

Domestic Violence: A Case Study of Women from Meerut in India

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Abstract

Indian society has a clear bias against women and various practices and customs like female feticide and infanticide, child marriage, dowry, bride burning, purdah (veil), high mother mortality rate, high female illiteracy, rape, eve teasing, molestation, honour killing, witch branding and domestic violence are clear evidence of the same. Domestic violence has always existed in traditional, patriarchal Indian society however for a long time the claim was that it did not exist. Hence for a long time there were no laws to deal with this problem however in 2005 the government enacted a law to protect women from domestic violence. The law came into effect in 2006 but there have been problems in its proper implementation. The paper tries to examine the issue in the context of attitude of 200 women from Meerut district of state of Uttar Pradesh in India regarding domestic violence.

Key Words: Gender, Domestic violence, Patriarchy, India, Rights

Introduction:

Gender is defined as the social construction of relations between women and men. It is not the same as sex, for sex connotes a biological difference between male and female whereas gender is a socially constructed category. The concept of gender thus explains the division of spheres of action into private female and public male. This public-private dichotomy results in marginalization of female in every sphere of life such as social, economic and political. For in traditional, patriarchal societies it is generally believed that women should remain confined to their families and should remain under the legal and customary subjection of their husbands or other male family members. This view led to emergence and consolidation of a number of customs and practices like illiteracy, purdah (veil), dowry, child marriage, bride burning, infanticide, domestic violence and murder (Hindustan Times, 18.8.2009:4). This view of natural inferiority of women was progressively abandoned and today most liberal democracies provide women with equal right to education, employment, political offices etc through law. However these laws have not brought about total gender equality even in developed countries of Europe and North America. Even in countries like USA and Canada women are relegated to lowest paying jobs and domestic violence and sexual assault are increasing as are other forms of violence and degradation aimed at women (Kymlicka, 1995:239).

Indian society has a clear bias against women. Female foeticide (Sharma, 4.4.2010:3), female infanticide (Bhatiya, 9.3.2010:4), female infant mortality, adverse female sex ratio, low female literacy, low female paid workforce participation, child marriages, purdah, disrobing (The Hindu, 21.3.2010:5), dowry, bride burning, honour killing, selling girls, domestic violence and eve teasing are clear symbols of secondary status of women. Although the constitution of India guarantees equal rights to women and there are many laws in existence for their protection and empowerment however only some women have benefited from these provisions and achieved success in life. For majority of women life is an unending series of compromises in a very traditional, patriarchal and feudal society (Bhatt, 10.3.2010:11).

The society starts discriminating against female since she is in the womb in the form of female foeticide and the discrimination continues throughout life in the form of neglect (Jacob, 29.7.2009; 8), malnutrition, repeated pregnancies, unattended childbirth, excessive and unpaid work, rape (The Times of India, 30.7.2010:5), molestation (The Times of India, 3.3.2010:4), selling of girls (Hindustan Times, 11.8.2009:6) and domestic violence etc.

Violence Against Women

Experts define violence against women as behavior that is violent, uses physical force or threat and is intimidating, coercive, damaging to women. It includes physical, visual, verbal or sexual acts that may be termed as threat, invasion or assault. It includes acts which are hurting and degrading to her and takes away her ability to control contact with another individual. (Levy, 2008: 4) Studies have shown that violence against women is widespread and common in every country and society. (Levy, 2008: 1) Bishakha Datta calls violence against women a multi headed hydra because women experience violence in private, public and virtual domain; from strangers, familiars and intimates; on streets, in workplaces, homes, war zones and in media. (Datta, 2010: 3) Almost half of the women worldwide have experienced domestic violence. (Levy, 2008: 2) In some societies it is not hidden or misunderstood today but in others the victim or survivor carries the stigma while the perpetrator of violence brags about it. Domestic violence occurs when one person uses force or threat of force to gain control of another person and usually the victim is a woman. (Levy, 2008: 5) It can include isolation or monopolization of woman to make oneself the centre of woman's life; controlling money, her ability to spend or her ability to work; degrading and humiliating her so as to undermine her self esteem; rigid role expectations; psychologically destabilizing her by keeping her unaware of facts or cruelly twisting or manipulating her words so as to make them sound stupid; and withholding emotional caring and nurturance so as to keep her in denial. The abuser uses physically and emotionally abusive behavior to intimidate, isolate and control the woman. (Levy, 2008: 6-7) Some experts also define intimate terrorism which is repeated and ongoing use of abusive tactics and physical force to obtain and maintain control over the partner which induces fear, subservience and trauma in the victim. (Levy, 2008: 8) Both partners believe that woman is responsible for the violence. (Levy, 2008: 9) Researcher Murray Straus called the marriage license a hitting license. (Levy, 2008: 26) According to feminist theory the main factors that contribute to violence against women include historically male dominated social structures and socialization practices teaching men and women gender specific roles. It focuses on power, gender and the structure of relationships in a male dominated patriarchal culture. It explains that the institutionalization of violence against women in political, legal and economic systems make it invisible and acceptable. (Levy, 2008: 21) Carole Sheffield writes that the right to control the female body is the cornerstone of patriarchy as patriarchy is a system in which men dominate, oppress and exploit women. (Levy, 2008: 27) The conviction rates for major violent crimes against women – dowry deaths, rape, molestation and cruelty by husband and relatives are in the range of 18 percent to 33 percent in India. The reason being that the system is aggressively anti- feminist. (Naqvi, 2010: 29) There are very few feminist in Indian courtrooms to use the laws. (Naqvi, 2010: 44) Hence Mathura, Rameeza Bai, Kanchanbala, Bhanwari do not get justice from the system. (Naqvi, 2010: 31-32)

