relationship' (Ellsberg, Pena, Herrara, Liljestrand, & Winkvist, 2000).

Women's experiences of domestic violence transcend specific cultural contexts and are a feature of different societies, developed or underdeveloped. Domestic violence occurs in one half of all American homes at least once a year. Black women have a 35 percent greater chance than white women of becoming victims of violence within the family and 22 times greater chance than women from other races (U.S. Department of Justice). Prevalence of domestic violence among Asian-American families of Texas was found to be varying from 9.7 percent to 22.4 percent with an average of 16.4 percent. Since the study focussed on cultural and ethnic diversity, the highest prevalence rate was found to occur in the Vietnamese community among others who were Filipinos, Korean, Vietnamese, Indian, Chinese and Japanese. Surprisingly, the studies found that Asian American do not always perceive or define their partner's abusive behaviour as domestic violence, with only 17.7 percent believing that spouse abuse was a concern (Leung & Cheung, 2008).

Data on domestic violence within Asian and Pacific Islander (API) populations in the United States reveal how cultural, linguistic, socioeconomic, and political barriers prevent API women from seeking help. The magnitude of the problem is therefore considerably greater than studies indicate.
• 12.8% of Asian and Pacific Islander women reported experiencing physical assault by an intimate partner at least once during their lifetime;

• 3.8% reported having been raped.

The rate of physical assault was lower than those reported by Whites (21.3%); African-Americans (26.3%); Hispanic, of any race, (21.2%); mixed race (27.0%); and American Indians and Alaskan Natives (30.7%). The low rate for Asian and Pacific Islander women may be attributed to underreporting (Tjaden & Thoennes).

Peculiar structural factors and low socio-economic conditions have made women in the developing countries susceptible to domestic violence. In South Africa, 13 percent of women aged between 15 and 49 years, who are or have been married or lived with a partner, have been subjected to physical assault in the course of their relationship (WHO, 2002). In Kenya, 42 percent of 612 women surveyed in one district reported having been beaten by a partner (UNICEF, 2000). In rural Uganda, 40.1 percent of women had ever experienced verbal abuse from their current male partner and 30.4 percent of women had ever experienced physical abuse. The common risk factor emerging from the study was alcohol consumption and partner perceived HIV risk (Koenig, et al., 2003). Percentage of women ever experiencing physical violence in their marital relationship in Bangladesh ranged from 32 percent to
72 percent (Schuler, Bates, & Islam, 2008). In rural Bangladesh, a married woman’s risk of experiencing domestic violence is associated with her individual autonomy as well as the autonomy of women within her community. Women who had been a member of a credit group for less than two years were more likely than non members to report current physical abuse and the greater a woman’s autonomy, the higher her odds of being abused. However, in the less culturally conservative areas, the proportion of women in a community participating in a credit group and female autonomy at the community level were linked to a reduced risk of domestic violence (Schuler, Bates, & Islam, 2008).

Domestic Violence: National Perspective

Prejudice towards women is entrenched in Indian culture (Bhattacharya, 2004). The Indian society is a patriarchal society with a variety of cultural norms and practices that continuously establish the dominant position of men vis-a-vis women in the family and also the society. Domestic violence has been researched from various dimensions in the Indian society and the findings reveal a variegated picture of the subjection, suffering and oppression of Indian women.
The National Crime Records Bureau releases the statistics relating to various crimes reported in the country. Figures relating to crimes against women and domestic violence present a dismal picture. A total of 1,85,312 incidents of crime against women were reported in the country during 2007 as compared to 1,64,765 during 2006 recording an increase of 12.5% during 2007. Crimes relating to dowry and torture (by husband and relatives) are also reported.

Cases reported as dowry deaths (Sec 302, 304 B IPC) have also increased by 6.2% over 2006. 25.7% of the total of such cases reported in the country were reported from Uttar Pradesh alone followed by Bihar (14.5%). It is unfortunate to note that Torture (cruelty by husband and relatives) Section 498A IPC have also increased significantly by 20.3% over 2006. The highest rate of 15.7 was reported from Tripura as compared to the National rate at 6.7. Cases reported under the Dowry Prohibition Act, 1961 have also increased by 24.8 per cent in 2007 over 2006. In fact, cases registered under this crime-head have shown the highest increase compared to all crimes against women. This shows that dowry violence is rampant in Indian social scene and women continue to suffer due to this ‘disease’ prevalent in India.

