

THE EFFECT OF DOMESTIC VIOLENCE ON WOMEN HEALTH

DISSERTATION SUBMITTED
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE AWARD OF DEGREE
MASTER OF LAWS (LL. M)



BY

BEENA RAJBHAR

ROLL NO. 1190997018

LL. M II SEMESTER

(CRIMINAL AND SECURITY LAWS)

SUBMITTED TO:

MRS. SARITA SINGH

(ASSISTANT PROFESSOR)

SCHOOL OF LEGAL

SESSION 2019-2020

SCHOOL OF LEGAL STUDIES

BABU BANARASI DAS UNIVERSITY, LUCKNOW

DECLARATION

I Beena Rajbhar, student LL.M (Criminal and Security Laws), Roll Number-1190997018, School of Legal Studies, declare that the work embodied in this dissertation is my own bonafide work, carried out by me under the supervision of Mrs. Sarita Singh (Assistant professor ,School of Legal Studies, Babu Banarasi Das University). The matter embodied in this dissertation has not been submitted previously for the award of any degree or diploma in any other University or Institute.

I declare that I have faithfully acknowledged, given credit, and referred to the authors wherever their works have been cited in the dissertation.

Date:

Place-

Signature of candidate

Ms. Beena Rajbhar

Roll Number- 1190997018

CERTIFICATE

This is to certify that BEENA RAJBHAR, student of the LL.M. Second semester, Babu Banarasi Das University, Lucknow has worked on the topic titled “**The effect of domestic violence on women health**” under my supervision. To the best of my knowledge the dissertation embodies the original work of the candidate herself and findings and dissertations put forth in dissertation are her own, formulated after perusal of primary and secondary resources cited in this dissertation.

Date:

Under the supervision of

MRS. SARITA SINGH
ASSISTANT PROFESSOR
School of legal studies
Babu Banarasi Das University.

ACKNOWLEDGEMENT

“Any accomplishment requires the effort of many and this work is no different.”

First and foremost I would like to thank the Almighty for giving me the strength, ability and opportunity to undertake this dissertation and to complete it satisfactorily. Without his blessing it would not have been possible. I would take this opportunity to express my profound gratitude and deep regards to my Faculty guide Mrs. Sarita Singh for his exemplary guidance, monitoring and constant encouragement throughout the course of this dissertation. The blessing help and guidance given by him from time to time shall carry me a long way in the journey of life on which I am about to embark.

Lastly, I thank almighty, my parents, sister and friends for their constant encouragement with out which this dissertation would not have been possible.

THANK YOU.

Beena Rajbhar

TABLE OF CASES

A

- 1) Animesh Trivedi v. Kiran Bagai-61
- 2) Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan-69

C

- 3) Chameli Singh v. State of U.P-70

D

- 4) Dr. Akalanka Bhandari v. Smt.Aruna Bhandari-62

F

- 5) Francis Coralie Mullin v. Union Territory Delhi, Administration-69

H

- 6) Hunuman v. Smt. Chander Kala-63

J

- 7) Jyotish Chandra v. Meera Guha-60
- 8) Jeevan Babu Bass v. State of Maharashtra-62

K

- 9) Kamesh Panjiyar vs. State of Bihar-57
- 10) Kundula Bala Subrahmanyam v. State of A.P-57

L

- 11) Lallo v. Smt. Bachi-61

M

- 12) Malay Kumar Pakhira v. Papia Pakhira-63
- 13) Madhusudan Bhardwaj & Ors. v. Mamta Bhardwaj-64

N

- 14) Nemai Kumar Ghosh v. Mita Ghosh-63

R

- 15) Russell v Russell-58

S

- 16) Shobha Rani v. Madhukar Reddi-58
- 17) Samar Ghosh v. Jaya Ghosh-60
- 18) Savitri Pandey v. Prem Chandra Pandey-61
- 19) Sobat Singh Sajwan v. Smt. Kaushaly Devi-62
- 20) Stanly Hedger v. Florence-63
- 21) Sarojakshan Shankaran Nayar and other v. State of Maharashtra-64

T

- 22) Tulsa v. Pannalal Nath Kali-61

U

- 23) U.P Avas Evam Vkias Parishad and another v. Friends co-op housing society
Ltd. & Another-70.

V

- 24) Vinita Saxena v. Pankaj Pandit-59
- 25) Vikram Deo Singh Tomar v. State of Bihar-70

LIST OF ABBREVIATIONS

AIR	:	All India Reporter
AIDS	:	Acquired immune deficiency syndrome
BMI	:	Body Mass Index
CDC	:	Centre for disease control
CBS	:	Central Bureau of Statistics
CEDAW	:	United Nations Committee on Elimination of All forms of Discrimination against Women.
Cr.P.C	:	Criminal Procedure Code
HIV	:	Human immune deficiency syndrome
HR	:	Human right
ICRW	:	The International Centre for Research on Women
IPC	:	Indian Penal Code
NGOS	:	Non-Government Organisation
NCRB	:	National Crime Record Bureau
O.V.W	:	Violence against women
STIs	:	Sexually transmitted infections
TBI	:	Traumatic brain injury
UNICEF	:	United Nations International Children's Emergency Fund
U.S	:	United States
WHO	:	World Health Organization.

TABLE OF CONTENT

CHAPTER 1

1.1 Introduction.....	1-2
1.2 Objective.....	3
1.3 Research Methodology.....	4
1.4 Hypothesis.....	4
1.5 Literature Review.....	5-6

CHAPTER 2. DOMESTIC VIOLENCE

2.1 Definition of violence against women or domestic violence.....	7-8
2.2 Schools of thoughts on Domestic Violence	
2.2.1. Psychological theories.....	9-10
2.2.2. Social Learning theory.....	10
2.2.3. Theory of learned Helplessness.....	10-11
2.2.4. Feminist theory.....	11-12
2.2.5. Theory of cycle of violence.....	12
2.2.6. Exchange theory.....	12-13
2.2.7. Resource theory.....	13

CHAPTER 3. TYPOLOGY OF VIOLENCE AGAINST WOMEN

3.1. Introduction.....	14-15
3.2. Typology of domestic violence	
3.2.1. Intimate Partner violence.....	15-19
3.2.2. Physical violence.....	19
3.2.3. Sexual violence.....	19-21
3.2.4. Threat of Sexual or Physical violence.....	21
3.2.5. Psychological or emotional violence.....	22

CHAPTER 4. THE EFFECT OF DOMESTIC VIOLENCE ON WOMEN HEALTH

4.1. Health consequences of domestic violence on women.....	23-24
4.1.1. Physical Health problem.....	25-31
4.1.2. Mental Health problem.....	31-35
4.1.3. Factor affecting domestic violence against women.....	36-45
4.2. Global Prevalence of violence against women.....	46-55

CHAPTER 5. JUDICIAL PRONOUNCEMENT

5.1. Judicial response.....	56-64
5.1.1. Dowry related violence.....	57
5.1.2. Matrimonial Cruelty.....	58-61
5.1.3. Slapping, Beating and Dragging.....	61-62
5.1.4. Drunkenness, when amount to cruelty.....	62
5.1.5. False Accusation of adultery or unchastity.....	62-63
5.1.6. Sex, impotency and cruelty.....	63
5.1.7. Refusal to have children.....	63-64
5.2. The Protection of Women from Domestic Violence Act, 2005.....	65-89
5.3. Conclusion.....	90-96
5.4. Suggestion/Recommendation.....	97-99
5.5. Bibliography.....	100

THE EFFECT OF DOMESTIC VIOLENCE ON

WOMEN HEALTH

CHAPTER 1

1.1 INTRODUCTION

¹The role of women in India is confined to that of daughter, housewife and mother.

Unfortunately women are not safe even within the four walls of their homes. Housewives are subjected to physical torture and psychological harassment irrespective of their economic status, religion, caste and creed. Perhaps family conflicts stress. Cultural norms and sexual inequality contribution to wife battering.

The worst aspect of violence against women is that it receive social sanctity. Neighbors, authorities and even the police hesitate to intervene in case of domestic violence because they feel it as a very private domain. Women are vulnerable to act of violence in the family which include foeticide, infanticide, martial, cruelty, dowry, murder, child abuse, incest, battering etc. At the community level, they face violence in the form of rape, sexual harassment, eve –teasing trafficking and sexual discrimination. Custodial violence and institutional deprivations are type gender violence that emerge at the level of the state.

The issue of domestic violence against women slowly began to surface in public forums during the last decade of the 20th century, though many still see it as affecting only a handful of Who don't adjust themselves with the family norms? Wife beating is said to be the most prevalent form of domestic violence which reflects "men's frustration at their inability to convince their spouse by words alone". It is with the development of human rights jurisprudence that women's exposure to domestic violence receive public attention and the policy makers felt the necessity for bringing out a legislature to encourage victimized women to report violence and the state to launch rehabilitation services for the battered women.

The need for protection of women against domestic violence necessarily emerged as a H.R issue and a serious threat to social development .The United Nations Committee on elimination of All Forms of Discrimination against Women (CEDAW), in its general recomm-

¹ Prof.N.V Paranjape "Criminology ,Penology & Victimology"

-endations (1989) had recommended that state parties should protect women against violence of any kind especially that occurring within the family.

The World Conference on Human Rights at Vienna held on June 25, 1993 for the first time recognized the violation of women's human rights in many ways and held that are inalienable, integral and indivisible part of the universal H.R and demanded equal status of women with men. It favored eradication of all forms of discrimination against women. Despite these rights of women and setting up of women's commission at the Centre and state level the plight of Indian women, by and large, has still remained miserable. The reason being that a vast majority of women are ignorant of the protective laws or even their existence. The government of India being a signatory to the U.N General Assemble Resolution to adopt the Declaration on the Elimination of violence against women (December 1993), the Ministry of Human Resource Development has brought out a Bill on protection from Domestic Violence Bill, 2001(Bill No.133 of 2002) which has been introduced in the parliament in the budget session of 2002. This Bill which has become an act, provides much needed emergency relief and succor to aggrieved and powerless women who are exposed to various forms of abuse. However, without making women aware of their rights through education and society at large conscious of its duty to respect the rights of women, no law can bring about the desired change in the status of Indian women.

The parliament has already enacted numerous legislation to eradicate gender bias and discrimination against women. The constitution also provides adequate protection to women against gender injustice. The Dowry Prohibition Act, 1961 the Suppression of Immoral Traffic (Prevention) Act 1961, the Indecent Representation of women (Prohibition) Act, 1986 are enacted to protect the rights of women and ensure them a life of dignity.

OBJECTIVE

In our study we will be examining nature of domestic violence, its types, scope, causes and consequences. Beside this we will also look into the socio-economic costs of domestic violence and socio-culture background of victims.

The main and the foremost objective of this research work is to understand:

- To know the effect of domestic violence on women.
- To find out the causes of violence against women.
- To know the person responsible for violence against women.
- To study the health consequences of domestic violence on women.
- To measure the level of stress among the respondent.
- To study the role of the Indian judiciary in protecting women against offences.
- To study and examine whether women in India have become fearless or not after “Domestic violence Act” came into existence.

RESEARCH METHODOLOGY

The methodology of research differs according to the subject. This study is Doctrinal in nature. The research extends up to the studying of the health consequences on women due to domestic Violence. The problem faced by women on his mental and physical effect and what all measure need to be undertaken to curb it down. Some part of my document is empirical method study is done .

HYPOTHESIS

Hypothesis lays on important and dominating role in any social research. Following hypothesis are formulated:

- i. Domestic violence is experienced more by women in rural areas compared to urban areas.
- ii. Domestic violence is more experienced in those families in which the husband is alcoholic.
- iii. Whether the existing legal framework is sufficient to check the domestic violence against women or needs modifications in order to overcome drawbacks and defects.
- iv. Whether the socialization, unemployment, illiteracy, lack of legal awareness etc. are normally associated with the problem of domestic violence.

LITERATURE REVIEW

1. Bhatti (1989): While taking in to account various form of violence concluded that 88% women in lower class were the victims of physical and verbal violence in contrast to 43% for the middle class with regard to emotional and intellectual violence, he found that representation of the upper and middle classes was more as compared to the lower class.

2. Karlekar, Malavika et al (1995): Conducted a study on violence. The ever-present fact of violence, both overt and covert physical and non-physical has an over helming influence on feminine identity formation. Using the life cycle approach this article argues that at every stage there is discrimination and violence, particularly against girl children and later women within the dependency illness and fatigue.

**3. Das P.K, 2012 “Protection of women from domestic violence”, 4th edition
Reprint, universal law publication New Delhi,**

The author of this book is to create on awareness about the law on protection of women from domestic violence this book is for direct and indirect involved and interested in the subject.

The researcher has used this book to study the offences against women and role played by the society law for the protection of the women as related to human right.

4. Madhurima (1996): Conducted study “violence against women”. “Dynamics of conjugal relations” in Chandigarh city and take sample case study , it was decided to have a purposive sample of 55 cases for each class as a preliminary step. For the purpose of comparison, a purposive sample of two hundred household situated in different sector were selected giving equal representation to all four classes the purpose of analysis these. An interview schedule and was constructed to collect the core data for the study . The purposed study was undertaken with the main objective: (1) To find out the nature, extent and frequency of wife abuse (2)To identify the correlate of physical violence used against the wives by their husband. (3) To explicate the coping mechanism adopted by the victims to deals with abusive relationship.

5. David Levinson(1989): Outlines three other factors that together help predict violence against women: a pattern of using physical violence for conflict resolution, male authority in the home, and a divorce restriction for women. In the current study in Gujarat, only three women reported dowry related violence. This low number may be due to higher prevalence

of dowry harassment in urban, higher caste families not represented in a rural sample. The lack of women's power within the home as well as constraining social and economic factors which provide few options outside of marriage were indeed associated with high level of abuse.

6. Elise Bonding (1988):- in her paper on women and violence clearly points out that social violence against women are mainly based on a (a) social or institutional structure of the patriarchal order perpetuating all kinds of discrimination and oppressions against women which result into (b) behavioral violence . In general, she reports that because women are 'easy' victims , they experience great deal of direct behavioral violence in every society.

7. Singh Sukhdev and Gupta A.K (1996): Has conducted a study on "Domestic violence against women: some observation." In their study an analytical effort is made to discuss some of the issues related to crime violence against women. Effort are made to bring forth the extent of the crimes their factors and consequences. In India beating and mental suppression of women has been prevalent since olden days, but of late the instances of sexual harassment, kidnapping abduction murder and rape are increasing. Such crime and violence are bound to generate negative results in the over well development of the nation .Formation of NGO's and strengthening of women organizations for protecting women rights is of utmost importance.

8. Sen(1998): examined violence in intimate relationships, namely women's experience of male violence at the hands of husband (or male partners) in the city of Calcutta. Information was collected from 52 relationships by interviewing women about their histories including education experience, migration patterns, paid employment and physical and sexual violence. It was found that in general, women suffered extreme physical abuse and for long durations. Employment of women was not found to be unassociated with violence, indicating that irrespective of whether a women is an earning member or not, she faces hostility and violence.

CHAPTER 2

DOMESTIC VIOLENCE

2.1 DEFINITION OF DOMESTIC VIOLENCE AGAINST

WOMEN

One of the main challenges facing international researchers on violence against women is to develop clear operation definition of different types of violence and tools for measuring violence that permit meaningful comparison among diverse settings. Violence is an extremely manifold and complex phenomenon .Defining it is not an exact science but partly a matter of judgment. Notions of what is acceptable and unacceptable in terms of behavior, and what constitutes harm, are culturally influenced and constantly under review as values and social norms evolve (WHO 2002). Researchers have used many criteria to define violence. A common method is used to classify violence according to the type of act for example, physical violence (slapping, hitting, kicking and beating), sexual violence (example-forced intercourse and other forms of compel sex), and emotional or psychological violence (example- intimidation and humiliation). Violence can also be defined by the relationship between the victim and per prisoner, for example, intimate partner violence, incest, sexual assault by a stranger, date rape or fellowship rape. The official United Nations definition of gender – based violence was first presented in 1993 when the General Assembly passed the Declaration on the Elimination of violence against women. It defines violence against women as:-

“Any act of gender based violence that results in or is likely to result in physical, Sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life”. It encompasses, but is not limit to “physical, sexual and psychological violence occurring in the family, includes battering, sexual abuse of female children in the household, dowry related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation, physical, sexual and psychological violence occurring within the general community, including rape, sexual harassment and intimidation at work, in education institution and elsewhere; trafficking in women and forced prostitution and

physical, sexual and psychological violence perpetrated or condoned by the state, where over it occurs”.¹

The World Health Organization (WHO 1996) has also recognized domestic violence against women as a public health issue. According to WHO, violence can be prevented and its impact reduced, in the same way that public health efforts prevent and reduce pregnancy related complication, workplace injuries, infectious disease and illness resulting from contaminated food and water in many parts of the world. The factors that contribute to violent response whether they are factors of attitude and behavior or related to large social, economic, political and culture conditions can be changed and violence can be prevented .The world Health organization defines violence against women as follows:-

“The international use of physical force power, threatened or actual, against oneself, another person or against a group or community that either results in or has a high like hood of resulting in injury, death, psychological harm, mal – development or deprivation”

The definition also encompasses all types of physical, sexual and psychological abuse at well as suicide and other self-abusive acts.

¹ United Nation General Assembly 1993, Article 2, and page 3

2.2 SCHOOLS OF THOUGHTS ON DOMESTIC VIOLENCE¹

Many theories are associated with the cause of domestic violence. Some researchers focus on biological factors such as genetic or brain functioning, while others examine the socialization and cultural factors, stating that it may be learned from the culture or the family.

Still others contend that it is the venerable structure that both maintains and promotes violence against women.

No one theory can fully explain the causes of domestic violence and also provide a reason for battered women continuing with the relationship, we need to acknowledge and accept that domestic violence has a multiplicity of causal relationship .The general consensus among researchers seems to indicate that no one theory can adequately describe the dimension and the phenomena of this problem.

2.2.1 PSYCHOLOGICAL THEORIES

Early psychological theories focused on the individual characteristics of violent men and battered women. Psychological profiles of men who batter and the women who were battered were developed in the early days of research on domestic violence .Some posit that both the abuser and victim have some pathological traits (Dutton and Gondoff, 1979). The abuser tends to have low self-esteem and a great need for control while some aspect of the personalities and behavior of the battered women provokes their husbands to violence towards them; and to some extent, it is maintained, the women not remain in the relationship (Birns & Birns,1994).