Domestic Violence in India

Domestic violence is not a new phenomenon. In every patriarchal society it is to be found. In India instances of domestic violence can be traced to ancient times. Since post Vedic era women were seen as a thing to be enjoyed. They were denied a number of rights and privileges that came to men easily. To be a good wife and mother and to serve husband and his relatives became her sole aim. Her life was restricted in as many ways as possible. A good woman was not supposed to have desires rather she was supposed to sacrifice herself for her family. During British period some social reformers did raise their voices and made efforts for betterment of women however for majority of women things remained very difficult. Gandhi had acknowledged with shame that even educated husbands treat their wives as chattels and beat them whenever they feel the impulse to do so. He called such a treatment a remnant of barbarism. (Gandhi, 1945: 95) In other words domestic violence has been prevalent in every age and section of society in India. But the tendency for long has been to push the issue under the carpet. The issue was dismissed as a practice common among poor and illiterate. The claim was that it did not exist among the educated and affluent class. (Bageshree S, 2.8.2010:1) If acknowledged even then it was regarded as a private or family matter in which outsiders need not interfere. It was in the decade of 1980s that violence against women especially dowry and dowry related murder came into the public view in India. (Menon, 1999: 22) However what has not achieved equal visibility is a feminist critique of the family as an oppressive institution.

(Menon, 2014: 22- 23) Though, marriage is most seriously critiqued and questioned institution by feminist for being the site where patriarchy is reproduced on a daily basis. (Naqvi, 2010: 17) As Shilpa Phadke says for women private is not always safe. (Phadke, 2010: 83) But private violence is often sought to be silenced in order to suggest that private spaces are safest places for women. (Phadke, 2010: 92) Datta calls the home the prime bastion of tradition. Familial restrictions on dress, going out, mobility, work, thought, love, sex, relationships etc are justified in the name of tradition and so are extreme forms of violence such as beating, honour killing, sati or bride burning. (Datta, 2010: 9) Flavia Agnes says that the institution of marriage can be saved only at the cost of women. (Agnes, 2014: 273) Malavika Karlekar says that violence finds resonance in a hierarchical society based on exploitative gender relations. It becomes a tool to socialize family members according to prescribed norms of behavior within an overall perspective of male dominance and control. She says that family and its operational unit the household are the sites where oppression and deprivation of individual psyches and physical selves are part of the structures of acquiescence especially for in-marrying women and children. Physical violence as well as less explicit forms of aggression is used as methods to ensure their obedience. (Karlekar, 2014: 240) The in-marrying woman in India is viewed as property of her husband. (Karlekar, 2014: 244) And wife abuse receives wider familial sanction. It is institutionalized in various forms ranging from inhumanity to long hours of labour, food denial, neglect of ailments and verbal abuse to physical violence by the husband and other family members. It is common among all strata of society as it is a reflection of power relationship between a husband and wife and mirrors a woman's secondary social status. Although the pattern of violence differs from one class to another, when a slum dweller beats his wife the whole neighbourhood is a witness while a middle class professional's physical oppression of his spouse is extremely private in nature. (Karlekar, 2014: 246) Physical violence and cruelty by husbands and relatives is one of the biggest sources of daily violence in most women's lives in India and it is being acknowledged now but violence within the natal home remains largely unacknowledged. (Naqvi, 2010: 17)