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Domestic violence against women is a sensitive and silent issue and for this reason it is assumed that it is generally assumed that the results of household surveys are better sources for estimates of prevalence than institutional records (such as of police and hospitals) (Burton, Duvvury, & Varia, 2000).
According to the National Family Health Survey 3 conducted during 2005-2006, 34 percent of all women age 15-49 have experienced violence at any time since the age of 15. Nineteen percent of women age 15-49 have experienced violence in the 12 months preceding the survey. Notably, the majority (56 percent) of women who have ever experienced violence since the age of 15 have experienced violence in the 12 months preceding the survey. Of women who experienced any violence in the past 12 months, one in five reported that they experienced the violence often, and the remainder said that they experienced it sometimes. (NFHS-3)

Differentials by religion and caste/tribe status are large. Buddhist/Neo-Buddhist women report the highest level of violence (41 percent), followed by Muslim and Hindu women (34-35 percent), and Sikh and Christian women (26-28 percent); Jain women report the lowest levels of violence (13 percent). Prevalence of violence is also much higher among women belonging to the scheduled castes and tribes than among women who do not belong to these categories.

Differentials across wealth quintiles are also large. The prevalence of the experience of physical violence since the age of 15 declines sharply and steadily with increasing wealth status from 45 percent for women in the lowest wealth quintile to 19 percent for women in the highest wealth quintile. With
regard to the experience of physical and sexual violence the NFHS-3 figures reveal that 34% of the women have experienced physical violence and 27% have experienced physical but not sexual violence; 9% experienced sexual violence while 7% experienced both physical and sexual violence. The overall figures for India are 35% of women aged between 15 to 49 years have experienced physical or sexual violence. Physical violence also appears to be the most common form of violence across different states of India.

Domestic violence occurs in all socioeconomic and cultural population subgroups; and in many societies, including India, women are socialized to accept, tolerate, and even rationalize domestic violence and to remain silent about such experiences (National Family Health Survey, NFHS-3). In India the predominant form of violence against women in families is husband-wife abuse (Chawla, 2004) where the low status of the bride increases her chances of being abused, especially in dowry related cases, making her five times more likely to suffer abuse in the first seven years of her marriage than after the seven year mark (Prasad, 1994). Dowry violence is inflicted primarily for economic reasons where the bride is seen as a means of extorting cash, property and luxury items from her family (Vindhya, 2000). Religious, cultural and traditional social norms in India provide the justification of domestic violence which a woman suffers throughout her life cycle in the form of personal confinement and restriction on mobility, particularly in rural
areas; almost complete marginalisation in the decision making process at the household level; responsibility for household work including, looking after younger siblings; sexual abuse by the family members, even incest; childhood/forced marriage and verbal abuse (HDR, 2001).

Violence of any kind has a detrimental impact on the economy of a country through increased disability, medical costs, and loss of labour hours; however, because women bear the brunt of domestic violence, they disproportionately bear the health and psychological burdens as well. Victims of domestic violence are abused inside what should be the most secure environment—their own homes—and usually by the persons they trust most (NFHS, 2005-06).