However, Walker (1984) and others have contended that there is no evidence of a victim prone personality for the women. She argues that the battered women may suffer from the battered women syndrome, a label that has been used describe a pattern of negative psychological consequences observed in many battered women. The major components of battered women

¹ studentsrepo.um.edu.my > chapter

Syndrome include symptoms of post-traumatic stress disorder (including disturbing memories, flashback fear, anxiety, sleep disturbance, avoidance and hyper-vigilance) and “learned Helplessness”.

2.2.2 SOCIAL LEARNING THEORY

Social learning theory is also employed to explain both why men batter and why women remain in abusive relationships. Social learning theory is based on behavior of those around them. It proposes that people model their behavior on the behavior of those around them. It propose that the abuse is a learned behavior due to witnessing or having been a victim of abuse in their family origin. Feminist social learning theorists argue that men learn to be violent while they are still children through the socialization process, and women learn helplessness during the course of their adult abusive relationship. A study by Roy (1977) found that 81 percent of abusive men had a childhood history of violence, either as the victim of child abuse or as a witness to wife abuse. One limitation of social learning theory is that it cannot explain why only some children with early childhood exposure to violence grow up to be violent themselves.

2.2.3 THEORY OF LEARNED HELPLESSNESS

The theory of learned helplessness developed by Selig men (1975), has been helpful in understanding how some women respond to abuse learned helplessness theory states that when an organism experience situation which cannot be controlled, the motivation to respond to such repeated events will be impaired. After being conditioned, if the organism is able to make appropriate responses which do control the outcome, the organism will continue to have trouble believing that the responses are under its control.

Walker (1984) used the term “learned helplessness” to discuss why women found it

hard to leave an abusive relationship. It refers to the battered women's inability to either end the violence or to remove themselves from the violent relationship. It refers to the battered women's inability to either end the violence or to remove themselves from the violent relationship. The women see the abusive events as occurring without their control, and thus learn to endure the abuse (La Violette & Barnett, 2000). Walker propose learned helplessness as the result of the cycle of violence where it "taught" women to be helpless and passive. However, learned helplessness does not explain why and how many of the battered women do eventually leave.

2.2.4 FEMINIST THEORY ON DOMESTIC VIOLENCE

Feminist theory on violence against women is centered in a historical context of cultural and structural power imbalance between men and women. It is said that power and control are the core issues in domestic violence. Gordon (2000) posited that several individuals and interpersonal mechanisms interacted, to translate societal mechanisms to the individual level, including attitudes (attitudes justifying male privilege and dominance over women & rigid expectations of gender specific behavior socialization of males to adopt aggressive and dominant behavior in interpersonal interactions, encouragement of aggressive and control over women by peers and authority figures, lack of sanction for violence against women by societal institutions and the modeling of violence against women either in home (observation of domestic violence in families) or by media (p.765).

The patriarchy structure and ideology permeates all basic social institutions such as politics, religion, education, media and the family (Hyden, 1994; Jainski 2001; Kirkwood 1993). Feminist theory puts this very inequality between men and women at the root of the analysis of domestic violence.

Felix and Paz-Ingente (2003) maintained that both men and women have been conditioned to think and behave within the "patriarchy" context. Throughout history, men are taught to be aggressive, dominating and to exercise authority over women, while women are

taught to be submissive, dependent upon men and to sacrifice for the family's welfare.

2.2.5 THEORY OF THE CYCLE OF VIOLENCE

The “cycle of violence”, first articulated by Lenore Walker (1984), became a popular explanation for domestic violence in the 1980's. Lenore Walker, a psychologist, discovered what she calls the cycle of violence, based on the principle of intermittent reinforcement, which outlined predictable patterns of abuse in a violent relationship (Walker 1979, 1984).

In Walker's cycle of violence theory, she describes a repeated sequence of behavior that typified a battering relationship which appears to have three distinct phases: the tension building phase the explosion or acute battering phase followed by a honeymoon respite phase.

Walker asserts that the cycle of violence causes the victim to think less of herself, cause confusion that reduce her chances of planning escape, pre-occupies her mind with self-blame and causes her to be hopeful that they can have a happy and fulfilling relationship together.

Knowledge and understanding of this cycle is important so that we can educate women about this and help them to be aware of the cycle that they go through in an abusive relationship. This cycle of false hope is literally ‘programmed’ into the victims by their abusers. Many women never find ways to prevent them from being drawn into the same destructive pattern. Hopefully, with an understanding of the cycle, they will have the courage to break the cycle and it will help them to see that the honeymoon stage is only an ephemeral hope that they cannot afford to hang on to with their life.

2.2.6 EXCHANGE THEORY

Exchange theory contends that predictable behavior occurs when rewards are increased and and punishment are open .Central to exchange theory is the notion that if reciprocal ends, then the interactional nature of the relationship will stop. Gelles and Cornell (1990) note that the application of exchange theory upon family interactional patterns is more complex and they contend that in some situations it is “not doable or possible to break off interactional, even if there is not reciprocity” (p.116). In applying this theory to abuse women, there is cost benefits analysis that guides the abused women’s decision either to continue or stop the relationship. In other words, if the “benefits” of continuing to stay in situation outweigh the “cost” of being abused, then the victim is more likely to stay in the situation.

2.2.7 RESOURCE THEORY

Goode (1971) was the first to apply Blood and Wolfe’s (1960) resource theory of power to explain a husband use of violence against his wife. He situated his resources theory of violence within the context of distribution of resources in comparison to other members in the society are expected to experience higher levels of frustration and stress.

Goode maintained that violence is a resource similar to money or personal attributes that can be used to deter unwanted actions or bring about desired behaviors. Husbands who have few resources may very well feel inadequate or threatened and may use violence to exert their power, establish control and maintain dominance within the home.

Violence is viewed as “ultimate” resources in that it is used when other resources are perceived to be insufficient or to have failed to obtain the desired response. Thus, violence seem to be most open and effective means of husband’s social control over wives, when other or more subtle methods of control do not deduce submission.

CHAPTER 3.0

TYOLOGY OF VIOLENCE AGAINST WOMEN ¹

3.1 INTRODUCTION

An analytical framework or typology is needed to separate the threat of intricate tapestry so that the nature of the problem and the action required to deal with it become clearer. In 2002, WHO carried of a comprehensive study in the form of “World Report on Violence and Health and summarized the problem of violence on global scale .In this report on violence and health (WHO 2002), WHO suggested a typology that categorizes violence in three broad categories, according to those committing the violent act:

- self-directed violence,
- collective violence,
- Interpersonal violence.

This initial categorization differentiates between violence a person inflicts upon himself or herself, violence inflicted by larger groups such as states, organized political groups, militia groups and terrorist organizations.

Self-directed violence includes suicidal behavior and self-abuse such as self mutilation. Suicidal behavior ranges in degree from merely thinking about ending one’s life, to planning it, finding the means to do so, attempting to kill oneself, and completing the act.

However, there should not be seen as different points on a single continuum. Many people who entertain suicidal thoughts nerve act on them, and even those who attempt suicide may have no intention of dying.

Collective violence is the instrumental use of violence by people who identify themselves as members of a group against another group or set of individuals, in order to achieve political, economic or social objectives. It takes a variety of forms; armed conflicts within or between stages; genocides, repression and other human rights abuses; terrorism; and organized violent crime.

¹ dspace.gipe.ac.in

Interpersonal violence is divided into two sub-categories:

- Family and intimate partner violence-that is, violence largely between family members and intimate partners, usually, though not exclusively, taking place in the home.
- Community violence-violence between individuals who are unrelated, and who may or may not know each other, generally taking place outside the home .As our present study focuses on the first category we now turn our attention to its definition and research.

The typology also capture the nature of violent acts, which can be physical, sexual or psychological or involve deprivation or neglect .The typology also considers the relevance of the setting, the relationship between the perpetrator and victim, and victim and in the case of collective violence the possible motives for the violence.

3.2 TYPOLOGY OF DOMESTIC VIOLENCE

3.2.1. INTIMATE PARTNER VIOLENCE

While domestic violence is a violation of women’s human rights, violence directed against Women by their intimate partners is an epidemic of global proportions that has devastating physical, emotional, financial and social effects on women, children, families and communities around the world. Although international human rights instruments and institutions have only recently acknowledged domestic violence as a human rights violation, the right to life and to bodily integrity, the right to life and to bodily integrity is core fundamental rights that are protected under international law.

Domestic violence is a pattern of abusive and threatening behaviors that may include physical, emotional, economic and sexual violence as well as intimidation, isolation and coercion. The purpose of domestic violence is to establish and exert power and control over another; men most often use it against their intimate partners, such as current or former spouse, girl friends or dating partners.

Domestic violence is behavior that is learned through observation and reinforcement in both the family and society. Domestic violence is repeated because it often works. Domestic violence allows the perpetrator to gain control over the victim through fear and intimidation.

Gaining the victim's compliance, even temporarily, reinforces the perpetrator's use of these tactics of control. More importantly, however the perpetrator's abusive behavior is reinforced by the socially sanctioned belief that men have the right to control women in relationships and the right to use force to ensure that control.

Domestic violence is violence against women both within marriage and other intimate and relationships while violence between spouses is often defined as "Domestic violence", it can be also prevalent between partners who are not actually married.

The abuser and the abused can be in a live in arrangement. It is also referred to as intimate partner abuse, spouse abuse, wife beating and battering. It includes acts of physical aggression, sexual coercion psychological/emotional abuse and controlling behavior's by a current or former partner or spouse (Heise and Garcia –Moreno 2002). As a category of interpersonal violence, intimate partner violence includes dating violence that occurs among young people, although the pattern of such violence may be different to that experienced in the context of long-term partnerships, and studies often examine the two issues separately. Studies in numerous countries have found that women who have suffered domestic violence or sexual assault are much more much more likely to have had suicidal thoughts or to have attempted to kill themselves (Central Bureau of Statistics (CBS) [Kenya] 2004).

As per the World report on violence and health, intimate partner violence is defined as "any behavior within an intimate relationship that causes physical, psychological or sexual harm to those in the relationships"

Domestic violence in the most common type of violence against women performed by intimate male partners, mainly husbands. The physical abuse is almost always accompanied by psychological abuse and sometimes forced sex as well.

Majority of the women who are abused by their husband/partner are abused many times. In Leon, Nicaragua, among 188 women who were physically abused by their partner, 5 women were abused sexually, psychologically or both (Ellsberg 2000). In the Leon study, 60% of women abused in the previous year were abused more than once, and 20% experienced severe violence more than six times.

One frequently used model for understanding intimate partner abuse and sexual abuse of girls in the " family violence" framework, which has been developed primarily from the field

of sociology and psychology (Denzin 1984; Straus and Gelles 1986). “Family violence” refers to all forms of abuse within the family regardless of the age and sex of the victim or the perpetrator. Although women are frequently victimized by a spouse, parent or other family member, the concept of “ family violence” does not comprehend the many types of violence to which women are exposed outside the home, such as sexual assault and harassment in the work place. Moreover, feminist researchers find the assumption of gender neutrality in the term “family violence” problematic because it fails to highlight that violence in the family is mostly perpetrated by men against women and children. There is increasing international consensus that the abuse of women and girls, regardless of where it occurs, should be considered as “gender based violence” as it largely stems from women’s subordinate status in society with regard to men.

The official United Nations definition of gender – based violence was first presented in 1993 when the General Assembly passed the Declaration on the Elimination of violence against women. According to this definition, gender based violence include a host of harmful behavior directed at women and girls because of their sex, including wife abuse, sexual assault, dowry related murder, marital rape, selective malnourishment of female children, forced prostitution, female genital mutilation, and sexual abuse of female children.

In America, domestic violence is defined as a “pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner”. The children and family court advisory and support service in Britain uses the term domestic violence to refer to a wide range of abusive and violent behavior in its “domestic violence policy”.

It defines domestic violence as “patterns of behavior characterized by the misuse of power and control by one person over another who are or have been in an intimate relationship” .This is said to occur in all kinds of relationships ranging from same sex to mixed gender.

The Mental Health Journal in February, 2001 published that Domestic violence isn’t just hitting, or fighting, or an occasional mean argument. It’s a chronic abuse of power. The abuser tortures and controls the victim by calculated threats, intimidation, and physical violence. Actual physical violence is often the end result of months or years of intimidation and control.

The American Medical Association in their diagnostic and treatment guide lines for

physicians, defines intimate partner violence as:

“the physical, sexual, and /or psychological abuse to an individual perpetrated by a current or former intimate partner. While this term is gender-neutral, women are more likely to experience physical injuries and incur psychological consequences of intimate partner abuse”. (Rodriguez 1999).

Like other countries, in India, human relationships lead to domestic violence when one adult misuses his power to control another person’s life. Violence is primarily the establishment of fear and control in a relationship through physical and other forms of violence and abuse. The violence normally manifests itself as physical abuse, mental torture, sexual assault and threats. Violence can be more subtle, like degrading someone constantly, depriving them of money or confining them to the house. Emotional abuse and social petalism can be as bad as physical abuse in terms of long term effects. As per Domestic violence Act, 2005 of India,

- i. **“Physical abuse”** means any act or conduct which is of such a nature as to cause bodily pain, harm or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force.
- ii. **“Sexual abuse”** include any conduct of a sexual nature that abuse, humiliates, degrades or otherwise violates the dignity of women;
- iii. **“Verbal and emotional abuse”** includes (a) insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and (b) repeated threats to cause physical pain to any person in whom the aggrieved person is interested.
- iv. **“Economic abuse”** includes : (a) deprivation of all any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including 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 rental related to the shared household and maintained;
(b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which

the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved or separately held by the aggrieved person; and

(c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship or including access to the shared household”.

The Centre for Disease Control in the US (CDC 2003) has defined four different type of domestic violence.

- Physical violence
- Sexual violence
- Threat of physical or sexual violence, and
- Psychological or emotional violence.

3.2.2 PHYSICAL VIOLENCE

This includes the intentional use of physical force with the potential for causing death, disability, injury or harm. Physical violence includes, but is limited to scratching, pushing, shoving, throwing, grabbing, biting, slapping, shaking, poking, hair pulling, slapping, punching, hitting, burning, use of a weapon (a gun, knife or any other object) and the use of restraints or one's body, size or strength against another person. Coercing or forcing other people to perform any of the above actions has also been classified as physical violence.

3.2.3 SEXUAL VIOLENCE

Sexual violence can be divided into three categories:

- Use of physical force to compel a person to engage in a sexual act against his or her will, whether or not the act is completed.
- An attempted or completed sex act involving a person who is unable to understand the

nature or condition of the act, to decline participation or to communicate unwillingness to engage in the sexual act (for example, because of illness, disability or the influence of alcohol or other drugs or due to intimidation or pressure). The sex act or the sexual act has been defined as contact between the penis and the vulva or the penis and the anus involving penetration, however slight; contact between the mouth and the penis, vulva or the anus.

- Abusive sexual contact that includes intentional touching directly, or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person against his or her will, or of any person who is unable to understand the nature or the condition of the act, to decline participation or to communicate unwillingness to be touched (e.g. because of illness, disability or the influence of alcohol or other drugs or due to intimidation or pressure).

Recent one of the case:¹

In November 2019, the gang rape by four person and then murder of a female doctor (26 year old veterinary doctor) in shamshabad in Hyderabad, the capital of telangana across the country , has created on atmosphere of anger. Demonstration are being held against this impunity in the entire country. Expressing serious concern over incidents of sexual violence against women, the National Human Rights Commission issued notices to the center and all states and UTs seeking reports on the standard operating procedures to deal with such cases and use of the Nirbhaya fund.

² According to the NCRB (National Crime Records Bureau) data, 415,786 rape cases were across India between 2001 and 2017. On average 67 women were raped every day across the country during these 17 years, or, in other words. About three women had raped every hour. While 16,075 cases of rape were reported in 2001 across India, this number rose drastically to 32,559 in 2017 – an increase of nearly 103 per cent.

Goa witnessed the largest percentage increase in rape cases in comparison to other states. The figure rose 533 percent with 12 incidents in 2001 to 76 in 2017. It is followed by Uttarakhand, with 405 percent increase in the same period.

However, in terms of absolute numbers, Madhya Pradesh was the worst state in the country with 5,562 reported cases in 2017, a jump of 2,711 cases compared to 2,851 rape cases reported in

¹ www.latestlaws.com

² indiatoday.in

2001. Uttar Pradesh ranks second in this list, with 4,246 rape cases reported in 2017, followed
2002. by Rajasthan (3,305) and Kerala (2,003). Bihar is one of the fewer states where reported
2003. rape cases declined (a fall of 283) in 2017 compared to how many were reported in 2001.
2004. Tamil Nadu, Mizoram, Tripura and Nagaland are the other states where the absolute
2005. number of rape cases has gone down.

After the brutal gang rape of Nirbhaya in 2012, the government had taken many important steps.
“The 2012 protests tried to set reality right-side-up, and for the first time ever, won significant
visibility and support for women’s assertion of unconditional autonomy and protest against
victim-blaming,” Kavita Krishnan. Secretary of the All India Progressive Women’s Association,
said to India Today.

After the Nirbhaya case, the government amended the existing law and made it more
stringent, including doubling the prison term for rapist to 20 years. The expansion of the
Criminal Amendment Act, 2013 has also had an impact on rape reporting cases.

Women rights activist allege that rape cases are not reported appropriately. “Police, Politicians,
judges, and campus administrations in India tend to understand sexual violence as a loss of
“honour” rather than as the violation of consent. This allows consensual inter-caste or inter-faith
relationships to be conflated with ‘rape’, and as a result, ‘honour’ crimes and patriarchal
restriction hide in plain sight, disguised as ‘protecting women from rape’, Krishnan added.

3.2.4 THREAT OF PHYSICAL OR SEXUAL VIOLENCE

It is referred to the use of words, gestures or weapons to communicate the intent to cause death,
disability, injury or physical harm. This also includes the use of words, gestures or weapons to
communicate the intent to compel a person to engage a person in sex acts or abusive sexual
contact when the person is either unwilling or unable to consent. For example: statements such
as “I will kill you”, “I will beat you up if you don’t have sex with me”; brandishing a weapon;
firing a gun into the air; making hand gesture; reaching towards a person’s breast or sex organs.