Protective Law

For a long time the law in India did not recognize or define domestic violence. The recourse before a victim was to get an injunction or restraint order and claim damages or demand separation or divorce on ground of cruelty. Laws covered dowry, abetment of suicide, bigamy, sati, breach of trust, wrongful restraint and confinement and cruelty by husband and his relatives (Mishra, 2000: 90-93). It was only in the year 2005 that a new law was enacted entitled 'Protection of Women from Domestic Violence Act 2005' with the aim of providing effective protection of rights of women who were victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto. The law which comes into effect in October 2006 aimed at protecting women against physical, sexual, verbal, emotional and economic abuse (Bhargava, 2009: 183) by husbands, live in partners and other relatives. The act provides that any person may report domestic violence. The Act included unmarried co- habitation. It provides crucial civil remedies including protection order to prevent further violence, residence order entitling a battered woman to stay in the shared household, custody order giving temporary custody of the children, monetary relief, and compensation order. (Naqvi, 2010: 16) It also provides for protection officers who will make a report and application to the magistrate and ensure legal aid, medical examination, information on service providers and arrange for stay in shelter homes and to initiate criminal proceedings. The protection officer works under direct control and supervision of the magistrate. The magistrate has to take up the application within three days and dispose of within 60 days. Monetary relief may also be provided. The service provider will provide shelter and medical help however the victim has a right to residence and enjoy all benefits. The abuser can be asked to remove himself from the shared household. Victim's children will also be protected. Offender may be punished with one year imprisonment and Rs 20,000 in case of non adherence with the verdict (Women Justice Initiative, 2008:6-9). Protection officers too can be punished similarly if they fail to perform properly. It expands, explicates and places many reliefs' for women under one umbrella. (Naqvi, 2010: 16)

The Debate

This law was initiated and pushed by feminist legal activists and spearheaded by the Lawyers Collective. (Naqvi, 2010: 16) It generated a lot of debate in the public and media with patriarchal forces fearing that it will destroy families and Indian culture and lead to divorces and false cases against husbands and their relatives. The patriarchal perception was that women will vigorously prosecute and penalize husbands.

Feminists on the other hand feared that it will not prove effective as Indian women will not take their husbands and relatives to task. Feminists also feared that it will not get implemented properly as the whole system remains in the hand of men.

The fear proved right when Supreme Court ruled that kicking daughter-in-law with leg; calling her mother liar and threatening her with divorce does not constitute domestic violence (The Times of India, 7.8.2010:7). Another fear was that the prevalent lack of work culture and corruption in society will make this law as redundant as other laws in the country.

Study Area: Meerut

Meerut was known as *Rishi desh* in Manusmriti and later as *Mayrashtra*. During British period it was a big cantonment. (Sharma, 1973: 581) Meerut is situated in the State of Uttar Pradesh in India. According to the 2011 census Meerut district has a population of 3,447,405. The district has a population density of 1,347 inhabitants per square kilometre (3,490/sq mi). Its population growth rate over the decade 2001-2011 was 15.92%. Meerut has a sex ratio of 885 females for every 1000 males, lower than the state average of 908; while the child sex ratio is 850, lower than the state average of 899. The district has a literacy rate of 74.80 percent, higher than the state average of 69.72 percent. (Census of India, 2011) Literacy rate of men in Meerut is 82.91 percent and women it is 65.69 percent. (Dainik Bhaskar, 2011:1) For the study 100 women were chosen from Kankar Kheda which is a small urban area in Meerut district with a population of 20,726 of which 11,207 are men and 9517 are women. Literacy rate in the area is 78.47 percent for men and 63.36 percent for women. (District Statistical Magazine, 2011) 100 women were chosen from village Dhanju of Meerut district with a population of 2030.

Case Study

As experts say violence against women is complicated and difficult to study. (Levy, 2008: 2) Fear and shame prevent many women from speaking out about domestic violence. (Levy, 2008: 73) A case study was conducted in May 2011 employing questionnaire, interview and observation methods to find out the attitude of 200 women from Meerut district of state of Uttar Pradesh in India. 100 women were selected from urban area and 100 from rural area in Meerut.