Several studies based on empirical research have revealed the situation of women who have faced or are still facing domestic violence in India. Eight recent studies coordinated by the International Centre for Research on Women (ICRW) document the pervasiveness of domestic violence among women in India regardless of age, education level, class, length of marriage, and family living arrangement. International Clinical Epidemiologists Network (INCLEN) undertook a multi-site study between 1997 and 1999 covering the cities of Bhopal, Chennai, Delhi, Lucknow, Nagpur, Thiruvanthapuram and Vellore in collaboration with research teams from medical colleges of these cities. The study attempted to address the measurement of physical and psychological violence by focusing on commonly understood behaviours. In
addition, the study attempted an estimate of socioeconomic costs of domestic violence at household level. Overall, the study found that domestic violence is prevalent in all settings, regions and religious groups. Nearly, 50 per cent of women reported experiencing some kind of domestic violence at least once in their married life, about 44 per cent reported experiencing at least one psychological abusive behaviour and nearly 40 per cent reported experiencing at least one form of violent physical behaviour. The reporting of any form of violence was highest by rural women followed by women in urban slums. In comparison to rural and urban slum women, significantly fewer urban non-slum women reported either psychological or physical violence. There was no clear north-south divide in the prevalence rates of violence against women at different sites. It was found that the abused women predominantly sought the help of members of their natal family and 91 per cent considered this source helpful. Seeking help from institutions such as women’s organisations, the police, mental health care or local officials were rarely reported by women. While women perceived violent behaviour as ‘normal’ in marital life, disparity in the education level and marriage age of spouses, dowry related pressures, unemployment, alcoholism, childhood abuse and poverty are factors found to be linked to high rates of domestic violence in India (ICLEN, 2000).

A study conducted in rural Gujarat (Visaria, 2000) revealed that 66 percent or two thirds of the respondents reported that they were subjected to verbal or
physical abuse by their family members. It was also found that an inverse relation existed between the level of education of both men and women and violence with three out of four women having little or no education suffering all forms of abusive behaviour while among the better educated the proportion declined to 40 percent. Visaria also found that in the caste ridden Indian society, different caste groups suffered different magnitudes of violence with the most widespread violence reported by women from the backward castes. The exalted position being given to the men in the household and their literal ‘deification’ was observed when the women reported in the above study that most of the violence occurred when meals were not served on time (67%). This revelation reflects the fact that men did not tolerate the least compromise to their interests while the women accepted their fate, both being under the grip of patriarchy.

In sharp contrast to Visaria, whose study found domestic violence to be significantly related to the education of the respondents and their socio economic status, Sunny(2005) found that even in a state like Kerala where the quality of life is much higher than all the other states, women are relatively disadvantaged as compared to men. The picture has not improved with the increased rate of literacy and increased ‘pace towards ultra-modernisation’. The study where 1400 women took part from all districts of Kerala found that a total of 81.6% of the victims had to suffer physical violence with beating
(27%) as the most common mode of physical attack. Almost half of the victims (48.7%) stated that alcoholic nature of the husband as the first cause of domestic violence. As regards the frequency of violence, 27% of the victims were physically attacked very frequently and 17.1% had to bear the physical brutality daily (Sunny, 2005). The incidence of such acts of domestic violence is alarming in a state like Kerala which boasts of the highest literacy rate in the country. Findings like these obscure all the possible connection that education has with increasing the status of women or decreasing chances of domestic violence against women.

Again a different situation from the above emerges in a study conducted in Punjab where it was found that wife battering was a regular feature in 75% of scheduled caste women. While comparing the same phenomenon with high caste families, it was found that the figures went down to 22% of women reporting wife battering (Mahajan, 1990). Domestic violence in India is said to be the result of individual and community level factors. This was revealed in a study conducted in Uttar Pradesh among a sample of 4520 married men. It was found that physical and sexual domestic violence was associated with the individual level variables of childlessness, economic pressure and intergenerational transmission of violence. A community environment of violent crime was associated with elevated risks of both physical and sexual violence. As in previous studies it was found in this study that higher social
economic status was found to be protective against physical but not sexual violence (Koenig, Stephenson, Ahmed, Jejeebhoy, & Campbell, 2006).

Research on domestic violence in India thus leads to the fact that the phenomenon of domestic violence may occur across cultures overriding differences based on caste, social position or education.

The severity of domestic violence and the helplessness of women were seen to increase by manifold when even the family into which the woman/girl is born inflict violence upon her in similar ways as the marital household members. Studies (Karve, 1965) reveal that women in India are subjected to violence not only by the husband but by members of both the natal and the marital homes.