3.2.5 PSYCHOLOGICAL OR EMOTIONAL VIOLENCE

This includes trauma to the victim caused by acts, threats of acts, or coercive tactics, such as those given in the list below: Humiliating the victim; controlling what the victim can and cannot do; withholding information from the victim; getting annoyed if the victim disagree; deliberately doing something to make the victim feel diminished(e.g. less smart, less attractive); deliberately doing something that make the victim feel embarrassed; sing the victim money; taking advantage of victim wants; isolating the victim from friends and family; prohibiting access to transportation or telephone; getting the victim to engage in illegal sexual activity.

However, it has been felt that list is not exhaustive and can be extended to include many other types of behavior that could be considered as emotionally abusive by the victim.

When psychological or emotional abuse is accomplished by physical or sexual violence, this is classified as psychological violence (CDC 2003)

Economic violence is another category of violence identified by the UN special Rapporteur on violence against women (UNICEF 2000) .This is perpetrated usually by an intimate partner or family member and includes economic blackmail, control over money a women earns, denial of access to education, health assistance or remunerated employment and denial of property rights.

CHAPTER 4.
EFFECT OF DOMESTIC VIOLENCE ON
WOMEN HEALTH

4.1 HEALTH CONSEQUENCES OF DOMESTIC VIOLENCE ON WOMEN¹

The largely hidden health consequences of domestic violence against women take a heavy toll on the well-being of women. The resulting unwholesomeness and sometimes susceptibility to death result in both tangible and intangible losses to their families and communities and to the society.

Domestic violence poses a direct threat to women's health (Heise et al. 1994a) and also has adverse consequences for other indicators of women's and children's health and well-being. Several reviews of the literature (Heise et al. 1999; Campbell 2002) emphasize the linkage between the experience of domestic violence and both fatal and non-fatal outcomes for women. Table 4.1 presents a list of health consequences of violence against women, reflecting about the range and depth of several health problems.

Among the mental health problems found to occur more frequently among women who experience violence are higher rates of depression, posttraumatic stress, and eating disorders. Poor physical health among abused women manifests as chronic conditions including chronic pain, injuries, gastrointestinal disorders, and generally poor health status among others. Abused women's reproductive health is also suffering through much higher rates of gynecological problems like vaginal bleeding, urinary tract infections, pelvic pain and being diagnosed with uterine fibroids, cervical neoplasia, HIV and sexually transmitted infections (STIs), miscarriages, abortions, unwanted pregnancy, and low birth weight. There are also some trauma injuries including sprains, fractures, burns, concussions and injuries requiring surgery such as splenic and liver trauma.

It is concluded that the impact of domestic violence on women's health is devastating. The negative health outcomes are far-reaching and numerous, our understanding of these women's health issues is limited. Malnutrition is the leading risk factor for mortality in the world,

¹ dspace.gipe.ac.in

contributing to nearly 12% of all deaths and 16% of all disability –adjusted life years lost globally (Murray 1997).

Table 4.1: Health consequences of violence against women.

Sources: “Violence against Women”, WHO Consultation, 1996.

NON FATAL OUTCOMES

FATAL OUTCOMES

Physical health outcomes:

1. Injury (from laceration to fractures and internal organs injury)
2. Unwanted pregnancy
3. Gynaecological problems
4. STDs including HIV/AIDS
5. Miscarriage
6. Pelvic inflammatory disease
7. Chronic pelvic pain
8. Headaches
9. Permanent disabilities
10. Asthama
11. Irritable bowel system
12. Self-injurious behavior's
13. Smoking, unprotected sex

1. Suicide
2. Homicide
3. Maternal mortality
4. HIV/AIDS

Mental health outcomes:

1. Depression
2. Fear
3. Anxiety
4. Low self-esteem
5. Sexual dysfunction
6. Eating problems.
7. Post-traumatic stress disorder
8. Obsessive-compulsive disorder

4.1.1 PHYSICAL HEALTH PROBLEMS ¹

Violence and abuse affect not just the women involved but also their children, families, and communities. These effects include harm to an individual's health, possibly long-term harm to children, and harm to communities such as lost work and homelessness.

The short-term physical effects of violence can include minor injuries or serious conditions.

They can include bruises, cuts, Broken bones, or injuries to organs and other parts inside of your body. Some physical injuries are difficult or impossible to see without scans, x-rays, or other tests done by a doctor or nurse.

Short-term physical effects of sexual violence can include:

- Vaginal bleeding or pelvic pain
- Unwanted pregnancy
- Sexually transmitted infections (STIs), including HIV
- Trouble sleeping or nightmares

If a women is pregnant, a physical injury can hurt them and the unborn child. This is also true in some cases of sexual assault.If any women is sexually assaulted by the person she live with him, and she have a child in the home, think about your children's safety also. Violence in the home often include child abuse. Many children who witness violence in the home are also victim of physical abuse.Violence against women, including sexual or physical violence, is linked to many long-term health problems. These can include:

- Arthritis
- Asthma
- Chronic pain
- Digestive problems such as stomach ulcers
- Heart problem's
- Irritable bowel syndrome
- Nightmares and sleeping problems
- Migraine headaches
- Sexual problems such as pain during sex
- Stress
- Problems with the immune system.

Many women also have mental health problems after violence. To cope with the effects of the

¹ [womenshealth.gov/relationships-and-safety/effects-violence-against-women](https://www.womenshealth.gov/relationships-and-safety/effects-violence-against-women)

violence, some women start misusing alcohol or drugs engage in risky behaviors, such as having unprotected sex. Sexual violence can also affects someone's of their own bodies, leading to unhealthy eating pattern or eating disorders.

A serious risk of physical abuse is concussion and traumatic brain injury (TBI) from being hit on the head or falling and hitting your head. TBI can cause:

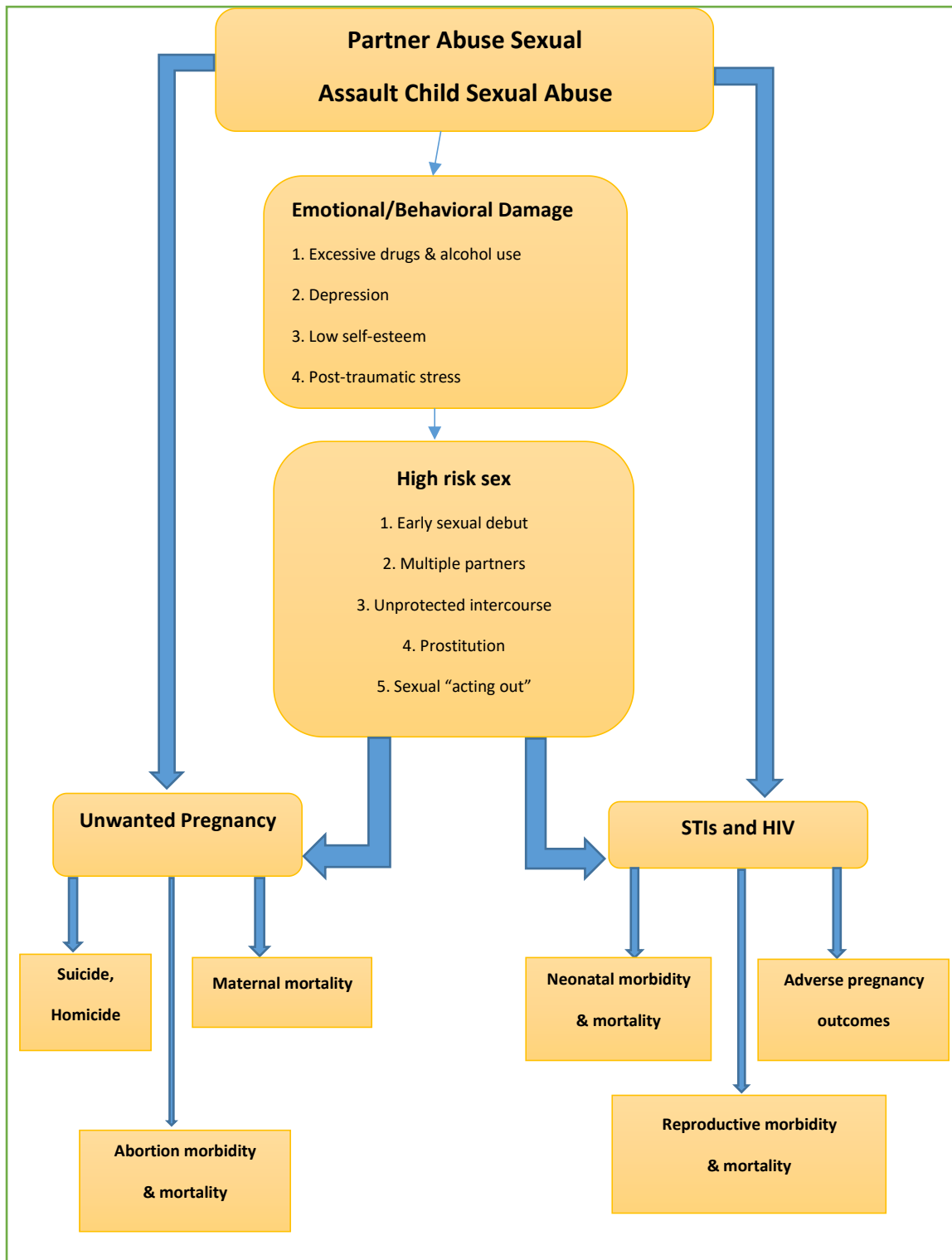
- Headache or a feeling of pressure
- Loss of consciousness
- Confusion
- Dizziness
- Nausea and vomiting
- Slurred speech
- Memory loss
- Trouble concentrating
- Sleep loss

Some symptoms of TBI may take a few days to show up. Over a longer time, TBI can cause depression and anxiety. TBI can also causes problems with our thoughts, including the ability to make a plan and carry it out. This can make it more difficult for a woman in an abusive relationship to leave.

Women's Reproductive Health and Domestic Violence

Physical and sexual violence lie behind some of the most intractable reproductive health issues of our times, unwanted pregnancies, HIV and other sexually transmitted infections, and complications of pregnancy. A growing number of studies document the ways in which violence by intimate partners and sexual coercion undermines women's sexual and reproductive autonomy and jeopardize their health. Violence operates through multiple pathways to affect women's sexual and reproductive health (Figure 1)

Physical and sexual violence can put women at risk of infection and unwanted pregnancies directly, for example, if women are forced to have sex, or fear using contraception or condoms because of their partner's reaction. A history of sexual violence in childhood also can lead to unwanted pregnancies and STIs indirectly by increasing sexual risk-taking in adolescence and adulthood (Kishore and Johnson 2004). The WHO Multicenter study on domestic violence and women's health highlighted the cross-sectional association between violence and women's sexual and reproductive health including sexual risk behaviors' (WHO 2005a).



Source: Heise et al., 1995.

Figure 1 Violence against Women: Direct and indirect pathways to unwanted pregnancy and sexually transmitted infections .

Domestic Violence as a consequence of HIV: Violence or fear of violence has been implicated as a barrier to women seeking HIV testing. In Uganda, research indicates that women were afraid to ask for money or permission from their husband to attend HIV/AIDS facilities or seek information and in some cases explicitly forbidden from taking HIV tests (Human Rights Watch 2003). Violence or fear of violence has also been implication as a barrier to disclosure of HIV status among those women who do seek testing. Between 16-86% of women in developing countries choose not to disclose their HIV status to their partners.

The present research work tried to determine the magnitude of domestic violence and exploring the link between domestic violence and HIV in Indian context. NFHS-3 collected information on the HIV status of women which was merged to the domestic violence module.

Table 1. Below shows the percentage of ever-married women according to whether they have experienced violence by their husband ever or never and HIV status. As is seen higher percentage of HIV positive women report experiencing violence as compared to women who never experienced violence. Domestic violence is experienced by 50% of HIV positive women as compared to 37.4% of HIV negative women. Similarly 45.8% of HIV positive women report physical violence as compared to 34% HIV negative women. Emotional and sexual violence is reported by 18.1% and 12.5% of HIV positive women as compared to 14.2% and 6.9% HIV negative

women respectively. Thus for all the forms of violence HIV positive women experience more violence than HIV negative women. In order to make preventive programmes more effective and deeper understanding of the link between sexually transmitted disease and domestic violence is required. This study shows the significant association between HIV and domestic violence. Domestic violence against women, contributes considerably to women's vulnerability to HIV.

The below findings from the analysis of NFHS-3 data show that women who experience violence by husband's/partner are more at risk of facing various health consequences. Overall, women who have experienced violence tend to perform more poorly on either one both of the given nutritional status measure, than women who have never experienced violence. It is evident that women who have experienced violence, are consistently less likely to say that their birth was wanted when it conceived, compared with women who have never experienced violence. Also the contraceptive use is less in women reporting violence as compared to women not

reporting violence

Table 1. Percentage of ever-married women according to whether they have experienced Violence by their husband ever or never and their HIV status.

Experience of violence by husband	HIV +ve	HIV-ve
Domestic violence		
Ever experienced	50.0	37.4
Never experienced	49.3	62.6
Physical violence		
Ever experienced	45.8	34.0
Never experienced	53.5	66.0
Emotional violence		
Ever experienced	18.1	14.2
Never experienced	81.9	85.8
Sexual violence		
Ever experienced	12.5	6.9
Never experienced	87.5	93.1

Sources: NFHS-3 India 2005-06

To sum: Violence against women is a violation of women’s human rights and prevents women from enjoying their human rights and fundamental freedoms, such as the rights to life and security of the person, to the highest attainable standard of physical and mental health, to education, work and housing and to participation in public life. Such violence perpetuates the subordination of women and the unequal distribution of power between women and men. It consequences for women’s health and well-being, carries a heavy human and economic cost, hinder development and can also lead to displacement. There are extensive physical health consequences of violence against women. These include malnutrition, anemia, physical injuries, such as fractures and Abdominal/thoracic injuries, and chronic health conditions, including chronic pain and gastro-intestinal disorders.

Unwanted pregnancies: Violence against women, especially by their husbands, is a serious public health issue that is associated with physical, reproductive and mental health consequences. Unintended pregnancy, defined as a pregnancy that was not wanted at the time of

conception. Nearly one in four women in the United States report experiencing violence by a current or former spouse or boyfriend at some point in her life (Black and Breinding 2008), with adolescents and young adults at highest risk for intimate partner violence (Silverman et al. 2001). Studies have highlighted the association between partner violence unintended pregnancy (Cripe et al. 2008).

Table 2. Percent distribution of last birth according to whether the mother has ever experienced violence by her husband or not.

Mother's experience of violence by husband	Wanted then	Wanted later	Not wanted at all	Total
Domestic violence				
Ever experienced	73.5	10.7	15.8	100
Never experienced	80.5	10.2	9.2	100
Physical violence				
Ever experienced	73.5	10.1	16.4	100
Never experienced	80.1	10.5	9.4	100
Emotional violence				
Ever experienced	71.8	11.2	16.9	100
Never experienced	79.0	10.2	10.7	100
Sexual violence				
Ever experienced	71.4	11.7	16.9	100
Never experienced	78.7	10.2	11.1	100

Sources: NFHS-3 India 2005-06.

NFHS-3 collected information from respondents regarding their last pregnancy.

Almost 73.5% of women reporting domestic violence say that the birth of last child was wanted when it was conceived compared to 80.6% of women who never experienced domestic violence.

Also 73.5% of women reporting physical violence say that the birth of last child was wanted when it was conceived compared to 80.1% of women who never experienced physical .

Similarly 71.8% and 71.4% of women reporting emotional and sexual violence respectively say that the birth of last child was wanted when it was conceived compared to 79.0% and 78.7% of women who never experienced emotional and sexual violence respectively. The table also clearly brings out the fact that higher proportion of women reporting violence say that they

never wanted the last child. Almost 16% of women reporting domestic violence never wanted the last child born as compared to 9.2% who never experienced domestic violence. The trend is same for all the other forms of violence. 16.4%, 16.9% and 16.9% of women reporting physical, emotional and sexual violence respectively say the last child was not wanted as compared to 9.4%, 10.7% and 11.1% of women who never experienced physical, emotional and sexual violence respectively.

4.1.2 MENTAL HEALTH PROBLEMS

If any women experience a physical or sexual assault, they may feel many emotional- fear, confusion, anger, or even being numb and not feeling much of anything. They may feel guilt or shame over being assaulted. Some people try to minimize the abuse or hide it by covering bruises and making excuses for the abuser.

Long-term mental health effects of violence against women can include:

- **Post-traumatic stress disorder (PTSD):** This can be a result of experiencing trauma or having a shocking or scary experience, such as sexual assault or physical abuse. You may be easily startled, feel tense or on edge, have difficulty sleeping, or have angry outbursts. You may also have trouble remembering things or have negative thoughts about yourself or others.
- **Depression:** Depression is a serious illness, but you can get help to feel better. If you are feeling depressed, talk to a mental health professional.
- **Anxiety:** This can be general anxiety about everything, or it can be a sudden attack of intense fear. Anxiety can get worse over time and interfere with your daily life. If you are experiencing anxiety, you can get help from a mental health professional.

Other effects can include shutting people out, not wanting to do things you once enjoyed, not being able to trust others, and having low-esteem. Many women who have experienced violence cope with this trauma by using drugs, drinking alcohol, smoking, or overeating. Research shows that about 90% of women with substance use problems had experience physical or sexual violence. Substance use may make you feel better in the moment, but it ends up making you feel

worse in the long-term. Drugs, alcohol, tobacco, or overeating will not help you forget or overcome the experience. Nutritional anemia results from inadequate availability of micronutrients required for hemoglobin synthesis, accounting for 841,000 deaths and 35,057,000 disability-adjusted life years lost annually, predominantly in low-income countries (Stoltzfus 2003). The burden of chronic mal-nutrition falls disproportionately on developing countries, including India. In 1998-1999, anemia afflicted 74% of children and 52% of women of childbearing age in India, while 47% of children and 36% of women of childbearing age were underweight (IIPS NFHS-3 2007). Although bio-medical and socioeconomic risk factors for malnutrition in India are well (Stoltzfus 1998, Subramanian et al. 2007, Kumar 2005), the role that psychosocial factors play in anemia and underweight is less understood. Exposure to domestic violence is a psychosocial factor that may be associated with anemia and underweight for women as well as their children. Domestic violence increase psychological stress among Indian women (Vizcarra 2004). Psychological stress increase oxidative stress and metabolic levels risks factors for anemia and underweight (Epel 2004). Domestic violence could also increase the risk of poor nutritional outcomes through environmental circumstances such as the withholding of food by abusive family members (Raj 2006).