The **personal profile** of 200 respondents shows that fifty percent respondents were in 18- 40 age group and fifty percent were above forty years of age. Some respondents were not sure of their age and tried to make a guess of their approximate age. 42 percent rural and 13 percent urban respondents were illiterate, 30 percent rural respondents and 11 percent urban respondents were literate, 21 percent rural and 30 percent urban respondents had some schooling and seven percent rural and fifty percent urban respondents had college education. All women were married. 26 percent rural and 30 percent urban respondents were from upper castes, 31 percent rural and 25 percent urban respondents were from scheduled castes, seven percent rural and fifteen percent urban respondents were from scheduled tribes and 36 percent rural and 30 percent urban respondents were from other backward castes. 64 percent respondents in rural area and 68 percent in urban area belonged to Hindu religion, 21 percent in rural area and 19 percent in urban area belonged to Muslim community, eight percent in rural area and seven percent in urban area belonged to Sikh community and seven percent in rural and six percent in urban area belonged to Christian community. Ninety percent rural respondents and 35 percent urban respondents had no individual income, only five percent urban women earned more than Rs 30000 per month and ten percent urban women earned in between Rs 10000 and Rs 30000 per month. 32 percent rural and 18 percent urban respondents lived in joint family while 68 percent rural and 82 percent urban respondents lived in nuclear family. Only six percent rural and eight percent urban respondents did not have a son while 30 percent rural and 28 percent urban respondents did not have a daughter. 15 percent rural and 19 percent urban respondents defined their marriage as very good, 25 percent rural and 26 percent urban women defined their marriage as good, 45 percent rural and fifty percent urban women defined their marriage as average and 15 percent rural and five percent urban women defined their marriage as bad.

85 percent rural respondents and 69 percent urban respondents were not aware of **human rights**. 78 percent rural and 55 percent urban respondents were not aware that women had human rights. Respondents believed that women were denied human rights due to family, society and government and status of women depended upon self, family, religion and caste. They believed that main problems faced by women are domestic violence, poverty, unemployment, inequality and illiteracy. 58 percent rural and 36 percent urban women never discussed women's issues with anyone.

54 percent rural and 36 percent urban respondents did not read newspapers and magazines. Only four percent rural and 21 percent urban respondents watched news on television. 73 percent rural and 22 percent urban respondents had not heard about **anti domestic violence law**. 15 percent rural and 34 percent urban respondents believed that women would be able to use the law.

36 percent rural and 49 percent urban respondents believed that the law will improve the status of women. 22 percent rural and 33 percent urban respondents believed that the law is the right step in the direction of women empowerment.

45 percent rural and 59 percent urban respondents believed that the law will strengthen women's position at home. 87 percent rural and 95 percent urban respondents believed they were treated equally in the family. 72 percent rural and 90 percent urban respondents believed that they were partners in important decision making in their family. 28 percent rural and 11 percent urban respondents could not make decisions independently. 14 percent rural and 18 percent urban respondents believed that behavior of family members was bad towards them. The reason for bad behavior included dowry, household work, poverty, drinking, male ego etc. 60 percent rural and 23 percent urban respondents were scared of some family members. 19 percent rural and two percent urban respondents had to do things against their will.

34 percent rural and 15 percent urban respondent did not know about **domestic violence**. 37 percent rural and 45 percent urban respondents had faced domestic violence themselves and it consisted of verbal, physical, material and mental violence. Most tried to resist it by involving friends and family members and only four percent rural and nine percent urban took help of police. 42 percent rural and 61 percent urban women believed domestic violence hinders development of women. 30 percent rural and 48 percent urban respondents believed that women are themselves responsible for domestic violence. Other factors responsible for domestic violence in their opinion are: drinking, illiteracy, economical and physical weakness of women, patriarchy, public apathy, police apathy, poverty and blaming women for all wrongs. They suggested economic empowerment of women, education, awareness, training and equal treatment in society as measures to end domestic violence. 43 percent rural and 20 percent urban respondents knew another woman who had faced domestic violence. 22 percent rural and six percent urban respondents knew women who had taken recourse to law to stop domestic violence. Respondents felt that the anti domestic violence law will help in stopping domestic violence, bring equality between men and women, instill fear among men and bring some change in the institution of marriage.