In another study, an examination of records from community-based health facilities and the main hospital in Maharashtra found serious gaps in the identification and recording of abuse. At the hospital, the type of injury was not recorded in 72 percent of medico-legal case papers. Despite these gaps, domestic violence was thought to be a leading cause of injury in nearly 53 percent of these cases: domestic violence was recorded as the cause of injury in 13 percent of medico-legal cases, while almost 40 percent of cases were probable cases of domestic violence (Jaiswal, 2000).
Domestic Violence: Regional Perspective

It is generally said that women in the North Eastern states of India enjoy a better status than their counterparts in the rest of India. Tribal women face less domestic violence. This might be due to the matrilineal system of some tribes of north east like the Garos and Khasis. In most of the tribal societies, even if poor, women have always had an instilled position and play an important role in different spheres with responsibility as compared to their male counterparts (De & Ghosh, 2007). In the state of Meghalaya, the Khasi, Garo and sections of a few other tribes owing to their strong matrilineality have more definite land rights and higher positions with such definite rights as transmission of property in female line, transmission of name of clan in female line and residence rule(matrilocality) (Sun, 2002). The birth of girl in a Khasi family is proclaimed with pomp and show with the traditional ‘khoh’ (conical basket made of bamboo) and ‘u star (a head strap made of cane) kept at the altar signifying her birth.

But realities on the ground speak of a different situation. Women in matrilineal societies may face the ‘double negative effects’: the universal discrimination experienced by all women, to which is added the burden of living under the assumption that women control everything (Chhakchhuak, 2002). Instances of the village justice system in Meghalaya bring to light the gender bias in the traditionally matriarchal Khasi society. An essay in Grassroots Opinion says that “tribal women cannot seek the court’s aid for

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maintenance from a husband who dumped her for another wife. When a man dies without an heir the house where the wife dwelled was often taken over by the man’s clan. Thus women remain highly vulnerable under outdated customary practices which rule the tribal roost in the region” (Weaving Illusions !That tribal women in northeast enjoy better status than anywhere else in India, 2002). In the process of social transformation from a traditional attitude to that of modernity young Manipuri women are sacrificing their basic human rights in adjusting to the traditional norms imposed by the mothers-in-law and they have to work physically and manually to satisfy the need of the members of the joint family. In the process they lose the right to express their ideal freely, sometimes even losing the right to education. Difference between the educational requirements of girls spring up when an economically unsound family gives secondary importance to the education of the daughters over their sons (Devi, 2002). It is further seen that unmarried and divorced women are not given their basic human rights when they return to their parental homes. With regard to women’s autonomy in Manipur “a majority of the women especially in the rural areas are completely controlled by their husbands...a type of control which not only exists in marriage but also at its dissolution” (Devi, 2002).

Though the evaluation of the PWDVA, 2005 revealed that there were no registered cases in the four states of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland (Assam Tribune, Oct 03, 2007), the ground realities in the
subsequent year provided a different scenario. As per the report of the Mizoram Social Welfare Department, over fifty cases of exploitation of women have been filed in Mizoram during the year 2007 alone with 40 p.c. cases being solved (Newmai News, sept, 2008).