The effects of violence on a victim's health are far-reaching and devastating. Women who are battered may suffer from a variety of medical problems, from depression to chronic pain; they may also be at an increased risk of sexually transmitted infections (STIs) or unplanned pregnancies. They may need to miss significant amounts of work due to medical problems. Worldwide, 40-70% of all female murder victims are killed by an intimate partner. Victims of domestic violence are more likely to commit suicide. Domestic violence also contributes to other forms of violence against women; women who experience violence at home may be more willing to look for and accept an uncertain and potentially risky job abroad, placing them in danger of being trafficked. Domestic violence also has significant consequences for children, family, friends, co-workers, and the community. Family and friends may themselves be targeted by the abuser in retaliation for helping a woman leave a violent relationship or find assistance.

The effects violence on a victim's health are severe. In addition to the immediate injuries from the assault, battered women may suffer from chronic pain, gastrointestinal disorder, psych-

somatic symptoms, and eating problems. Although psychological abuse is often considered less severe than physical violence, health care providers and advocates around the world are increasingly recognizing that all forms of domestic violence is associated with mental health problems such as anxiety, post-traumatic stress disorder, and depression. Women who are abused suffer an increased risk of unplanned or early pregnancies and sexually transmitted disease, including HIV/AIDS. As trauma victims, they are also at an increased risk of substance abuse.

According to a U.S study, women who experience intimate partner abuse are three times more likely to have gynecological problems than non-abused women. Women are particularly vulnerable to attacks when pregnant, and thus may more often experience medical difficulties in their pregnancies. Recent research has called for increased study of pregnancy associated deaths. "Pregnancy associated deaths" are "deaths occurring to women who have been pregnant within the previous year". A study conducted by researcher in Maryland of 247 pregnancy associated deaths found that the leading cause of death was homicide.

Thus, in this chapter we examine how several different demographic and health outcomes for women vary by women's experience of domestic violence. With the objective measure of Anemia and underweight, we investigated the extent to which domestic violence predicts the likelihood of being malnourished among women in India. BMI and anemia are affected by many variables including age of the women, number of children, parity, and access to health care or prenatal care, poverty, education rural residence and HIV/AIDS or any other chronic disease. We examine women's physical health through two measure of nutritional status: body mass index (BMI) and anemia status.

Measures of Women's Nutritional Status:

The Body Mass Index (BMI) is an important measure of women's nutritional status and is based on a women's weight in relation to her height (Shetty and James 1994). The BMI is defines as weight in Kilograms divided by the height in meters squared (kg/m^2). Three categories of malnourishment as per WHO are defined: a BMI of less than 18.5 indicates underweight; a BMI between 25.0 and 29.9 indicates overweight; and BMI of 30.0 or higher indicates obesity. While chronic energy deficiency is associated with higher mortality and morbidity, overweight and

obesity are known risk factors for many health conditions, including diabetes, heart disease, hypertension, gall bladder disease, and some forms of cancer. Researcher suggests that the risk of severe obesity is higher among abused women.

Table 2. Percentage of ever-married women 15-49 who are underweight (BMI<18.5), Overweight (BMI 25.0-29.9), and obese (BMI>30.0) by whether women have experienced violence by their husband ever or never.

Form of violence	Underweight BMI<18.5	Overweight BMI 25.0-29.9	Obese BMI>30.0	Normal weight
Domestic violence Ever experienced Never experienced	31.4 22.8	9.8 14.5	2.8 4.5	52.8 53.5
Physical violence Ever experienced Never experienced	31.8 23.2	9.5 14.3	2.8 4.4	52.5 53.6
Emotional violence Ever experienced Never experienced	32.3 24.8	9.4 13.4	2.6 4.1	52.5 53.3
Sexual violence Ever experienced Never experienced	34.6 25.1	8.0 13.3	1.8 4.1	53.4 53.2

Source: NFHS-3 India 2005-06.

It is clear from the table that higher proportion of women who experience violence are underweight (BMI<18.5) as compared to women who never experienced violence. Amongst underweight almost 32% of women experienced domestic violence as compared to 22.8% who never experienced domestic violence. Similarly 31.8%, 32.3%, 32.3% and 34.6% women who are underweight experienced physical, emotional and sexual violence respectively as compared to 23.2%, 24.8% and 25.1% who never experience physical, emotional and sexual violence

respectively. There is a positive association between exposure to domestic violence and malnutrition among women.

Thus, in this chapter we examine how several different demographic and health outcomes for women vary by women's experience of domestic violence. With the objective measures of anemia and underweight, we investigate the extent to which domestic violence predicts the likelihood of being malnourished among women in India. BMI and anemia are affected by many variables including age of the women, number of children, parity, and access to health care or antenatal care, poverty, education rural residence and HIV/AIDS or any other chronic disease. We examine women's physical health through two measures of nutritional status: BMI and anemia status.

Women reproductive health is also discussed in this chapter.

In conclusion, domestic violence adversely impacts numerous health outcomes in India. To our knowledge, this is the first large, nationally representative study using objective measures of mal-nutrition and measurement of domestic violence to show a robust association between domestic violence and the likelihood of malnutrition among women. Thus this research work bring out that victim of domestic violence suffer significant negative health consequences because of the physical, sexual, and emotional violence they have experienced. Researchers has substantially improved our understanding of the physiology that underlies the association between domestic violence and an array of adverse health outcomes. Given the high prevalence of domestic violence in India, it is critical to address this public health problem. Domestic violence prevention and intervention can substantially decrease the public health burden.

4.1.3 FACTORS AFFECTING DOMESTIC VIOLENCE

AGAINST WOMEN ¹

There is no single factor to explain why one person and not another behaves in a violent manner, nor why one community will be destroyed by violence while a neighboring community lives in peace. Violence is an extremely complex phenomenon that has its roots in the interaction of many factors—biological, social, cultural, economic and political. Researchers have only recently begun to look for individual and community factors that might affect the rate of partner violence. Although violence against women is found to exist in most places, it turns out there are examples of Pre-industrial societies where partner violence is virtually absent (Counts et al. 1992; Levinson 1989). These societies stand as testament to the fact that social relations can be organized in such a way as to minimize violence against women.

There is no single factor responsible for violence against women. It is a complex interlock of individual relationships, social and cultural factors. There can be several influences at each level. Table 4.1.3 lists the various factors that precipitate violence against women.

Several complex and interconnected institutionalized social and cultural factors have kept women particularly vulnerable to the violence directed at them, all of them manifestations of historically unequal power relations between men and women. Factors contributing to these unequal power relations include: socioeconomic forces, the family institution where power relations are enforced, fear of and control over female sexuality, belief in the inherent superiority of males, and legislation and cultural sanctions that traditionally denied women and children an independent legal and social status. The link between violence and lack of economic resources and dependence is circular. On the other hand, without economic independence, women have little power to escape from an abusive relationship (Schuler et al. 1996). The reverse of this argument also holds true in some countries; that is, women's increasing economic activity and independence is

¹ dspace.gipe.ac.in.

viewed as a threat which leads to increased male violence. This is particularly true when the

Cultural	<ol style="list-style-type: none"> 1. Gender-specific socialization 2. Culture definitions of appropriate sex roles 3. Expectations of roles within relationships 4. Belief in the inherent superiority of males. 5. Values that give men proprietary rights over women and girls. 6. Notion of the family as the private sphere and under male control. 7. Customs of marriage (bride price/dowry) 8. Acceptability of violence as a means to resolve conflict
Economic	<ol style="list-style-type: none"> 1. Women's economic dependence on men 2. Limited access to cash and credit 3. Discriminatory laws regarding inheritance, property rights, use of communal lands, and maintenance after divorce or widowhood 4. Limited access to employment in formal and informal sectors 5. Limited access to education and training for women
Legal	<ol style="list-style-type: none"> 1. Lesser legal status of women either by written law and/or by practice 2. Laws regarding divorce, child custody, maintenance and inheritance 3. Legal definitions of rape and domestic abuse 4. Low levels of legal literacy among women 5. Insensitive treatment of women and girls by police and judiciary
Political	<ol style="list-style-type: none"> 1. Under-representation of women in power, politics, the media and in the legal and legal and medical professions. 2. Domestic violence not taken seriously 3. Notions of family being private and beyond control of the state 4. Risk of challenge to status quo/religious laws 5. Limited organization of women as a political force 6. Limited participation of women in organized political system

male partner is unemployed, and feel his power undermined in the household. Studies have also linked a rise in violence to the destabilization of economic patterns in society.

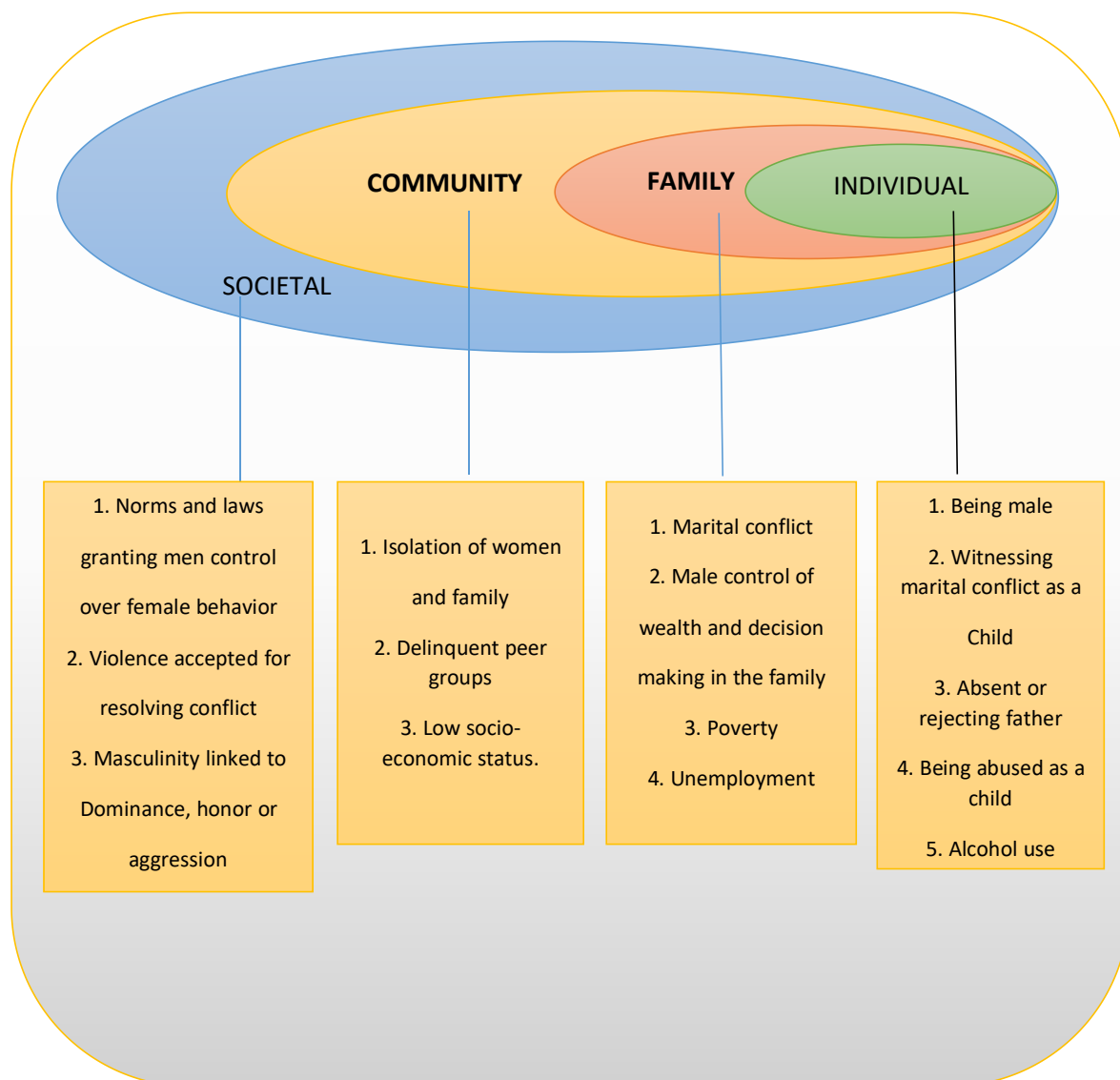
Tables 4.1.3. Classification of factors behind violence against women

Source: Heise. 1994.

Macro-economic policies such as structural adjustment programmes, globalization, and the growing inequalities they have created, have been linked to increasing levels of violence in several regions, including Latin America, Africa and Asia (UNICEF 1989). The transition period in the countries of central and Eastern Europe and the former Soviet Union-with increase in poverty, unemployment, hardship, income inequality, stress, and alcohol abuse-has led to

increased violence in society in general, including violence against women. These factors also act indirectly to raise women's vulnerability by encouraging more risk-taking behavior, more alcohol and drug abuse, the breakdown of social support networks, and the economic dependence of women on their partners (UNICEF 1999). Culture ideologies- both in industrialized and developing countries-provide 'legitimacy' for violence against women in certain circumstances. Religious and historical traditions in the past have sanctioned the chastising and beating of wives. The physical punishment of wives has been particularly sanctioned under the notion of entitlement and ownership of women (UNICEF 2000). Male control of family wealth inevitably places .Decision-making authority in male hands, leading to male dominance and proprietary rights over women and girls. Women's sexuality is also tied to the concept of family honor in many societies. Experiences during childhood, such as witnessing domestic violence and experiencing physical and sexual abuse, have been identified as factors that put children at risk. Violence may be learnt as a means of resolving conflict and asserting manhood by children who have witnessed such patterns of conflict resolution. Consumption of alcohol and other drugs has been noted as a factor in provoking aggressive and violent male behavior towards women and children. A survey of domestic violence in Moscow revealed that half the cases of physical abuse are associated with the husband's excessive alcohol consumption. The isolation of women in their families and communities is known to contribute to increased violence, particularly if those women have little access to family or local organizations. Lack of legal protection, particularly within the sanctity of the home, is a strong factor in perpetuating violence against women. Until recently, the public/private distinction that has ruled most legal systems has been a major obstacle to women's rights. Increasingly, however, states are seen as responsible for protecting the rights of women even in connection with offences committed within the home. In many countries violence against women is very worse by legislation, law enforcement and judicial systems that do not recognize domestic violence as a crime. The challenge is to end exemption from punishment for the perpetrators as one means of preventing future abuse. Investigations by Human Rights Watch have found that in cases of domestic violence, law enforcement officials frequently reinforce the batterers' attempts to control domestic violence, "when committed against a women in an intimate relationship, these attacks are more often tolerated as the norm than prosecuted as laws. In many

places, those who commit domestic violence are prosecuted as laws. In many places, those who commit domestic violence are prosecuted less vigorously and punished more lax than perpetrators of similarly violent crimes against strangers.”(The Human Right Watch Global Report 1995). Heise in 1998 in his framework explains that violence against violence results from the interaction of factors at different levels of the social environment (Figure 1).



Source: Heise L 1998.

The framework can be visualized as four concentric circles. The innermost circle represent the biological and personal history that each individual brings to his or her behavior in relationships. The second circle represents the immediate context in which abuse takes place: frequently the family or other intimate or acquaintance relationship. The third circle represents the institutions and social structures, both formal and informal, in which relationships are embedded, such as

neighborhood, the workplace, social networks, and peer groups. The fourth, outermost circle is the economic and social environment, including cultural norms.

A wide range of studies shows that several factors at each of these levels increase the likelihood that a man will abuse his partner.

At the individual level: As noted already, Domestic violence is a serious problem in many countries and women suffer high rates of violence in the home, including both physical and psychological violence. Stereotypes about the “proper” roles and responsibilities of men and women in the family reinforce the view that the family is a self-contained unit, deserving privacy at the expense of other rights and freedoms. Traditionally, women are relegated to subordinate positions in this family structure. For victims of domestic violence, this notion of family privacy often interferes with effective police intervention and prosecutorial decisions in domestic violence cases. These stereotypes also reinforce the mentality that men are the leaders of the family and thus have the right to control women’s behavior by any means necessary. Women are expected to show their husbands obedience and respect. Many view violence as a normal part of an intimate relationship. The present behavior of an individual depends partly on his/her history. Socialization of women into subordinate position and thinking of men that they are superior to women and have a right to control women are resultant phenomena of male patriarchy. Such socialization leads to powerlessness of women, which ultimately leads to violence and inability of women to defend themselves (Visaria 2000).

The Indian patriarchal family can be termed as classical patriarchy (Kandiyotti 1998) with the family structure as one of the manifestations of hierarchical family systems. In the most general terms, the joint family system comprises a group of people who live under one roof, cook food at one hearth, and hold property in common. The patriarch of the family makes most of the important decisions for the family. The structure of the family tends to control freedom of movement and paid remuneration for female members, and in general, there is a gendered segregation of work and family space. Hierarchical relationships (between father and son, or mother-in-law and daughter-in-law) are privileged over conjugal relationships (husband and wife) Researchers studying violence in the family argue that it is when women first enter the marital family that they are at their most vulnerable. For example, if the new member is unable to adjust to the household, violence is sometimes used to elicit obedience from her (Goel 2005;

Goody and Tambiah 1973; Madhurima 1996). The quantitative research on domestic violence in India carried out by Menon in 2003 suggests that it is in less patriarchal setting (Menon 2003). The researcher finds strong evidence that when power is concentrated along patriarchal lines, the likelihood of using violence is reduced because the power structure effectively imposes cultural, social, and physical restriction on women. The two main conclusion that emerged from the study that are critical to the study of domestic violence in India are: (1) patriarchy does not necessarily lead to the use of violence, and (2) violence may be used primarily as a means of last resort, after all other control tactics have failed.

Miller also suggested that low self-esteem among Indian girls contribute to the women's acceptance of violence by their husbands (Miller 1999). In a patriarchal society, men think they have the right to control their wives. Apart from this if the husband/partner was abused as a child or witnessed marital violence in the home, had an absent or rejecting father, or frequently uses alcohol are characteristics of the individual that increase the likelihood of being a victim or a perpetrator. A recent review of nationally representative surveys in nine countries found that for women, low educational attainment, being under 25 years of age, having witnessed her father's violence against her mother, living in an urban area, and low socio-economic status were consistently associated with an increased risk of abuse (Kishore and Johnson 2004). The study indicated several socio-economic and cultural risk factors. Male ownership of women, rigid gender roles, and perception of violence as a private matter where others should not get involved, masculinity linked to dominance, aggression, honor and violence as an acceptable way to resolve conflict. Such traditions that make it difficult for women to return to family in times of trouble (Dowry, bride price). Study states that complicated, entrenched social factors make up the whole framework of gender inequality-less education, less access to good paying jobs, lack of adequate legal protection from abuse and rape, lack of access to health care. Domestic violence and threat of relinquishment act as significant barriers for women, who have to negotiate condom use, discuss fidelity or leave relationships that they perceive to be risky.