The Problem

There are many factors responsible for widespread prevalence of domestic violence in India:

- 1- The reasons usually forwarded are: low self esteem, feeling of inadequacy, unresolved childhood conflicts, poverty, hostility and resentment towards women, personality disorder, genetic tendencies, socio- cultural influences, misunderstandings, substance abuse, mental illness, peer pressure, family pressures etc on the perpetrator. (Ramnathan, 2008:13)
- 2- The overarching reason is said to stem from a perpetrators efforts of men to dominate their women. The abuser seeks or finds excuses to establish their supremacy through means of force or verbal demoralization and this need to control woman originates from the patriarchal, feudal and hierarchal nature of Indian society. The society harbors clear bias against women and for centuries women have been regarded as inferior beings to be controlled by men. Good women are expected to sacrifice and tolerate and women who are happy, assertive, complaining and independent are regarded as bad women. Good women are expected to die to preserve family honor so good women do not report domestic violence as it will bring dishonor to the family. Besides lack of gender equality reemphasizes the notion that men are superior and have a right to guide and punish women.
- 3- Bad law and order situation increases dependency of women on their male relatives. Women fear violence outside their homes and hence tolerate violence inside homes. They hear and read about rapes, and they remember their experiences of molestation and unwanted sexual advances so common in public places in India that they prefer domestic violence to that experience.
- 4- Most women are economically and socially dependent on the oppressor. Women fear that they will lose their children and home if they take help of the law. They fear that they will lose their social and economic status if they resist domestic violence.

- 5- Flavia Agnes says that the procedural law is where the problem lies- the hostile and intimidating atmosphere within courts, endless delays, strict technicalities and sexist and anti women interpretations of laws by judges. (Agnes, 2014: 272) Social laws are not implemented properly and court cases drag on for years and are also quite expensive emotionally as well as monetarily hence women are scared of entering into a legal battle.
- 6- Concept of human rights is a very new one for Indian society and women's issues are not seen as human rights issues. Men and women are socialized to believe that they are not equal and that women must sacrifice for their fathers, brothers, sons, husband and his family. Women are not even seen as human beings and hence concept of their human rights and gender equality are not accepted by the society. Women themselves are unaware of their rights and laws protecting them and hence are unable to use them.
- 7- Many women live in a dream world till they get married. They hope for a prince charming that will love them and provide for them. Before marriage when girls desire nice clothes and outings etc they are told to wait till they get married. They are told that their husbands will take care of all their desires hence instead of studying or carving out a profession for themselves and becoming economically self reliant in a country with high rate of unemployment many women see marriage as an easy way out. Such women when faced with domestic violence are unable to take care of themselves and when they do not get support from their parents they have no option but to continue in a violent marriage.

Conclusion

There are no quick fix solutions to a problem which is as widespread and ancient as domestic violence. Domestic Violence Prevention Law is a step in the right direction however its proper implementation is also very important. Sadly this is totally missing. To illustrate in 2007, 2788 cases were registered under it but only in 118 cases conviction was achieved (Hindustan Times, 25.8.2009:9). In the same year 75903 cases under cruelty by husband and relatives and 8093 dowry death cases were reported (Malik, 2009:7).

1. This attitude and situation needs to change and the law needs to be advertised more so that every person in India is aware of the law. Women and girls need to know that there is this law for their protection and men and boys need to know that inflicting domestic violence on anyone is illegal and punishable. Every Indian citizen needs to be sensitized about equality and human rights of all citizens whether male or female. Women must be seen as human beings and not property of men and must be safe from violence. (Levy, 2008: 129) Media and educational institutions can play a very important role in this.
2. Besides, educational and economic empowerment of every woman in India is of utmost importance. Every girl must go to school and girls need to understand that they are responsible for their lives and cannot be dependent on male family members to fulfill their needs. They need to become powerful economically and emotionally to face issues like domestic violence head on.
3. Women in India are unable to travel to new places in search of education and jobs unless accompanied by male family members due to bad law and order situation. Dependence on male relatives contributes to women's vulnerability hence good law and order is essential for reduction of dependency on male relatives.
4. The gap between good laws and bad implementation also needs to be bridged. The present structure of the justice system is such that women do not get the relief that is needed. The system needs to be feminized. Feminist policing, lawyering and judgeship are also needed to make system work. (Naqvi, 2010: 29)

Hence a holistic approach is needed to bring an end to the curse of domestic violence in India. Domestic violence is a reflection of the power relationship between husband and wife and it mirrors a women's secondary social status. And in order to eliminate it women's social status must be uplifted by a combined effort of women, men, society and government.

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