

Violence and Abuse against women in the State of Jammu and Kashmir: Causes and Forms

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Abstract:

Domestic violence is a heinous crime against society that has operated as a serious form of oppression of women and which has been increasing in alarming proportions. Incidence of domestic violence crosses all the barriers of class, income, race, culture and religion and is a highly under reported crime. Domestic violence is one of the greatest obstacles to gender equality and securing for women their fundamental rights to equal protection under the law and the right to life and liberty. Domestic Violence is a sensitive topic and the varying causes which can spark the violence within the four walls of homes need to be analysed carefully and study of the factors causing the violence may prevent a family to suffer from the menace of domestic violence. Therefore, the aim of the present paper is to examine the causes and forms of domestic violence against women.

Keywords: Crime, Heinous, Oppression, Sensitive, Harassment

1.0- Introduction

Domestic violence is a serious human rights threat to women in every society rich and poor, developed and industrialised. Particularly in patriarchal societies, it is used as a weapon for subjugating women and suppressing their rights as equal partners in the family structure. Domestic violence is wide spread and cuts across caste, creed, class and all educational levels. It is a national problem that affects women of all races, ages, economic status and religions with statistics emphasising the devastating effects of domestic violence on the lives of battered women. It refers to violence against

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women especially in matrimonial homes. Therefore domestic violence is recognized as the significant barriers of the empowerment of women, with consequences of women's health, their health-seeking behaviour and their adoption of small family norm.

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

Violence in the domestic sphere is usually perpetrated by males who are, or who have been, in positions of trust and intimacy and power - husbands, boyfriends, fathers, fathers-in-law, stepfathers, brothers, uncles, sons, or other relatives. But, many of the victims of domestic violence has either refused to name the perpetrator of the assault or attributed the injuries to other reasons **Daga et al. (1999)**. It has been reported that at least one-third of all women have experienced domestic violence (by their husbands/family members) in their lifetime. In various socio-economic surveys on India, between 22 and 48 per cent women have reported domestic violence against them **Jayaraman (2004)**. A number of studies revealed strong negative relations between the risk of domestic violence and household wealth and husband's education (Kim and Cho 1992; Jejeebhoy and Cook 1997; Martin et al. 1999; Hoffman et al. 1994, Mahajan 1990).

Methodology

Research methodology means using the scientific methods of investigation and analyse the phenomenon. No research work can be undertaken unless we adopt a proper research methodology.

Keeping in view the objectives of study, the data collection was carried out at both primary as well as secondary levels. The Primary data was collected through interview schedule, in-depth interviews and questionnaire, survey method, Focus Group Discussion. We can simply collect data through Case Studies, Checklists, observation. The secondary data was collected from various secondary sources such as Journals, Magazines, Economic and Political Weekly.

Based on the enlistment survey, 202 victimized women from Srinagar district were selected, considering the seriousness of the problem and interviewed for collecting the information.

1.1- CAUSES OF DOMESTIC VIOLENCE AGAINST WOMEN

The causes of domestic violence against women are a complex mixture of social economic, cultural biological and legal factors that accounts for the rising violence against women. Various reasons for domestic violence against women are given as under.

SOCIAL CAUSES

The social causes of domestic violence against women like inferior status of women due to social conditioning, patriarchal structure of society unwholesome family atmosphere, lack of proper training, broken homes, overcrowding in our room, too much interference by the parents, lack of discipline, lack of love of parents, drunkenness, immorality, cruelty, sickness and modern permissive atmosphere etc. The persistence of the problem has much to do with the fact that most of these physically and psychologically harmful customs are deeply rooted in the cultural traditions of the society. In India, the society is mainly patriarchal which regulates sexuality reproduction, socio production that is expressed through specific cultural metaphors.