The relationship between individual educational attainment and domestic violence is complex. Low level of education is however the most consistent factor associated with both the perpetration and experiencing of intimate partner violence. A higher level of education may act as a protective factor, since women with a higher level of education, or married couples with

relatively equivalent education levels, report lower levels of intimate partner violence. Lower educational attainment reduces a women's exposure and access to resources, increase the acceptance of violence.

Flake (2005) found that women with a higher level of education were at increased risk of sexual intimate partner violence. More research is needed on how educational attainment is associated with the different types of intimate partner violence. Studies also reveal that several psychosocial factors-including alcohol and substance abuse, stress, and social isolation (Cunradi, Caetano and Shaefer 2002; Gelles 1993; Webs dale 1998); Webs dale and Johnson 1997b)-are associated with elevated rates of intimate partner violence.

Black et al. in 1999 reviewed the social science literature from North America on risk factors of physical assault against intimate partner (Black et al. 1999). A number of demographic, personal history and personality factors emerged from this analysis, as consistently linked to a man's like-hood of physical assaulting an intimate partner. Among the demographic factors, young age and low income were consistently found to be factors linked to the likelihood of a man committing physical violence against a partner. Economic hardship places additional stress on family relationships and affects a women's ability to leave a violent relationship. Many women do not seek legal reliefs against their abusive husbands and partners because they do not have alternative housing arrangements. This reality affects both divorced women, who must live with their ex-husbands while they wait for financial and property settlement, as well as married women who may wish to flee the abuse but have no reasonable alternatives given their lack of economic resources. Where there is severe poverty and unemployment, women often seek informal employment, taking jobs that men are unwilling to do. The income generated from this work, along with high rates of male unemployment, result in a shift of traditional gender roles in the family. This shift in gender roles changes the power structure within the family, often resulting in increased violence.

At the level of the family and relationship: In a patriarchal society, control over wealth and decision making is in the hands of the men within the family and marital conflicts are strong predetermining factors resulting in abuse of women. At an interpersonal level, the most Consistent marker to emerge for partner violence is marital conflict or disagree in the relationship. Marital conflict is moderately to strongly related to partner assault by men in

almost every study reviewed by Black et al. (1999). Such conflict has also been found to be predictive of partner violence in a population-based study of women and men in South Africa (Jewkes 2001) and a representative sample of married men in Bangkok, Thailand (Hoffman, Demo and Edwards 1994). In this study in Thailand, verbal marital conflict remained significantly related to physical assault on the wife, even after controlling for socio-economic status, the husband's stress level and other aspects related to the marriage, such as companionship and stability.

At the community level: Due to patriarchal norms and poor access to information, women are often unaware of their rights. Lack of social support and high legitimacy of violence against women in society are some of the factors which appear to explain high rates of violence.

A high socio-economic status has generally been found to offer some protection against the risk of physical violence against an intimate partner, although exceptions do exist (Schuler et al. 1996). Studies from a wide range of settings show that, while physical violence against partners cuts across all socio-economic groups, women living in poverty are disproportionately affected (Ellsberg et al. 1999; Rodgers 1994; Nelson and Zimmerman 1996; Hoffman, Demo and Edwards 1994; Martin et al. 1999). It is not clear as why poverty increase the risk of violence- whether it is because of low income in itself or because of other factors that accompany poverty, such as over-crowding or hopelessness. For some men, living in poverty is likely to generate stress, frustration and a sense of inadequacy for having failed to live up to their culturally expected role of providers. It may also work by providing ready material for marital disagreements or by making it more difficult for women to leave violent or otherwise unsatisfactory relationships. Whatever the precise mechanisms, it is probable that poverty acts as a "marker" for a variety of social conditions that combine to increase the risk faced by women (Heise 1998).

How a community responds to partner violence may affect the overall levels of abuse in that community. Counts, Brown and Campbell in 1992 found that societies with the lowest levels of partner violence were those that had community sanctions against partner violence and those where abused women had access to sanctuary, either in the form of shelter or family support (Counts et al. 1992). The community sanctions, or prohibitions, could take the form either of formal legal sanctions or the moral pressure for neighbors to intervene if a woman was beaten.

Where women have a very low status, violence is not needed to enforce male authority. On the other hand, where women have a high status, they will probably have achieved sufficient power collectively to change traditional gender roles. Partner violence is thus usually highest at the point where women begin to assume non-traditional roles or enter the workforce. Several other community factors have been suggested as possibly affecting the overall incidence of partner violence, but few of these have been tested empirically. An ongoing multi-country study sponsored by the world health organization in eight countries (Bangladesh, Brazil, Japan, Peru, Namibia, Samoa, Thailand and the United Republic of Tanzania) is collecting data on a number of community-level factors to examine their possible relationship to partner violence.

At the societal level: Gender roles are rigidly defined and enforced and the concept of masculinity is linked to toughness, male honor, or dominance. The prevailing culture tolerates physical punishment of women and children, accepts violence as a means to settle interpersonal disputes, and perpetuates the notion that men “own” women.

Research studies across cultures have come up with a number of societal and culture factors that might give rise to higher levels of violence. Levinson, for example, used statistical analysis of coded ethnographic data from 90 societies to examine the culture patterns of wife beating- exploring the factors that consistently distinguish societies where wife beating is common from those where the practice is rare or absent(Levinson 1989). Levinson’s analysis suggests that wife beating occurs more often in societies in which men have economic and decision-making power in the household, where women do not have easy access to divorce, and where adults routinely resort to violence to resolve their conflicts.

Various researchers have proposed a number of additional factors that might contribute to higher rates of partner violence. It has been argued, for example, that partner violence is more common in places where war or other conflicts or social convulsion are taking place or have recently taken place. Where violence has become common place and individuals have easy access to weapons, social relations-including the roles of men and women- are frequently disrupted.

During these times of economic and social disruption, women are often more independent and take on greater economic responsibility, whereas men may be less able to fulfill their culturally expected roles as protectors and providers. Such factors may will increase partner violence.

Others have suggested that structural inequalities between men and women, rigid gender roles

and notion of manhood linked to dominance, male honor and aggression , all serve to increase the risk of partner violence (Heise 1998). Again, although these hypotheses seem reasonable, they remain to be proved by firm evidence.

Internationally the subject of domestic violence has had a great impact of research and policy. A study in mainland China has examined the extent to which wife-abuse exist under the communist regime. An attempt was made to delineate the prevalence of and the changing trends in wife-abuse and to establish the linkage between wife-abuse and the underlying trends in wife-abuse and to establish the linkage between wife-abuse and the underlying social mechanisms. In Pakistan, domestic violence is often reported to have emerged as a reproductive health and rights issue. A study was carried out in three out-patient clinic facilities catering to the low and middle income population of Karachi. The criterion for selecting the respondents was: currently married; living with their husbands for at least the past one year; and permanent residents of Karachi. The result of these cross sectional study of 150 women revealed that they were subject to violence at a high proportion with serious consequences to their physical and mental health. In sum: The most common form of violence experienced by women globally is intimate partner violence. The pervasiveness of different forms of violence against women within intimate relationships, commonly referred to as domestic violence or spousal abuse, is now well established. Domestic violence is a problem that affects the lives of many women both in urban and rural areas. Domestic violence includes a range of sexually, emotional and physically coercive acts used against adult and adolescent women by a current or former husband, without her consent. Bates (2004) studied the socio economic factors and processes associated with domestic violence in rural Bangladesh. Qualitative in-depth interview and small group discussion were conducted with married women from six Bangladeshi villages to examine the type and severity of domestic violence, and to explore the pathways through which women's social and economic circumstances may influence their vulnerability to violence in marriage. Of about 1,200 women surveyed, 67% had ever experienced domestic violence, and 35% had done so in the past year. The International center for Research on Women (ICRW) (Mitra 1999), conducted a three year research program, which began in 1997, on domestic violence in Madhya Pradesh, Uttar Pradesh, Maharashtra, Tamil Nadu and Delhi in India. It reveals that a staggering 50 percent of women in monogamous marriage face domestic violence with about 65% of them

reporting psychological abuse as well. Out of this 50% facing domestic violence, 45.3% reported needing health care and only half of them received it. Women who needed the care but could not receive it, 30% reported of feeling ashamed, 30% took care of the injured home and 30% reported lack of economic health care access.

4.2. Global Prevalence of violence against women

Domestic violence is a serious problem around the world. It violates the fundamental human right of women and often results in serious injury or death. While statistics vary slightly, women are victims of violence in approximately 95% of the cases of domestic violence. Statistics relating to the prevalence of domestic violence are critical to any advocacy effort. Statistics can help document the need for certain programs or raise public awareness of the extent of the problem. The Declaration on the Elimination of violence Against Women recommends to “promote research, collect data and compile statistics, especially concerning domestic violence, relating to the prevalence of different forms of violence against women and encourage research on the cause, nature, seriousness and consequences of violence against women and on the effectiveness of measures implemented to prevent and redress violence against women.” Despite these requirements, statistical information on the prevalence of domestic violence throughout the world is still difficult to obtain. The extent, validity and reliability of the data available are critical in determining the magnitude of the problem and in identifying priority areas for intervention. Prevalence studies with samples of representative populations are relatively new in developing countries. Such studies were initially conducted in industrialized countries like the United States, Canada and Europe. Studies vary in the sample size of the women chosen, and the ways in which questions have been posed.

Internationally, one in three women have been beaten, coerced into sex or abused in their lifetime by a member of her own family (Heise et al. 1999). As per this population report series by Heise around the world, at least one woman in every three has been beaten, coerced into sex, or otherwise abused in her lifetime and worldwide, as many as one in every four is abused during pregnancy. Available studies indicate that between 20 and 50 percent of women in various populations around the world have experienced violence at some point in their lives (WHO 1997).

Worldwide, two million girls between ages 5-15 are introduced into the commercial sex market each year. At least 60 million girls, who would otherwise be expected to be alive, are "missing" in Asia, as a result of sex selective abortions, infanticide or neglect (UNEP 2000). A review of over 50 population-based studies undertaken in 35 countries prior to 1999 indicates that between 10% and 52% of women around the world report that they have been physically abused by an intimate partner at some point in their lives, and between 10% and 30% that they experienced sexual violence by an intimate partner. Between 10% and 27% of women and girls reported having been sexually abused, either as children or as adults (WHO 2002; Heise 1999). Data from industrialized and developing countries as well as from transitional countries (Table 4.1) provide an overview of the global problem. The data in this table focus only on physical assault. The World Health Organization (WHO) report that in forty-eight surveys from around the world, 10-69% of women stated that they had been physically assaulted by an intimate partner at some point in their lives. Sexual violence and rape by an intimate partner is not considered a crime in most countries and women in many societies do not consider forced sex as rape if they are married with the perpetrator. Survey in many countries reveal that approximately 10 to 15% of women report being forced to have sex with their intimate partner (Heise 1994). The WHO also report that studies from a range of countries show that 40-70% of female murder victims were killed by an intimate partner.

WHO multi-country Study on Women's Health and domestic violence against Women (WHO 2012) based on interviews with 24000 women between the age of 15 and 49 by carefully trained interviewers covers 15 sites and 10 countries: Bangladesh, Brazil, Ethiopia, Japan, Peru, Namibia, Samoa, Serbia and Montenegro, Thailand and the United Republic of Tanzania.

Its key findings include:

- between 1 and 21% of those interviewed reported experiencing child sexual abuse under the age of 15 years.
- physical abuse by a partner at some point in life up to 49 years of age was reported by 13-61% of interviewees across all study sites;
- sexual violence by a non-partner any time after 15 and up to 49 years of age was reported by 0.3-11.5% of interviewees.

Table 4.2: Overview of global problem of violence against women.

Industrialized countries	
Canada	29% of women (a nationally representative sample of 12,300 women) reported being physically assaulted by a current or former partner since the age of 16.
Japan	59% of 796 women surveyed in 1993 report being physically abused by their partner.
New Zealand	20% of 314 women surveyed reported being hit or physically abused by a male partner
Switzerland	20% of 1500 women reported being physically assaulted according to a 1997 survey.
United Kingdom	25% of women (a random sample of women from one district) had been punched or slapped by a partner or ex-partner in their lifetime.
United States	28% of women (a nationally representative sample of women) reported at least one episode of physically violence from their partner

	ASIAN AND THE PACIFIC
Cambodia	16% of women (a nationally representative sample of women) reported being physically abused by a spouse; 8% report being injured.
India	Up to 45% of married men acknowledged physically abusing their wives , according to a survey of 6902 men in the state of Uttar Pradesh.
Korea	38% of wives reported being physically abused by their spouse, based on a survey of a random sample of women.
Thailand	20% of husbands (a representative sample of 619 husbands) acknowledged physically abusing their wives at least once in their marriage.

Middle East Zimbabwe	32% of 966 women in one province reported physical abuse by a family or household member since the age of 16, according to a 1996 survey.
Egypt	35% of women (a nationally representative sample of women) reported being beaten by their husband at some point in their marriage.
Israel	32% of women reported at least one episode of physical abuse by their partner and 30% report sexual coercion by their husbands in the previous year, according to a 1997 survey of 1826 Arab women.
Africa Kenya	42% of 612 women surveyed in one district reported having been beaten by a partner; of those 58% reported that they were beaten often or sometimes.
Uganda	41% of women reported being beaten or physically harmed by a partner; 41% of men reported beating their partner (representative sample of women and their partner in two districts).

	Latin America and the Caribbean
Chile	26% of women (representative sample of women from Santiago) reported at least one episode of violence by a partner, 11% reported at least one episode of severe violence and 15% of women reported at least one episode less severe violence
Colombia	19% of 6097 women surveyed have been physically assaulted by their partner in their lifetime.
Mexico	30% of 650 women surveyed in Guadalajara reported at least one episode of physical violence by a partner; 13% reported physical violence within the previous year, according to a 1997 report.
Nicaragua	52% of women (representative sample of women in Leon) reported being physically abused by a partner at least once; 27% reported physical abuse in the previous year, according to a 1996

	Central and Eastern Europe/CIS/Baltic States
Estonia	29% of women aged 18-24 fear domestic violence, and the share rises with age, affecting 52% of women 65 or older, according to a 1994 survey of 2315 women.
Poland	60% of divorced women surveyed in 1993 by the Centre for the Examination of Public Opinion reported having been hit at least once by their ex-husbands; an additional 25% reported repeated violence.
Russia	25% of girls (and 11% of boys) reported unwanted sexual contact, according to a survey of 174 boys and 172 girls in grade 10 (aged 14-17).
Tajikistan	23% of 550 women aged 18-40 reported physical abuse, according to a survey.

(Adapted from “Violence Against Women,” WHO ,FRH/WHD/97.8, “Women in Transition,” Regional Monitoring Report, UNICEF 1999, and a study by Domestic Violence Research Centre,Japan). Table 4.2.(a) summarizes the report prevalence’s rates of physical and sexual violence against women in the countries. These findings indicate that physical and sexual violence frequently co-occur within the context of intimate partner relationships, and highlight the differences in prevalence’s both between and within different countries. The rates of physical and/or sexual violence by an intimate partner ranged from 15% in Japan to approximately 70% in Ethiopia and Peru, with most sites reporting rates of between 29 and 62%.

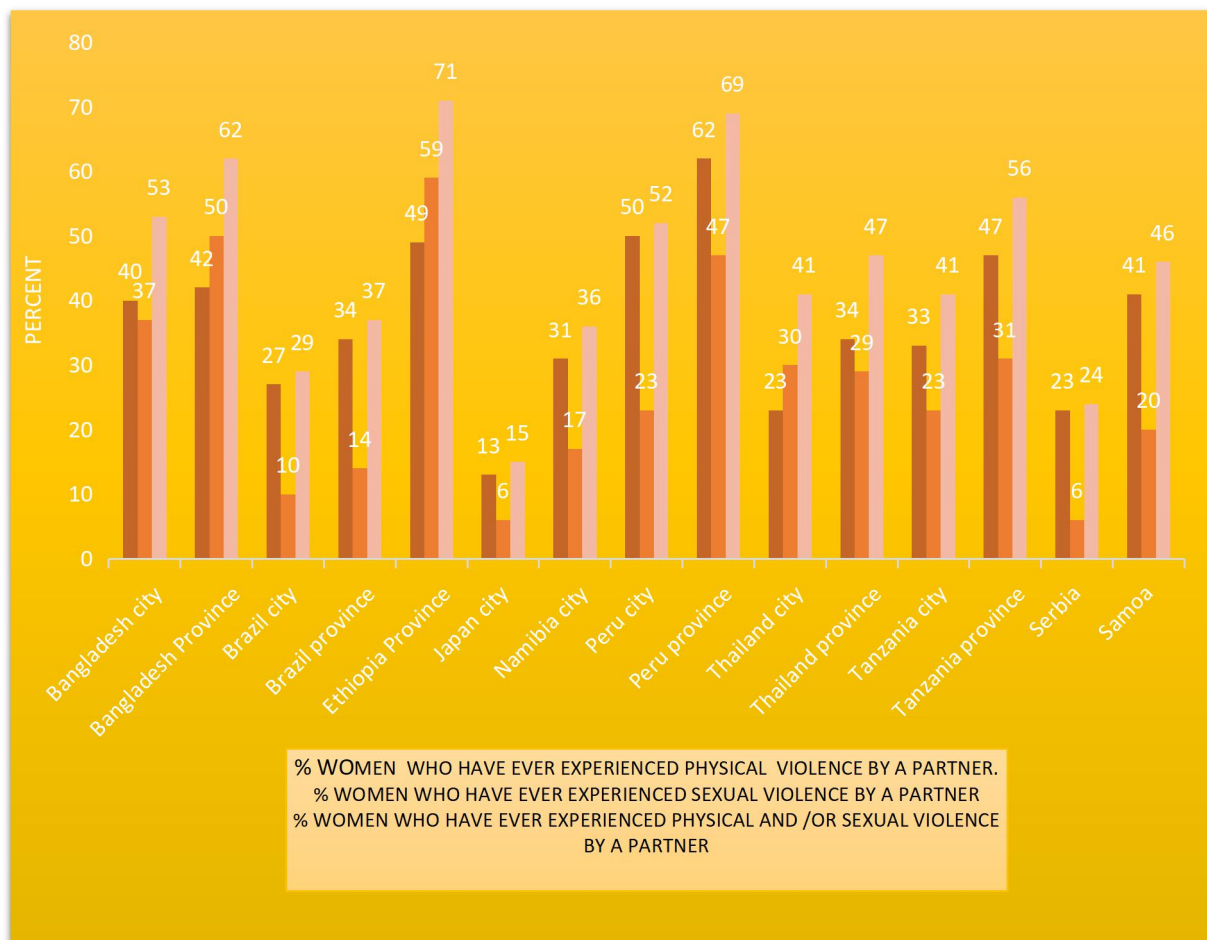
Table 4.2. (a) Physical and sexual violence against women by an intimate partner.