**The Fight against Domestic Violence**

Although prevailing since times immemorial, crimes against women in the home were locked up inside the four walls of their houses and were considered a private matter. International focus shifted towards the issue of domestic violence due to the campaigns by women’s rights groups which raised consciousness about women’s issues. The period 1945 to 1962 started with the UN Charter calling for gender equality in Article 3 and 8 which resolved to “achieve international cooperation ... in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion” (Art 1, UN Charter). A landmark proclamation was the Universal Declaration of Human Rights (UDHR) which stated that all human beings are born free and equal in dignity and rights. Women’s organisations were successful in their attempts at establishing the UN Commission on the Status of Women (CSW) and other formal mechanisms for achieving gender equality and advancement of women. Subsequently, the women’s movement of the 1960’s and 1970’s with international support led the United Nations to declare the years 1975 to 1985 as the UN Decade for
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Women (Thomas & Beasley, 1993). In the year 1979, the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) was adopted by the General Assembly. For the first time, the convention targeted culture and tradition as influential forces shaping gender roles and family relations. With this unfolded a series of conferences beginning with the conference at Mexico City in the year 1975. In the year 1985, in the conference held at Nairobi, which saw the birth of 'global feminism' a consensus was reached that ‘violence against women exists in various forms in everyday life in all societies. Women are beaten, mutilated, burned, sexually abused and raped. Such violence is a major obstacle to the achievement of peace and other objectives of the Decade and should be given special attention. National machinery should be established in order to deal with the question of violence against women within the family and society’. Following this in the year 1989, the UN Commission on the Status of Women in Vienna compiled a mass of domestic violence statistics and analyses by women's rights activists and published the report ‘Violence against Women in the Family’ which came to the conclusion that “women have been revealed as seriously deprived of basic human rights. Not only are women denied equality with the balance of the world’s population, men, but also they are often denied liberty and dignity, and in many situations suffer direct violation of their physical and mental autonomy” (Connors, 1989). The Fourth World Conference held at Beijing in 1995 and its Platform for Action asserted
women’s rights as human rights and proclaimed that in many cases violence against women occur within the family where the violence is often tolerated. Further, the Platform for Action held that the neglect, physical and sexual abuse and rape of girl children and women by family members and other members of the household, as well as incidents of spousal and non spousal abuse, often go unreported and thus difficult to detect. The Beijing Conference of 1995 brought about a revolutionary change by its recognition of the need to focus on the concept of gender rather than the concept of ‘woman’, calling for a restructuring of the entire society and relations between men and women to ensure gender equality (UN Fourth World Conference on Women Platform for Action, 1995). These gender issues were also integrated in the UN Millennium Development Goals (MDG) which aimed at promoting gender equality and empowering women (www.un.org).

“The issue of domestic violence has been one of the major campaigns of the Indian Women’s Movement since the early 1980’s” (Gangoli). In India dowry related violence had been categorised as a specific form of ‘Indian Domestic Violence’ (Gangoli). Domestic violence came to be recognised as a criminal act in India only as late as 1983. This was made possible owing to the public outcry and extensive media exposure against dowry deaths and also the strong advocacy for legal reform by various women’s organisations of India. Attempts at enacting a legislation specific to the problem of domestic violence
against women was successful when Section 498A was introduced in the Indian Penal Code which, according to Nishi Mitra, “has been the most important legislative gain of the women’s movement of India” (Mitra, 2000). Section 498A widens the definition of domestic violence, which was earlier limited only to dowry deaths, and recognised physical and mental violence inflicted on a woman by her husband and in-laws as a cognizable offence punishable under law. Thus, there was a march from the private to the public as the section brought under the law what had been considered to be a private matter recognising for the first time that male members of a family can perpetrate violence on women (Ahmed-Ghosh, 2004). However, as Ahmed-Ghosh opines “police and lawyers (who) are part of the same patriarchy that tolerates domestic violence” had rendered section 498A practically ineffective in securing justice for women. Crimes which are physical or mental are not considered by these agencies to have enough ground for prosecution but more so as ‘attempts on the part of the husband to discipline their wives’ or as caused by ‘drunkenness or induced by stress’ (Ahmed-Ghosh, 2004). The legislation was seen as the primary reason for the breaking up of many families or as a weapon in the hands of the wives to take revenge against their in-laws (Mitra, 2000). Most recently the passing of the Protection of women from Domestic Violence Act, 2005 by the Indian Parliament opens up new possibilities in the long drawn struggle of feminists and women’s rights activists to remove domestic violence against women from the society.
Thus from the above discussion it is seen that domestic violence against women is a phenomenon which has existed since ages. It is only very recently then it has been recognised as a serious social problem having grave consequences on the health and status of the women. Domestic violence against women can take different forms and can occur in all societies cutting across religion, caste or race differences. It can occur in the most developed societies and also in the developing world. Realising the seriousness of the problem and the challenge that it poses to women’s existence and the realisation of equal rights, national and international bodies have taken steps to eradicate this evil from the society and have met varying degrees of success.
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