PATRIARCHAL STRUCTURE OF SOCIETY

Indian society is male dominated. Man occupies a superior status and the woman is merely his appendage. A women has never an entity in her own right she is “first of

all daughter, next the wife, and last the mother of a man”. Men are consciously shy taught to be aggressive and tough while women are conditioned to be submissive. The constitutional and the protective laws assert justice and equality to be the goals but the given concepts and shared understanding assign different kinds of resources, opportunities and expectation to the genders each of which is ought to be governed by its own distinct code of fairness and justice results in gross injustice to women and is the causes of their exploitation and their low social status. Discrimination against girls starts at the moments a child is born and continued to be maintained and reinforced through the process of differential socialization throughout her life. Sex role distinctions are evident term of occupation and education. It make every women convinced to accept subordinate status.⁴

DOWRY DEMAND

Similar is the conditioning in another sphere also dowry is demanded in marriage because it is considered to be the traditional right of the boy’s family. It is sanctioned by custom and it should not be resisted. If the boy goes to prostitutes then wife must be a fault in not being with him. If he had become alcoholic even before marriage then also it was the duty of the wife to have weaned him away from drinks with her love and care. Thus, women can always be proved at fault by a convoluted logic and crimes can be committed against them with impunity.

MORAL AND PSYCHOLOGICAL ENVIRONMENT

Rapid changes during the last few decades due to social pressures of urbanization, compelling mobility have put the traditional Indian values in melting pot and resulted in a moral and psychological atmosphere which is highly cryogenic. Sacramental marriages and family ties are weakening. There has been virtually disintegration of joint family which provided an emotional safety and gave physical support to all its members. It has exercised control over its members and played an important role in teaching children basic values like truth, honesty, tolerance and concern for other, etc. The joint family absorbed the weak in its fold. It was a world in itself where everyone had a place. Each member found an appreciative audience within the family though he

⁴ Abraham, T. (Ed.). (2002). Women and the Politics of Violence. New Delhi: Shakti Books.

may have been out of place in world without it offered worth and intimacy to its members and provided them with an identity. There was no sense of alienation. Kins, folk and neighbours gave the individual continuous moral support throughout his life. All this has changed due to economic necessities, has made to work both men and women a compelling necessity.

PERSONAL AND PSYCHOLOGICAL

In traditional families, the husband was like a demigod. The wife's role was to look after him and his comforts. The whole world revolved round him. What would he like to wear? What would he like to have in dinner etc? If he was happy, whole household was happy; if he was sad, there was bloom all around. The woman was brought up to be submissive and never to question his authority. Manu, the supreme law giver had ordered. Whatever a drunkard, vicious or devoid of virtues, a husband ought to be worshipped and obeyed but now with a working questioning woman the man finds his position subordinate. The psychological satisfaction derived by the realization that he is the sole protector of his wife and children is gone. Exigencies of services often forces, the husband and the wife to live separately. This has decreased the emotional and physical dependence of the wife on her husband. She can live alone and find for herself. The psychological repercussions of the realization are traumatic man's basic instinct revolts. He does not like his wife to be too independent, there are feeling and of jealousy and suspicion. He uses physical force to keep his wife subject or creates hurdles in her work to prove his superiority. This is the major causes of tension at home and contributes in a big way towards the rising groups of cruelty and wife beating.⁵

UNEMPLOYMENT AND POVERTY

Unemployment and poverty is a major cause of crime against women. Some men just cannot see other men doing well while they themselves are unemployed or under employed. They find such women to be the cause of their failures; they nurture a

⁵ Ahuja, Ram (2001). Violence Against Women, In Shashi Prabha (ed.) Violence Against Women, New Delhi.

grudge against them and commit crime against them to take out their frustration. Unemployed men have been found beating their wives on very trivial domestic issues.

ALCOHOLISM

Many crimes had been committed under the influence of alcohol or drugs. The evil effect of alcohols results in heavy damage of the mind and the body and results in susceptibility to crime. Excessive drinking results in starvation for the family members, assaults and quarrels between husband and wife, between father and child, desecration, beating, cruelty, etc. Alcohol-related crime illustrates a reckless disregard of time, space and circumstances.