Site	Physical ever (%)	violence current %	Sexual ever %	Violence current %	Physical or ever%	sexual or both current %
Bangladesh city	37.7	19.0	37.4	20.2	53.4	30.2
Bangladesh province	41.7	15.8	49.7	24.2	61.7	31.9
Brazil city	27.2	8.3	10.1	2.8	28.9	9.3
Brazil Province	33.8	12.9	14.3	5.6	36.9	14.8
Ethiopia Province	48.7	29.0	58.6	44.4	70.9	53.7
Japan city	12.9	3.1	6.2	1.3	15.4	3.8
Namibia city	30.6	15.9	16.5	9.1	35.9	19.5
Peru city	48.6	16.9	22.5	7.1	51.2	19.2
Peru Province	61.0	24.8	46.7	22.9	69.0	34.2
Samoa	40.5	17.9	19.5	11.5	46.1	22.4
Serbia & Montenegro city	22.8	3.2	6.3	1.1	23.7	3.7
Thailand city	22.9	7.9	29.9	17.1	41.1	21.3
Thailand Province	33.8	13.4	28.9	15.6	47.3	22.9
Tanzania city	32.9	14.8	23.0	12.8	41.3	21.5
Tanzania province	46.7	18.7	30.7	18.3	55.9	29.1

Table 4.2. (a) It is taken from Sources: World Health Organization Multi-country Study on Women’s Health and Domestic Violence against Women (WHO, 2010).

The finding from nearly 80 population-based studies carried out in more than 50 countries are presented in appendix ‘A’ (WHO and PATH 2005). These studies indicate that between 10% and 60% of women who have ever married or partnered have experienced at least on incident of physical violence from a current or former intimate partner. The data in appendix A refer only to women who have been physically assaulted. Research into partner violence is so new that comparable data on emotional and sexual violence by intimate partner are few. Most studies estimate lifetime or prevalence of partner violence between 20% and 50% . The study finding confirm that most women who suffer physical or sexual violence tend to co-occur in many relationships.

Figure 4.2. (b): Prevalence of physical violence and /or sexual partner violence in ten countries.

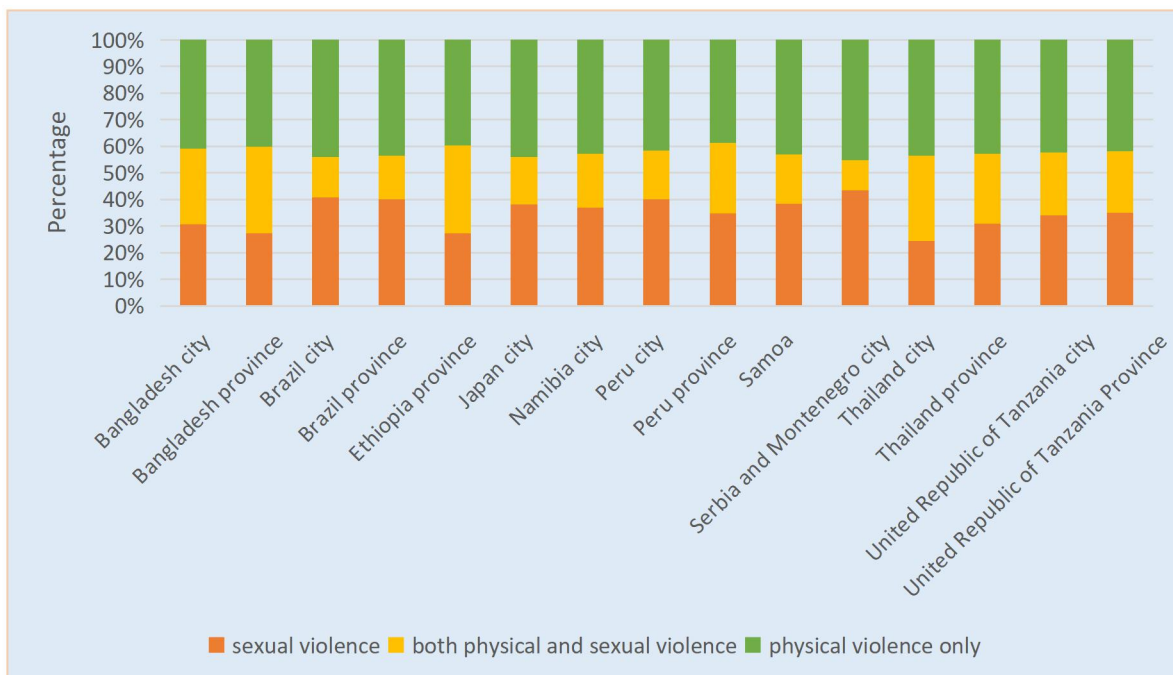


Source: World Health Organisation, 2005.

Figure 4.2. (b) Summarizes the proportion of women who have experienced violence by an intimate partner among ever-partnered women aged 15 to 49 in the various sites included in the study. The first bar portrays the percentage of women in each setting who have experience physical violence by a partner; the second bar portrays sexual violence by a partner; and third bar represents the percentage of ever-partnered women who have experienced either physical and /or sexual violence by a partner in their life time.

Until recently, it was believed that few women exclusively experienced sexual violence by an intimate partner. Available studies from North and Central America had indicated that sexual violence was generally accompanied by physical abuse and by emotional violence and controlling behaviors (Heise 1999). The finding from the WHO Violence Against Women Study suggest that, although this pattern is maintained in many countries, a few sites demonstrate a significant departure. In both the capital and province of Thailand, a substantial portion of women who experience partner violence, experience sexual violence only (Figure 1.5).

In Bangkok, 44 percent of all cases of lifetime partner violence have experienced only sexual violence. The corresponding statistic in the Thai province is 29 percent of cases. A similarly high percentage of cases of violence in Bangladesh province (32 percent) and Ethiopia province (31%) involve sexual violence only. **Figure 4.2.(c). Intimate partner violence according to types of violence.**



Source: Who Multi Country Study 2005.

Domestic Violence in India.

Until recently, domestic violence was not regarded as a crime, and women victims had no legal redress except through divorce proceedings. It is only recently that amendments to the Indian Penal Code (IPC) and Criminal Procedure Code (CrPC) made the requisite provisions, but these were mainly applied in cases treated as dowry deaths.

Domestic violence against women is increasingly recognized as a major health and social problem in India. It is also a concern for public health. Not only is violence against women widespread, deeply entrenched, and silently borne, women in India experience violence in various forms throughout their lives, and it cuts across boundaries of caste, class, religion, and region. Women are subject to violence not only from husbands but also from members of both the natal and the marital home (INCLIN 2000). Overall, domestic violence is prevalent in all settings, regions, and religious groups. Although there are some differences in reporting by region- women in the south report fewer beatings than their counterparts in the north. The in-depth qualitative study by Rao has found considerable under-reporting in the data (Rao 1997). According to the National Family and Health Survey-2, 21 percent of ever-married women in India have been physically mistreated by their husbands, in-laws or other members of the household since the age of 15 years. Almost 1 in 5 married women have experienced domestic violence. 1 in 9 women reported being beaten in the last 12 months of the survey. 12% women reported having experienced violence since the age of 15 years and 19% reported having been beaten physically by their husbands (NFHS-2 1998-99).

In 1997, the International Center for Research on women began a large research program in India that sought to provide reliable and sound information with which to identify and advocate for effective responses to domestic violence. The program comprised the following eight studies:

1. An in depth study of women's experiences with domestic violence in the rural Gujarat (Visaria 1999);
2. Two studies documenting government and non-governmental organization's response to domestic violence across four states (Mitra 1999; Poonacha and pandey 1999);
3. Four studies analyzing institutional records associated with domestic violence from health facilities, courts, police, and NGOs (Jaswal 2000; Elizabeth 2000; Rao et.al.2000);

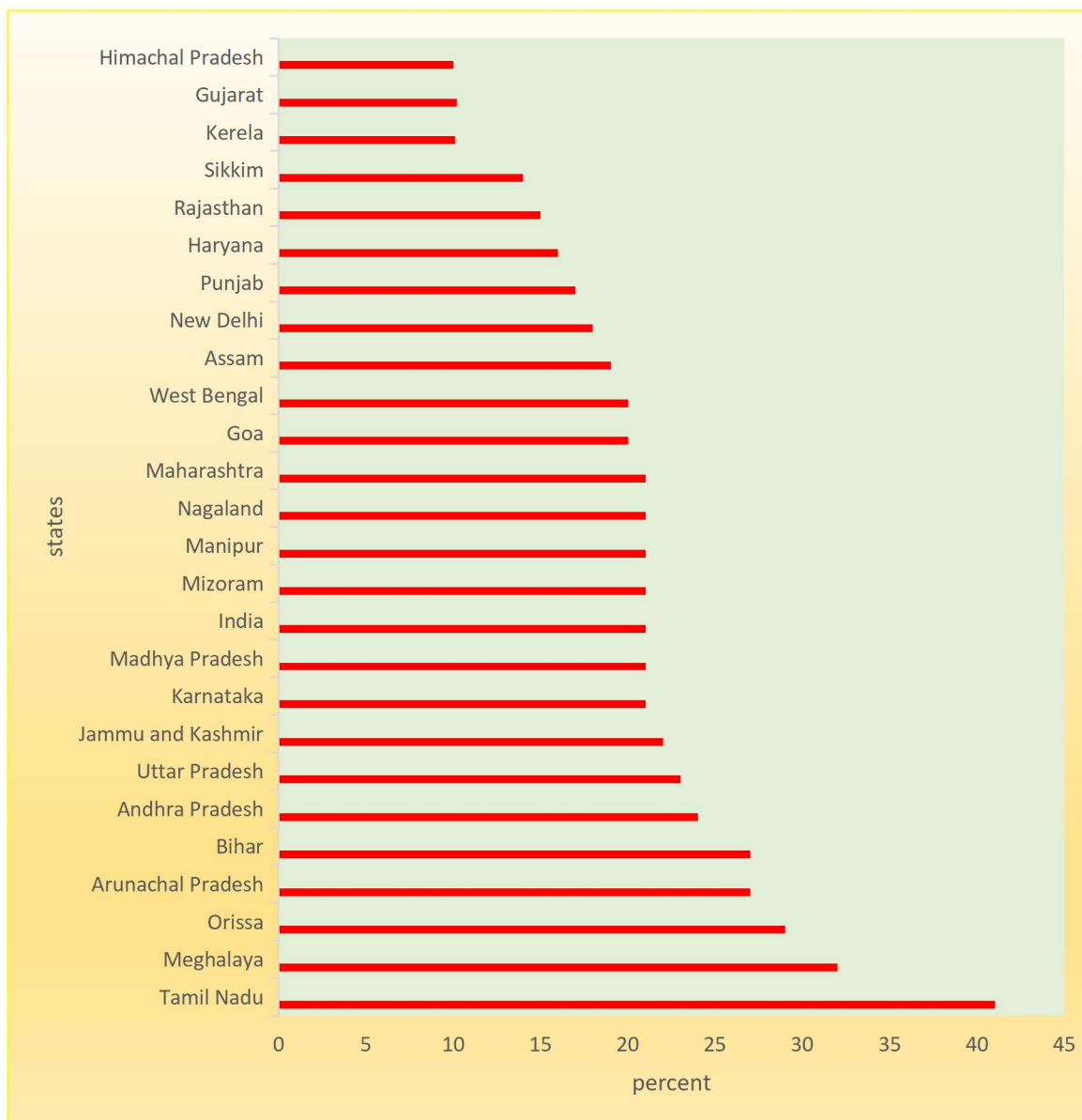
4. The first multi-site household survey on domestic violence in India with nearly 10,000 women respondents (INCLEN 2000).

Men were asked about their use of a variety of violent behaviors towards their wives during the last year. Reporting of the findings on violence uses a classification of these behaviors into four types: control, emotional violence, sexual violence, and physical violence. Men who reported using one or more violent behaviors towards their wives in the last year were categorized as reporting violence. In view of previous work on domestic violence in India, it was hypothesized that reporting violence would be high across all age, education level, socio-economic status, and employment groups (INCLEN 2000; Jejeebhoy 1998). As expected, overall reporting of violence was high. Eighty-five percent of men reported perpetrating at least one violent behavior in the past 12 months. Specifically, 72 percent reported emotional violence, 46 percent reported control, 50 percent reported sexual violence, and 40 percent reported physical violence.

In India, more than 6000 women are killed each year because their in-laws consider their dowry inadequate. Only small percentages of the perpetrators are brought barrier to the empowerment of women, with consequences of women's health, their health-seeking behavior and their adoption of small family violence, and the tradition of household privacy has kept this violence against women hidden from scrutiny.

Domestic violence, particularly wife beating or physical mistreatment is a fairly common phenomenon in many Indian homes, but varies widely by region. The few studies available indicate that physical abuse of Indian women is quite high, ranging from 22 percent to 60 percent surveyed (Rao 1997; Mahajan 1990). A survey in Uttar Pradesh, a state in northern India, found that nearly one in three men reported that they had physically abused their wives (EVALUATION Project 1997). Evidence from population-based surveys suggest that between 21 to 48 percent of women from different socio-cultural settings in India have experienced domestic violence (Jejeebhoy 1998; Verma 2003). In another study of 4000 women reporting physical violence. 63 percent reported the experience more than three times (INCLEN 2000). Further analysis of the prevalence rates of domestic violence incidents reveals statewide variation in India (Figure 4.2.d)

Figure 4.2. d. Prevalence of domestic violence in India, NFHS-2, 1998-99.



Source: IIPS 2000 State wise prevalence of domestic violence in India, NFHS-2, 1998-99.

Tamil Nadu shows the highest prevalence with 41 percent of women reporting domestic violence incident since the age of 15 years. Andhra Pradesh, Karnataka, Meghalaya, Arunachal Pradesh, Mizoram, Orissa, Bihar and Jammu and Kashmir have prevalence rates higher than 20 percent. Himachal Pradesh shows the lowest prevalence of 5.8 percent, followed by Kerala (10.1 percent) and Gujarat (10.2 percent) (NFHS-2 1998-99).

CHAPTER 5: Judicial Pronouncement

Laws are a major tool in promoting and protecting the human rights and they play a vital role in the well-being of any society. The importance of laws for determining the quality of justice and facilitating justice delivery through judicial system cannot be overstated. They are like a double-edged sword. Just as fair laws and right verdict can dispense justice, equally, unfair laws and wrong verdicts can lead to grave violation, turning the justice delivery system into a travesty of itself. To ensure impartial justice and to see that the rights of all women, men and children are respected equally, it becomes necessary to ensure that the laws themselves are impartial, free of gender bias and discrimination. They need to be relevant and tuned into the current context.

Justice is subverted if archaic, patriarchal or discriminatory laws are adhered to.¹

Indian judicial system establishes a procedure to protect the innocent, discover and initiate appropriate action against the guilty and afford 'due process' to all litigants. Thus it is no more than reasonable to expect a court system of both law and justice, where everyone can get justice. The judicial system provides redress to all cases of violence against women and ensures that perpetrators are held accountable and guilty. But it is also true that women face many obstacles when they seek relief from legal system.²The trial courts at the district level generally decide all cases of crime against women and children.

The trial courts have a crucial role in punishing accused in these cases. High Court at the State level and Supreme Court as a final appellate court decides appeal in such cases. They also have original jurisdiction for hearing writ petition or Public Litigation on these issues. Most cases of rape, murder of women including dowry deaths, eventually reach to the Supreme courts.³ There are number of cases decided by Supreme Court and High Courts which reveal the creative role of judiciary in securing the Women's Right. Although, the constitution of India and several legislative enactments are in existence for the protection of women's rights, but the credit for highlighting and enforcing justice goes to the Supreme Court and various High Courts.⁴

¹ Goonesekere.Savitri.'Violence law and Women's Right in South Asia'.2004.p.8.

² Gandhi, Vikash H.,'Judicial Approach in Criminal Justice System: An Experience of India'.2010,p.1.

³ Ebbe Obi, N.I. and Das,Dalip K. 'Criminal Abuse of Women and Children'.2009, p.230.

⁴ Misra.Preeti, 'Domestic Violence Against Women: Legal Control and Judicial Response'. 2007.p.356.

The Indian Judiciary, particularly the Supreme Court has played a creative role in providing justice to women victims of violence and has given far reaching and innovative judgments upholding , the basic principle of equality of sexes and tried to maintain the dignity and honor of women.¹

To understand the response of the Indian Judicial System towards the cases of violence against women an analysis of various landmark judgments of the Supreme Court and High Courts in India is necessary in which the courts have dealt with the cases of violence against women.

5.1 Judicial Response²:

5.1.1. Dowry related violence: In **kamesh Panjiyar v. State of Bihar**,³ the Supreme Court observed that “the marriage are made in heaven, is an adage. A bride leaves the parental home for the matrimonial home, leaving behind sweet memories there with a hope that she will see a new world full of love in her grooms house. She leaves behind not only to be a daughter-in-law, but a daughter in fact. Alas! The alarming rise in the number of cases involving harassment to the newly wed girls for dowry shattered the dreams. In –laws are characterized to be out laws for perpetrating terrorism which destroys the matrimonial home.