LEGAL CAUSES

The legal system is a reflection of the societal attitude towards women; it is non-responsive to her plight. The law enacted for the protection of women who suffer from various shortcomings. The attitude of the court in interpreting these laws is conservative, rigid and traditional. The enforcement of these laws is so poor that the offenders seem to have lost all fear of authority. They grow bolder because they are not caught so that they can indulge in crime with impunity. The record of the police in preventing crimes has been very poor. They indulge in crimes making police terrorism part of the system. The judicial system is slow; it gives them time to wipe out all evidence of the crimes. Cases are often withdrawn from the courts without even forming the charge-sheet. The phenomenon of domestic violence cannot be explained on the basis of single factor. Several reasons of domestic violence came in the light after asking from our respondents.⁶

1.2- FORMS OF VIOLENCE AGAINST WOMEN

Violence against women takes many forms and could consist of varying degrees of harassment and intimidation, of physical and mental abuse, of extreme or less than extreme injury. It could be the long term consequence of brutalization. It could be perpetuated in individual instances or take place in custodial settings with in familial

⁶ Boulding, Elise, (1981). Women and violence. In UNESCO: Violence and its causes, Paris : UNESCO, pp. 239-245.

limits or other public institutional environment such as employment agencies (factories, workshop or farms), the police and also the state. State violence is exhibited in various repressive measures or even though interventions in the name of development and modernization. The forms of violence commonly found are slapping, tearing hair, pushing and pulling, kicking, hitting with an object, attempting to strangle and threatening. Forms of psychological abuse were also bound to exist for instance, verbal abuse, sarcastic remarks in the presence of outsiders, imposing severe restrictions on freedom of movement, totally, ignoring the wife in decision-making process, and making frequent complaints against her to her parents, friends, neighbours, and kins much to the embarrassment of the wife. Rape and sexual abuse is another frusta form of violence. It is commonly believed that women if married are safe in our society. But if the monster prevails in her family itself it would be rather very difficult for her to escape. Rape or sexual abuse can be committed by the relatives, family friends on helpless women. Demanding, giving and accepting dowry is illegal in India. The practice, however, still prevails in many sections of the society. The issue of dowry is probably the most common sources of domestic violence in India, where the husband along with his parents and relatives tortures his wife for money. Incidents of murder or attempted murder for dowry related reasons are regular items in the country's daily newspapers. Women are also victim of mental or psychological torture. Using abusive words by family members in front of other causes mental illness among women because it is generally accepted that women are soft then men in this aspect. Bangladesh and Sri Lanka suicide is likely 12 times as likely to have been attempted by a woman who has been abused than by one with whom they live (Philippa Venning, 2010).

Forms of Domestic Violence

1. **Physical Violence :-** It means act or conduct which is of such a nature that it causes bodily pain, harm or danger of life included pushing, slapping, punching, beating, kicking, throwing objects, hit with hard objects, 'bleeding, injury, forced sex, deprived food, pulling the hair.

2. **Verbal Violence:-** It includes use of abusive or any filthy language, verbal threats etc.

3. **Social Violence:-** Includes in public places, in the presence of family members, relatives, neighbours and friends.

4. **Emotional and Intellectual Violence Includes: -**

Deprivation of love and affection, deprivation of care and sympathy. Deprivation of support, not having a stimulating exchange of ideas. Not seeking any information, excusing from discussions, insult, ridicules, humiliation, name calling etc. Economic abuse/violence: includes deprivation 'of all or any economic and financial resources to which the aggrieved person is entitled under any law or whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity but not limited to household necessities for the aggrieved person and her children, if any stridhan, property, jointly or separately owned by the aggrieved person, payment of rent related to the shared household and maintenance.⁷ After collection of data about forms of violence, the data was tabulated. The table No.1 below showing the frequencies and percentage of the responses.

Table No.1 Forms of Violence as told by the Respondents

Forms	No. of Respondents	Percentage
Physical Violence	80	39.60
Verbal Violence	26	12.90
Social Violence	30	14.80
Emotional and Intellectual Violence	66	32.70
Total	202	100.00

⁷ Justice P. Venugopal (2001). Different forms of violence and harassment against women, Indian Journal of Criminology, vol. 29(1&2) January & July, pp. 1-7.