Analysis of some landmark decision delivered by the higher judiciary would reveal the active judicial efforts in dealing with the cases of violence against women in dowry related matters such as, dowry death, cruelty for dowry, suicide, criminal breach of trust and misappropriation of the property etc. In **Kundula Bala Subrahmanyam v. State of A.P.**,⁴ the Supreme Court referred to the important role of the courts in dealing with the cases of dowry related violence. The court observed that “ it is expected that the courts would deal with such cases in a more realistic manner and not allow the criminal to escape on account of procedure technicalities or insignificant lacunae in the evidence as otherwise the criminal would receive encouragement and the victims of crimes would be totally discouraged by the crime going unpunished. The courts are expected to be sensitive in cases involving crime against women.”

¹ Bharamgouder,Ratna R., ‘Violence Against Women and Justice in Changing World: An Analysis’. Indian Socio-legal Journal. Vol 34. 2007.p.51.

² shodhganga.inflibnot.ac.in>jspui

³ 2005 Cri.L.J. 1418 (SC). See also Hira Lal And Ors v. State (Govt. of Net) Delhi – AIR 2003 SC,2865.

⁴ (1993) 2 SCC 684.

5.1.2 Matrimonial Cruelty:

The legal concept of cruelty is well defined under criminal law but in matrimonial laws, it is a judicially developed concept¹. The legal conception of cruelty and the kind of degree of cruelty necessary to amount to a matrimonial offence has not been defined under the Act i.e. Hindu Marriage Act, 1955. The legal concept of cruelty, which is not defined under matrimonial laws, was generally described by the House of Lords in **Russell v. Russell**² as conduct of such a character as to have caused danger to life, limb or health (bodily or mental) or as to give rise to a reasonable apprehension of such danger’.

In **Shobha Rani v. Madhukar Reddi**, the appellant, a post graduate in biological science was married to the respondent a doctor on December 19, 1982. Soon after the marriage their relations became bitter and ultimately the appellant wife moved the court for divorced on ground of cruelty.

The appellant in the evidence before the court stated that about Rs. 2 lakh were in fixed deposit in bank in her name apart from a house plot in her name, that her mother-in-law used to make demands of money constantly with the support of the respondent but she was afraid of telling them that she would not ask her parents for money, that she had an apprehension that something would be done to her parents for money, that she had an apprehension that something would be done to her either physically or mentally if she told them so and that she developed an aversion for going back to the respondents house. The appellant’s advocate had also written a letter to the respondent pointing out that “the worst form of ill-treatment that is meted out” to the appellant “was constant demand for money”. The trial court and the High court rejected the case of the appellant on the ground that there was no satisfactory evidence that the demands for money were such as to border on harassment. Allowing the appeal of the wife the Supreme court observed that “the word ‘cruelty’ has been used in section 13(i)(a) of the Hindu Marriage Act in context of human conduct or behavior in relation to or in respect of matrimonial duties or obligations. It is a course of conduct of one which is adversely affected the other. The cruelty may be mental or physical, intentional or unintentional.

¹ Supra note 4 ,at p.393.

² 1897 AC 395 (1895-1899) All ER Rep.1(HL) Quoted in Samar Ghosh V. Jaya Ghosh (2007) 4 SCC

The legal concept of cruelty has also been discussed in the case of **Vinita Saxena v. Pankaj Pandit**,¹ where in the Supreme Court has allowed the wife's appeal for divorce on the ground of cruelty. According to the facts of the case, the appellant and the respondent were married as per Hindu rites and customs. No child was born from the wedlock. According to the appellant, the marriage lasted for five months only and was never consummated; from the first day of the marriage the respondent's mother treated her with utmost cruelty both physical and mental; the reason for cruelty was the respondent's mental disorder, as he was suffering from paranoid schizophrenia which she could discover only after the marriage from the fact that the respondent was under constant treatment and observation of different doctors even prior to the marriage for the said ailment. when appellant tried to discuss regarding the problems she was facing with the respondent with her mother in law the later objected strongly and at her instance the appellant was beaten mercilessly by the respondent, which made him so nervous that he consumed "Baygon Spray" to commit suicide; appellant and her brother took the respondent to the hospital in order to save the respondent's life. The respondent was hospitalized for four days and was discharged after giving proper treatment on 7.7.1993. The situation further became worse on 8.7.1993 and 9.7.1993. Again on the instigation of the respondent's mother, the respondent slapped and abused the appellant mercilessly and she was not even allowed to have food that day and the next day Morning i.e. on 9.7.1993. On 9.7.1993, the appellant was pushed and kicked out of the matrimonial home by her mother in law and the respondent and thereafter, the appellant was not permitted to return again. The appellant filed a petition against the respondent for dissolution of marriage under Section 13(i) (ia) of the Hindu Marriage Act on the ground of mental and physical cruelty and mental disorder of the respondent. The trial court dismissed the divorced petition. The High court has also dismissed appeal by appellant.

Cruelty which is one of the forms of domestic violence against woman is generally classified under the the two heads i.e. Physical Cruelty and Mental Cruelty.

(a) Physical Cruelty

Act of physical violence of one spouse against the other injury to body, limb or health have been traditionally considered to amount to cruelty. What acts of physical violence would amount to cruelty would differ from case to case depending upon susceptibility and sensitivity of the

¹ (2006) 3 SCC 778.

parties.¹

In **Jyotish Chandra v. Meera Guha**² the Madhya Pradesh High Court observed that a single act of physical violence may amount to cruelty. Similarly, series of small act of violence may cumulatively amount to cruelty. In physical cruelty, actual danger to life need not be proved³. One or two acts of physical violence are sufficient to constitute cruelty⁴.

(b) Mental Cruelty

Mental cruelty can broadly be defined as that conduct which inflicts upon the other party such mental pain and suffering as would make it not possible for that party to live with the other. To put it differently, the mental cruelty must be of such a nature that parties cannot reasonably be asked to live together. The situation must be such that the wronged party cannot reasonably be asked to put with such conduct and continue to live with other party. While arriving at such conclusion, regard must be had to the social status, educational level of the parties, the society they are already living apart and all other relevant facts and circumstances, which it is neither possible nor desirable to set out exhaustively what is cruelty in one case may not amount to cruelty in another case. It is a matter to be determined in each case having regard to the facts and circumstance of that case. If it is a case of accusation and allegation, regard must also be had to the context in which they are made.⁵

In **Samar Ghosh v. Jaya Ghosh**⁶ the Supreme Court observed that there cannot be any comprehensive definition of the concept of “mental cruelty” within which all kinds of cases of mental cruelty can be covered. Human mind is extremely complex and human behavior is equally complicated. Similarly human ingenuity has no bound; therefore, to assimilate the entire human behavior in one definition is almost impossible. What is cruelty in one case may not amount to cruelty in other case. The concept of cruelty differs from person to person depending upon his upbringing, level of sensitivity, educational, family and cultural background, financial position, social status, customs, traditions, religious beliefs, human values and their value system.

¹ Diwan Paras. ‘Law Relating to Dowry Deaths, Bride Burning, Rape and Related Offences’.

² AIR 1970 Calcutta 266.

³ Kaushalya v. Masat Ram AIR 1981 H.P. 63 Quoted in Supra note. 103.p.160

⁴ Laloo v. Smt. Bachi AIR 1986 Raj 49., quoted in Supra note, 103 p. 160.

⁵ V. Bhagat v. D.Bharat AIR 1994 SC 710. See also Hanumantha Rao v. S.Ramani (1999) 3 SCC 620: AIR 1999 SC 1318..Ranjeet Kaur v. Surendra Singh Gill AIR 2012 Madhya Pradesh 74.

⁶ (2007) 4 scc 511.

In **Savitri Pandey v. Prem Chandra Pandey**,¹ the Apex Court has examined the concept of mental cruelty and observed that, “Mental cruelty is the conduct of other spouse which causes mental suffering or fear to the matrimonial life of the other. ‘Cruelty’, therefore, postulates a treatment of the petitioner with such cruelty as to cause a reasonable apprehension in his or her mind that it would be harmful or injurious for the petitioner to live with the other party. Cruelty, however, has to be distinguished from the ordinary wear and tear of family life. It cannot be decided on the basis of the sensitivity of the petitioner and has to be adjudged on the basis of the course of conduct which would, in general, be dangerous for a spouse to live with the other”.

5.1.3 Slapping, Beating and Dragging:

In **Lallo v. Smt. Bachi**,² the dissolution of the marriage is claimed by the wife Smt. Bachi on the ground of cruelty by the husband. Proof of the cruelty relates to the incidents alleged to have taken place at bus-stand, where the respondent-wife was selling vegetables with her mother. At that time, the husband came and gave beating to the wife and dragged her, and whoever tried to rescue her were also beaten. While granting divorce to the wife, the Rajasthan High Court observed that, it is not necessary for proving the cruelty that there must be many incident of beatings. The beating by the husband to his wife in this age cannot be undermined and ignored. A wife is not a ‘chattel’ to be beaten at the whim and caprice of the husband.

In **Tulsa v. Pannalal Nath Kali**³, the court held that no husband has the right, irrespective of the community to which he belongs, to do physical violence to his wife, and if he does, she has every right to resent and is justified in withdrawing from the society of her husband. In this case husband used to beat her occasionally on the grounds of her getting up at 7.00 am instead of 6.00 am and wearing clothes other than those he wanted her to wear.

In **Animesh Trivedi v. Kiran Bagai**,⁴ the appellant husband had slapped the wife /respondent on several occasions and used filthy language to her. During the course of learning of the car driving,he slapped her and hit her stomach when she was pregnant. The court held that such act

¹ (2002) 2 SCC 73.

² AIR 1986 Raj. 49.

³ AIR 1963 M.P.5.

⁴ AIR 2012 Jharkhand 115.

is sufficient to make out a case of cruelty. Such repeated act of slapping, taunting, cruelty, calling lazy, liar and slapping in presence of family member and using filthy language, had led to such an impact that the respondent wife may not live further with the appellant/husband because of the repercussion upon her mentally and psychologically.

5.1.4. Drunkenness, when amount to cruelty.

In **Sobat Singh Sajwan v. Smt. Kaushaly Devi**,¹ while dismissing the appeal of husband/ appellant against the order passed by the trial court regarding dissolution of marriage between the parties on the ground of cruelty, the court held that if the husband comes in a drunken condition in the house and beats his wife and children, as a gambler spent the money in gambling given by parents of his wife for purchasing the house, it constitutes cruelty.

In **Jeevan Babu Dass v. State of Maharashtra**,² appellant/husband had made the life impossible for Ratan i.e. the deceased. His drunkenness and increasing recourse to the liquor had made him violent, suspicious, intemperate and indiscriminate. All this drove Ratan to desperation and the extent thereof was such that she took her own life. While convicting the appellant/accused to the seven year rigorous imprisonment the court observed that Jeevan had behaved atrociously and a long suffering woman was made to end her life with her own hands because of the cruelty perpetrated upon her day in and day out by the appellant.

5.1.4 False Accusation of Adultery or unchastity.

In the case of **Dr. Akalanka Bhandari v. Smt. Aruna Bhandari**,³ the husband taunted his wife in letters on mere suspicion that she had not been a virgin at the time of her marriage. The husband had even called upon the wife to prove that the children born to them in wedlock were born of his loins. The husband suffered from a grave suspicious mania and abused the wife calling prostitute. Treatments of this sort were meted out by the husband day in and day out. The court held that all these acts amount cruelty to the wife.

In **Nemai Kumar Ghosh v. Mita Ghosh**,⁴ the Calcutta High Court observed that any imputations against the character of one spouse made by the other without any foundation and

¹ AIR 2013 Utr.106

² 1989 Cri. I.J. 1186 (A.P)

³ (1970) 74 Cal WN 924..quoted in Pranab Biswas v. Mrinmayee Dassi AIR 1976 Cal 156.

⁴ AIR 1986 Cal 150.

on the basis of mere suspicion , would amount to mental cruelty.

In **Malay Kumar Pakhira v. Papia Pakhira**,¹ the Court held that describing wife as prostitute by husband is injury to the reputation of wife and is an act of cruelty on part of the husband.

5.1.6 Sex, Impotency and Cruelty.

In **Hanuman v. Smt. Chander Kala**,² while dismissing husband's appeal against the judgement and decree of divorce granted to his wife on the ground of cruelty, the only ground of cruelty was the inability of the husband to perform sexual intercourse with his wife, the Punjab and Haryana High Court observed that sex is the foundation of marriage and without sexual activity, it would be impossible for any marriage to continue for long. Denial of sexual activity in marriage has an extremely unfavorable influence on a women's mind and body leading to depression and frustration. Forcing the wife to live a sexless life would inevitably damage her physical and mental health and tantamount to cruelty. Letting the wife remain in such a matrimonial bond would be utter cruelty to her and she would be entitled to get divorce.

A normal and healthy sexual relationship is one of the basic ingredients of a happy and harmonious marriage. If this is not possible due ill health on the part of one of spouse, it may or may not amount to cruelty depending upon the circumstances of the case. But willful denial of sexual relationship by a spouse when the other spouse is anxious for it, would amount to mental cruelty especially when the parties are young and newly married.³

5.1.7 Refusal to have children.

In **Stanly Hedger v. Florence**,⁴ the court observed that cardinal objectives and concept in our social system with respect to marriage and the institution of family is to have solemn union of two person, the man and the woman, to build up a family consisting of offspring. If one of the spouses makes any compulsion or restraint from being conceived against the cherished wish of giving birth to child, is against the normal instincts of life. It will cause dimension to the desire of spouses in marital life. Definitely the person who is obstructed,

¹ AIR 2010 (NOC) 225 Cal.

² AIR 1986 P & H 308. See also Dr. Srikant Rangacharya Adya v. Smt. Anuradha AIR 1980 Kant.

³ Shankuntala v. Om Prakash AIR 1981 Del.53.

⁴ AIR 2013 Ker. 122.

restrained or compelled will develop an apprehension in mind that it will be mentally harmful or injurious to live under the matrimonial bond. This will definitely amount to 'mental cruelty' which constitute ingredients under Section 10 (1) (x) of the Divorce Act 1869.

In **Madhusudan Bhardwaj & Ors. v. Mamta Bhardwaj**,¹ the Madhya Pradesh High Court observed that no doubt the intention of the legislature behind enacting the Act i.e. Domestic violence Act 2005, is to provide more protection to the rights of women guaranteed under the constitution who are victims of violence of any kind within the family and matter connected therewith or incidental thereto. It is clear that the Act has been enacted for safeguarding the rights of a woman guaranteed under the constitution and to provide protection against her victimization from domestic violence, interpretation of the provision keeping this pious principle in mind is required.

In **Sarojakshan Shankaran Nayar and other v. State of Maharashtra**,² the deceased Rajeshwari wife of appellant/accused belonged to a respectable orthodox family. Her husband was of highly suspicious nature and made life difficult for the deceased Rajeshwari by deliberately demeaning her, insulting her, calling her prostitute, suspecting her character, not allowing her to meet friends and was not being given any respect at home. She was also deprived of and denied respectable living and other comfort at home. The continued mental torture meted out by the appellant to the deceased Rajeshwari ultimately forces her to commit suicide rather than lead a miserable life. In this case the court has justified the conviction of accused under Section 498A Indian Penal Code.

5.2 The Protection of women from Domestic Violence Act, 2005- An Appraisal

The Protection of Women from Domestic Violence Act 2005 is an Act of the Parliament of India enacted to protect women from domestic violence. It was brought into force by the Indian government from 26 October 2006. The Act provides for the first time in Indian law a

¹ 2009 Cri.L..I 3095 (M.P).

² 1995 Cri..I..J.,340.

definition of “domestic violence”, with this definition being broad and including not only physical violence, but also other forms of violence such as emotional/verbal, sexual, and economic abuse. It is a civil law meant primarily for protection orders and not for meant to be enforced criminally.¹

The Universal Declaration of Human Rights supports the crusade against domestic violence since it favors protecting the basic right of everyone to live a dignified life. CEDAW (Convention on Elimination of Discrimination Against Women) makes it mandatory for its member nations to make laws prohibiting domestic violence.

Violence as a means to maintain unequal relationships has been resisted by the women’s movement, both nationally and internationally. Particular to the context of domestic violence, the existing laws dealt with the recognition of cruelty as a ground for divorce under various personal laws and procedural laws and thereby providing maintenance to avoid destitution of women victims.²With changing societal perception and demands, the struggle led to amendments in the criminal law that recognized cruelty within marriage as an offence.³ Statutes were made outlawing the practice of giving and taking of dowry,⁴ penalized dowry related harassment and recognized “dowry deaths” as a separate offence.⁵ Although the new amendments were enacted to deal effectively with dowry as well as cruel treatment of married woman, they eventually became, despite their commendable intentions, tools of harassment in the hands of the unscrupulous women.

The laws that existed considered only married women as the subject of the concern and only legally married women could sue under these laws. The law failed to comply with the definition of ‘violence against women’ in the international treaties like Convention on Elimination of all forms of Discrimination against Women and Universal Declaration of Human Rights, which looks at it as a violation of rights and fundamental freedom of women. To eliminate these loopholes the Protection of Women against Domestic Violence Act, 2005 was enacted.

¹ en.m.wikipedia.org

² Criminal Procedure Code,s.125

³ Indian Penal Code,1860,s.498A.

⁴ Dowry Prohibition Act, 1961.

⁵ Indian Penal code,1860,s.304 B.

The Evolution of Protection of Women from Domestic Violence Act, 2005.

The context of subordinated social existence of most women, when seen through a human rights angle, depends on how best a domestic legal order responds to these expectations. Despite a proliferation of laws in this direction, there is a lack of proper law enforcement in case of domestic violence reflected by an international phenomenon cutting across different countries.

Since the popular conception of violence at home did not merit much consideration as a punishable offence, the feminist movement, aimed at attaining substantive equality for women, regarded the domestic violence as one of the chief disabilities for the promotion of women's rights and their claims to equality. Women's rights movement of the west struggled hard to campaign for the inclusion of various manifestation of domestic violence as a crime within the criminal justice system to get law on the side of the women in their struggle for justice. The feminist movement exerted influence in extending the reach of criminal law within the insulated world of private sphere manifested by family and the home. By 1980s and 1990s, many countries legislated for inclusion of domestic violence within the criminal law while most countries still did not legislate and were slow to respond. Most countries which did not legislate against domestic violence as a distinct crime continue to treat it under its criminal assault laws. There was growing realization since late 1980s that domestic violence needs special attention and is closely associated with women's rights. Due to the growing influence and impact made by the women's movement between 1970s and 1990s, the issue of domestic violence attained a primacy in at least the formal stance taken in public policy and criminal justice system of many countries.