The table shows that forms of violence bear by the respondents. They were violated with different forms of violence. Out of total 202 respondents, 39.6 per cent respondents were sufferers of physical violence, while 12.9 per cent respondents have faced verbal violence, whereas 14.8 per cent respondents told that they faced maximum social violence and 32.7 per cent respondent faced emotionally and intellectual violence. It is evident from the table that majority of the respondents had to face emotional and intellectual violence. Social, economic and physical violence comes later on.

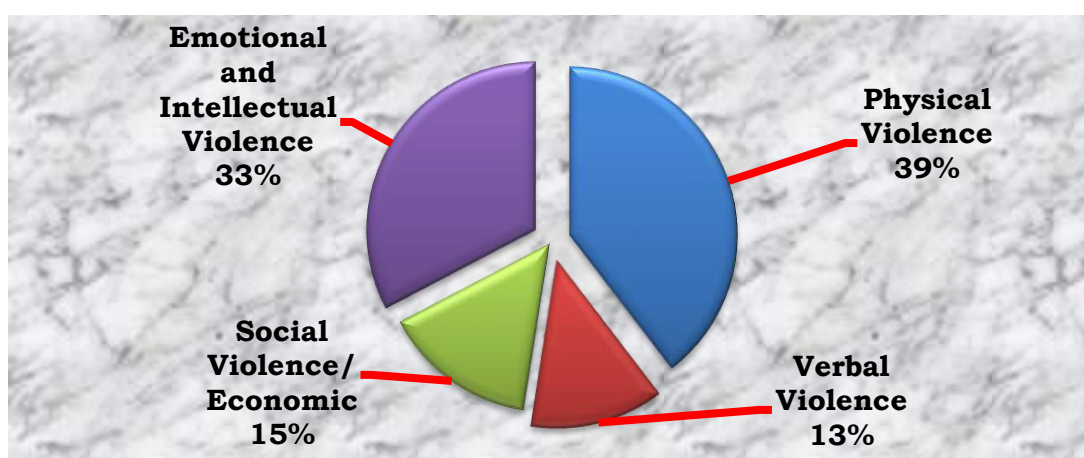


Table No.2- Frequency of Violence among Respondents

Frequency	No. of Respondents	Percentage
Mostly Daily	43	21.3
Once in week or once in two week	50	24.7
Did not beat	54	26.7
Once/twice in a year	55	27.3
Total	202	100.00

The table shows the frequencies of violence among the respondents. It shows that 21.3 per cent respondents faced violence most of the time, daily whenever 24.7 per cent respondents have faced violence at once in a week or once in two weeks, while 26.7 per cent respondents reported that they were not beaten by their husbands and 27.3 per cent respondents said that they have faced physical violence at once or twice

in a year. It shows that one-fourth of the women did not face physical violence like beating.

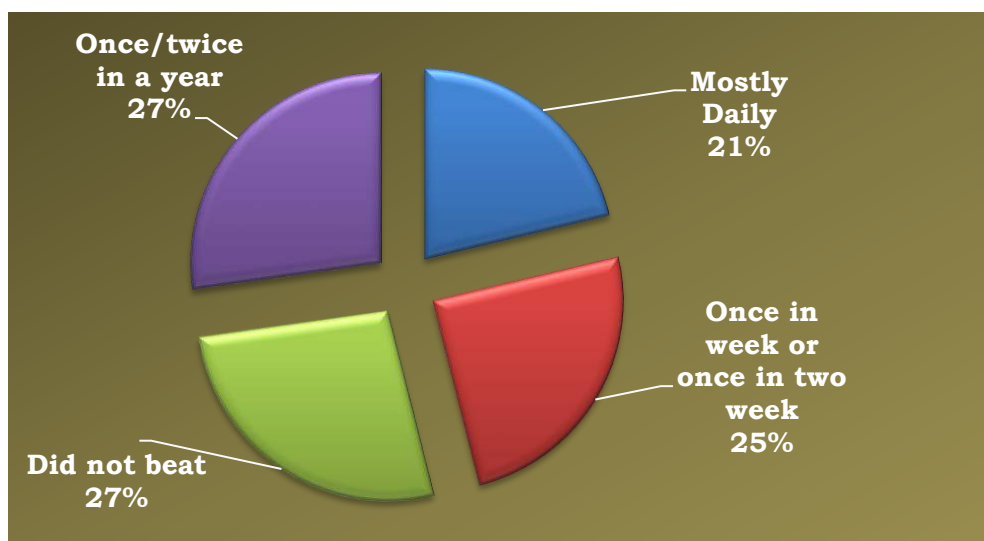


Table-No.3 Reaction of Husband after misbehaving with the Respondents

Reaction	No. of Respondents	Percentage
Never feel guilty	110	54.5
Sometime feel guilty	78	38.6
Always feel guilty	14	6.9
Total	202	100.00

The table shows the reaction of husbands after beating their wives. The table shows that 54.5 per cent respondents' husbands never felt guilty after beating them, while 38.6 per cent respondents' husband felt guilty sometimes and few i.e. 6.9 per cent respondents' husbands always felt guilty after bearing their wives. Hence, it is evident that majority of the respondents never felt guilty after beating their wives.

Conclusion

Women emerged as a distinct interest group in the 19th century primarily because the bourgeoisie democratic revolutions of 17th and 18th century that excluded women from their concept of equality. This distinction was based on gender. Since then women as a commune had waged struggle for recognition of their rights as a human being. Women's execute multilateral role in the society i.e. as a breadwinner of her family, as a caretaker of her family as a mother, wife, daughter and service provider to the society. In spite of the fact that the women's contribution to the country's development is equal to that of their male counterpart, still they experience a number of limitations that restrain them from comprehending their potential for expansion.

Domestic violence is a national problem that affects women of all races, ages, economic status and religions with statistics emphasising the devastating effects of domestic violence on the lives of battered women. Domestic violence is a serious human rights threat to women in every society rich and poor, developed and industrialised. Particularly in patriarchal societies, it is used as a weapon for subjugating women and suppressing their rights as equal partners in the family structure. Domestic violence is wide spread and cuts across caste, creed, class and all educational levels. Around the world, on an average, one in every three women has experienced violence in an intimate relationship. It is not an only damaging to women but causes deep psychological effect on their children, too, because of the constant fear and humiliation, they live with. Largely viewed as a family matter, neighbours, friends and even the relations of the battered women rarely interfere in situations of domestic violence, because the wife is regarded as her husband's property and there is a social acceptance of his rights to chastise her, if she has displeased or disobeyed him in any way how so ever minor.

Suggestions and Recommendations

In the light of the objectives and findings of the present study, the measures suggested by majority of respondents point out to the lacuna in the present efforts on the part of social organization and Government policy regarding this issue.

1- In the prevailing situation, it seems necessary that women, especially those who suffer more in the in-laws families, must resist unjust practices and assert their rights denied to them completely in the hostile social environment. They have to carry out these serious efforts even if they have to approach the relatives, friends and neighbours, contact the police, sue in the court of law, and, more importantly, violate the traditional values. This action framework may be applied to other problems of women too.

2- The practices of torture and harassment of women at the hands of in-laws family members have to be stopped forcefully by social action, judicial action or police action. At the initial stage these problems, when these become uncontrolled or go out of proportion may be taken care by relatives, social notables and other well-wishers. If they fail in the resolution of the problems, they may approach the court for getting justice. If that effort also fails, the police action may become unavoidable. 1

3- The dowry demand may also be treated in the preceding action framework. In fact, it has been observed that, in near total number of cases, the problems related to dowry demand have been resolved in the first stage through social intervention on the part of relatives, notables, friends, neighbours and other well-wishers. It is primarily because there exists total sympathy and support for the dowry victim. However, if these social efforts fail, approaching the court and police becomes necessary.

4- Divorces have to be dealt in several ways. First, there has to be developed a clear, contextual and realistic understanding of divorce. Moreover, the religious orders have to be implemented properly, thus avoiding any deviation or violation of the religious orders. Second, the undesirability of divorce in practice has to be maintained seriously. Third, if one deviates or violates the first and second, it must be necessarily followed by social and legal measures against the person/s concerned.

5- Most of the victims of Domestic Violence are uneducated, backward and economically disadvantaged. The legal aid and advice should be made available to them without any cost.

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