The local women's movement in many countries, inspired and energized by the international Women's human rights movement greatly contribute in exerting pressure on their respective governments to change their policy stance especially in the criminal justice system to comply with the ongoing international standard setting.

The international development in this direction gave strength to the demand from the women's rights groups in India. The recognition of domestic violence as a crime in India was about in the early 1980s after a sustained campaign by feminist groups and women activists all over the country. The criminalization of domestic violence in the form of sections 498A and 304B(dowry death) were considered significant development in law in correcting historical,

legal, and moral disparities in the legal protections afforded to abused women. It sought for the first time to bring the issue of domestic or family violence out of the protected private realm of the family and into the public domain in India.

Despite these legal reforms, societal responses to domestic violence still largely exclude legal intervention. The real problem encountered were with regard to access to justice and implementation of these laws. The police often exercised discretion in avoiding arrest while responding to domestic violence incidents and emphasized on mediation and conciliation. In the courts, public prosecutors failed to actively pursue cases of domestic violence under S.498A, as often women turned hostile during the prosecution and agree to drop the charges. Sentences tend to be less serious for those convicted of domestic violence. The result of these processes led to a higher dismissal rate for domestic violence cases at the prosecution stage, compared to other violence cases, and less serious sentences. There were several attempts from women's group to canvass the need for framing a law to deal with domestic violence comprehensively.

Finally the Ministry of Women and Child Development issued a notification to bring it into force from 26th October, 2006. The Act was passed by the Parliament in August 2005 and assented to by the President of India on 13th September, 2005. But implementation was pending as detailed consultations were required with the State and other agencies for framing the rules. The Ministry has simultaneously issued another notification laying down the rules framed for the implementation of the Act. These rules may be called "Protection of Women from Domestic Violence Rules, 2005".

With the passing of the Domestic Violence Act, 2005 (hereinafter referred to as 'the Act') the Indian legal system has stepped into a social space that has hitherto remained unwilling to lend itself to legislation the home and the family, and the violence faced within the same. The International and National concern over the issue reflected in India manifested itself in the form of the new Act, which for the first time addressed domestic violence as a distinct human rights issue¹ independent from any offences against women recognized under the Indian Penal Code. The Act stands in conformity with the Un Model Legislation on Domestic Violence, which provides comprehensive guidelines for states in drafting legislations on domestic violence. The

¹ The Protection of Woman from Domestic Violence Act, 2005 Statement of Objects and Reasons.

enactment was passed by the parliament with recourse to Article 253 of the Constitution.¹

The law draws its rationale from the rights guaranteed under Articles 14, 15 and 21 of the Part three of the Indian Constitution.

The Constitutional Basis of the Act

A constitution is central to a country's legal system because it defines the principles on which the system is based. It sets up the most important institutions of government, states their principle power and makes broad rules about how those powers are to be exercised. To date, many laws on violence against women have focused primarily on criminalization. It is important that legal frameworks move beyond this limited approach to make effective use of a range of areas of the law, including civil, criminal, administrative and constitutional law, and address prevention of violence and protection and support of survivors. The protective discrimination extended to women and support of survivors. The protection discrimination extended to women and children under Fundamental Rights of the Constitution of India supports the rationale behind the protection guaranteed to women victims domestic violence under the Act. The Statement of Objects and Reasons declares that the Act was being passed keeping in view the fundamental rights guaranteed under the Act. The Statement of objects and reasons declares that the act was being passed keeping in view the fundamental rights guaranteed under Articles 14², 15³ and 21⁴. Article 14 prohibits class legislation, but permits classification for legislative purpose. A law does not become unconstitutional simply because it applies to one set of persons and not another⁵.

The Act promotes the rights of women guaranteed under Articles 14 and 15. Domestic violence is one among several factors that hinder women in their progress, and this Act seeks to protect them from this evil. It indeed effects a classification between women and men, protecting only

¹ This provision confers on the Parliament the power to make laws in pursuance of international treaties, conventions, etc.

² Right to Equality; Article 14 contains the equal protection clause. It affirms equality before the law and the equal protection of the laws.

³ Article 15 disallows discrimination on the grounds religion, caste, sex, race, etc., but permits the state to make special provisions for certain classes of persons, including women and children.

⁴ Art. 21 states: "No person shall be deprived of his life and personal liberty except according to the procedure established by law"

⁵ Where a law effects a classification and is challenged as being violative of this Article, the law may be declared valid if it satisfies the following two conditions. 1. The classification must be based on some intelligible differentia. 2. There must be a rational nexus between this differentia and the object sought to be achieved by the law.

women from domestic violence, but this classification is found on an intelligible differentia, namely, gender, and also has a rational nexus with the object of the Act.

Article 21 confers the right to life and liberty in negative terms, stating that it must not be taken away except by procedure established by law which is required, as a result of judicial decision, to be fair, just and reasonable.¹ The Supreme Court by its dynamic interpretation expanded the concept of right to life. The following decisions are relevant in this context and many new rights have been added to it.

In **Francis Coralie Mullin v. Union Territory Delhi, Administration**², the Supreme court observed that, 'any act which damages or injures or interferes with the use of any limb or faculty of a person, either permanently or even temporarily, would be within the inhibition of Article 21'. This right is incorporated in the act through the definition of physical abuse, which constitutes domestic violence and is hence punishable under act. Physical abuse is said to consist acts or conduct of such nature that they cause bodily pain, harm, or danger to life, limb or health, or impair the health or development of the aggrieved person. Apart from this, the act also includes similar acts of physical violence and certain acts of physical violence as envisaged in the Indian Penal Code within the definition of domestic violence. Since a victim of domestic violence is subjected to physical abuse and lives in a state of perpetual fear of violence and fear for her life, she is unable to live a life free of violence or fear of violence. By adoption of such an expansive definition, the Act protects the right of women against violence.

In **Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan**³, the supreme court emphasized the fact that the right to life included in its ambit the right to live with human dignity, basing its opinion on a host of cases that had been decided in favour of this proposition. The right to dignity would include the right against being subjected to humiliating sexual acts. It would also include the right against being insulted.

In **Chameli Singh v. State of U.P.**⁴ it was held that the right to life would include the right to shelter. Under S.6 of the Act, it is a duty of the Protection officer to provide the aggrieved party accommodation where the party has no place of accommodation, on request by such party or

¹ Maneka Gandhi v. Union of India, AIR 597, 1978 S.C.R.(2) 621.

² 1981 (1) S.C.C. 608; A.I.R. 1981 S.C.746.

³ 1997 (11) S.C.C 121; A.I.R. 1997 S.C.152.

⁴ 1996(2) S.C.C. 549; A.I.R.1996 S.C.1051.

otherwise. Under Section 17, the party's right to continue staying in the shared house hold is protected. These provision thereby enable women to use the various protection given to them without any fear of being left homeless. In context where women are dispossessed from their matrimonial/parental home due to domestic violence, their right to shelter is violated.

The Apex Court in **U.P.Avas Evam Vikas Parishad and another v. Friends Co-op Housing Society Ltd. and Another**¹ re-emphasized that, "Right to shelter is a fundamental right, which springs from the right to residence assured in Article 19(1) (e) and right to life under Article 21 of the Constitution".

In **Vikram Deo Singh Tomar v. State of Bihar**² the Apex court rightly explained the duty cast on the equality doctrine enshrined in the constitution where it contemplated special provision for women and children. The Court thus held:

" We live in an age when this court has demonstrated, while interpreting Article 21 of the constitution, that every person is entitled to a quality of life consistent with his human personality. The right to live with human dignity is the fundamental right of every Indian citizen. And so, in the discharge of its responsibilities to the people, the state recognizes the need for maintaining establishment for the care of those unfortunates, both women and children, who are caste ways of an imperfect social order and for whom, therefore, of necessary provision must be made for their protection and welfare".

A woman's right to livelihood and the fundamental freedom to practice an occupation or profession has been recognized by the courts³. In context of domestic violence, the victim's work is often affected as she is either unable to report to work or her performance at work is adversely affected if she sustained physical injuries or psychological distress including depression. In extreme situation, it can result in her termination/resignation from work, resulting in her loss of livelihood.

Aims and Objects of the Act.

The Act aims at providing protection to women who are faced with violence within a domestic relationship. In its preamble, the act mentions the rights of women under the constitution, and the necessity of ensuring that these rights are recognized even in the private sphere of the home

¹ 1996 A.I.R. 114, 1995 S.C.C..Supl. (3) 456.

² 1988 A.I.R. 1782, 1988 S.C.R.Surpl. (1) 755.

³ Madhu Kishwar v. State of Bihar,(1996) 5 S.C.C. 125; Bar dancers' case- Indian hotels and restaurants association & others v. The State of Maharashtra & Others, 2006 (3) Bom C.R.705.

and family. The Act envisages comprehensive procedural tools and adequate relief measure to facilitate easy access to justice to any aggrieved party.

The Act clearly identifies the victim groups and what are the processes and reliefs to be made entitled to be made entitled to them in cases of different types of violence. It manifests a combination of civil reliefs backed by criminal sanctions and they are dealt with in a detailed manner. The Act has not attempted to create a new offence with respect to the issue of domestic violence but merely provides a palliative treatment to the victims of domestic violence and to prevent recurrence of the same. The only instance in which the perpetrator of violence can be punished under this Act is when he violates any order of the court, passed under the act. The intention being clear from this that the act protects a victim and not punishes the perpetrator.

The Act recognizes the very fact that house is not a safety zone for the women inmates therein and thereby attacks the very strong base of the holding of the traditionalists that women are born to endure all sufferings within the house. Moreover the Act envisages the participation of a wide spectrum of actors, which includes administrators created by the act, as well as the civil society.

The broader impact that the act aims to have is multi-fold. It has the potential to become a tool by which women are empowered to move out of circumstances detrimental to their physical and emotional wellbeing; a medium by which hitherto untouched social space can be made more gender sensitive and responsible to women's concern. This is an important step in furthering the agenda of female emancipation in the country.

In India, the remedies under the act have largely been adopted from similar laws in other jurisdictions. However, it has been reinvented in several ways in order to grasp the concerns and peculiarities of Indian society such as dowry deaths. For instance, the act defines domestic violence in a wide manner so that issues like marital rape- yet to be recognized as a penal offence under the Indian law- can be dealt with. Quasi civil-criminal remedies enable several different interest groups such as girl children and live-in couples to obtain effective remedies that circumvent societal compulsions. The following analyses of the act will evaluate these innovative legislative tools adopted under the new act within a theoretical and practical framework.

The Reliefs Provided under the Act: Protection Orders, Residence Orders, Monetary Reliefs, Custody Orders, and Compensation Orders

The act provides a large number of avenues for an abused woman to get relief. The next aspect of the act that needs to be analyzed is the relief it seeks to provide to the woman victim. A broad overview of the structured reliefs under the act suggests that they are not punitive in nature. They are restorative in nature providing for protection of a woman victim from any further abuse or compensating her for the abuse already suffered and additionally restoring stability and harmony in the family unit. It provides new civil remedies for the victims of domestic violence. The law recognizes new set of rights and obligations in the nature of torts remedy, to secure women in their own families. The main thrust of the law is to provide monetary assistance in the shape of damages, compensation, maintenance, exemplary cost and penalties. In the case of domestic violence, tortious liability arises with due intention. Some conditions are required for intention which are totally employed by domestic violence, conditions are: motive, malice, recklessness.

The Act is not exhaustive and is only complimentary in nature as it supplements the existing legislations and the reliefs structured under the Act and it is meant to act as only in addition to and not in derogation to that provide under the other enactments¹. The relief available under the act may be sought in any other legal proceedings before a civil court, a family court, or a criminal court irrespective of whether such proceedings were initiated before or after the commencement of the Act². The law complements existing matrimonial and criminal laws on domestic violence, so that women have a wider option in legal provisions that can be applied.

They would exercise this option by assessing as to which law would most effectively address their specific situation and need. The Act may also be applied retrospectively and empowers the Magistrate to take cognizance of any act of domestic violence alleged to have been committed even prior to the commencement of the Act.³

The different modes of relief envisaged under the Act are: Protection orders, Residence orders,

¹ Id.,s.36.

² Id.,s.26(1) There is single window clearance under this law in supporting women's access to justice. S.26 lays down that civil relief can be claimed in any pending proceeding, which means if there is a divorce proceeding pending; if there is a partition suit pending; if there is a custody application pending; if there is a 498A application under this law can be made for a protection order or for an injunction restraining dispossession.

³ Id.,s.26(1).

Monetary Reliefs, Custody orders, and Compensation orders. Each of such orders may be passed by the Magistrate while disposing of the application, depending on the reliefs sought for by the aggrieved person and taking into account the necessities of the victim at that point of time.

Protection Order

The Magistrate after giving the aggrieved person and the respondent an opportunity of being heard and on prima facie satisfied that domestic violence has taken place or is likely to take place, may pass Protection Order in favour of the aggrieved person.¹ It may contain an order prohibiting the respondent from committing any act of domestic violence or abiding or abetting therein, entering the place of employment of the aggrieved person or if the person aggrieved is a child its school, or any other place frequented by the aggrieved person or attempting to communicate in any form whatsoever with the aggrieved person without the leave of the Magistrate, alienating any assets, operating bank lockers or bank accounts belonging to both the parties jointly or to the respondent singly, including her stridhan or any other property held jointly or separately by them, causing violence to the dependents, other relatives or any person giving the aggrieved person assistance from domestic violence or committing any other act as specified in the Protection Order². The Protection Orders would be in operation till the aggrieved person applies for a discharge (removal of the order)³. The court is duty-bound to study the application and ensure that there is a change in circumstances that warrants the discharge of the Protection Order⁴, and the aggrieved person has not been subjected to any sort of coercion, before issuing the necessary orders.

These Protection orders, are in the nature of restraining orders restraining the respondent from indulging in all these activities mentioned and it can only be vacated on an application by the victim⁵. They are very much in consonance with the non-molestation orders which may be obtained in the U.K. The relief provided by the laws of Malaysia⁶, also provide for an additional

¹ Id.,s.18 of the Act.

² Id.,s.18(a) to (g) of the Act

³ Id., s.25(1) of the Act

⁴ Id.,s.25(2) of the Act.

⁵ Id.,s.25(1) of the Act

⁶ s.7(1) Where the court is satisfied that the person against whom a protection order or interim protection order is made is likely to cause actual physical injury to the protected person or persons, the court may attach a power to such protection order or interim protection order, as the case may be. Available from APWLD 2003: apwld@apwld.org.Last visited on 23rd July, 2013.

discretionary power of arrest in cases where the court is satisfied that there is likelihood of physical injury being inflicted on the victim by the aggressor. Being in the nature of civil remedy, the relief provided under the Act is much milder when compared to stringent provisions under Section 498A. The Protection order contemplated under the Act serves the purpose of stopping violence order immediately and is likely to be a significant step towards reducing its repetitive invocation and indiscriminate abuse.

Residence order

Another type of relief envisaged under the Act is the Residence orders¹. In the Indian patriarchal society, most ownership and lease agreements are made in the names of male members of the family. Hence, women who reside in such premises, including wives, mother, and daughters and sisters, face the danger of being dispossessed from the same and forced to destitution. Many women are forced to tolerate domestic violence for fear of being on the streets, especially when they do not have support from their parents or government support for shelter.

In situations where such women seek the court's intervention in a situation of domestic violence, women also fear that the respondent would dispossess them from the premises by way of a reprisal/revenge.

Taking into account the vulnerability of a woman victim who faces violence in a domestic relationship she is ensured the right to reside in a shared household and the aggrieved person shall not be evicted or excluded from the shared household by the respondent except in accordance with the procedure established by law². To exercise this right, the Act provides for a residence order that may be obtained by the victim either restraining the respondent from dispossessing, or disturbing the possession of the aggrieved person from the shared household irrespective of whether or not he/she has a legal or equitable interest in it, directing the respondent to remove himself from the shared household, restraining the respondent or his relatives from entering into that portion of the shared household in which victim resides, restraining the respondent from alienating or disposing of or encumbering the shared household, restraining the respondent from renouncing his right in the shared household except with the leave of the Magistrate, or directing the respondent to secure alternate accommodation for the

¹ Supra n.19 s.19.

² Id.,s.17 (1) and (2).

aggrieved person of the same level as enjoyed by her in the shared household or to pay rent for the same¹. However the Act clearly states that no residence order against a woman may be obtained that directs her to remove herself from the shared household². Magistrate is also empowered under the Act to impose any conditions or pass any direction that is necessary to protect the victim or any child of hers³: to require a bond to be executed from the respondent for the prevention of domestic violence⁴, to impose any obligations relating to the discharge of rent and other payments⁵; to direct the respondent to return any stridhan, property, or valuable security to which the victim is entitled⁶; and to empower any officer in charge of the nearest police station or within the jurisdiction of the Magistrate to enable the implementation of such orders⁷.

It is to be remembered in this context, that the right to residence is different from property rights that include right to own and dispose of a property. This law provides a right to the woman against being illegally dispossessed. She may be dispossessed through the procedure set out in law. The right to residence does not entitle the woman with the right of ownership over the premises.⁸ These provisions of residence orders are much in tune with the relief provided under Malaysian law⁹ and the occupation orders¹⁰ available under the Family Law Act 1996 of Britain, which goes a step further and recognizes the right of both spouses to occupy the matrimonial home.¹¹

Monetary Reliefs

The Act envisages Monetary reliefs where by the magistrate may direct the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person as a result of domestic violence including any maintenance, loss of earnings, medical expenses, or any loss caused due to destruction, damage

¹ Id., ss.19 (a) to (f).

² Id.,s.19(1), proviso.

³ Id.,s.19(2).

⁴ Id.,s.19(3)

⁵ Id.,s.19(6)

⁶ Id.,s.19(8).

⁷ Id.,ss.19(5), 19(7)

⁸ For more details, see Address of Chandru J. of the High court of chennai, at 'Staying Alive: National Conference Commemorating 1 Year of the Protection of Women from Domestic Violence Act,2005', New Delhi, 26-27 October 2007.

⁹ Domestic violence Act,1994 s.6.

¹⁰ Family Law Act, 1996 s.33.

¹¹ Supra n. 19,s.30.

or removal of any property from the control of the victim¹, which is consistent with the standard of living she is accustomed to². In case of breach of such order by the respondent, the Magistrate may direct the employer or a debtor of the aggressor to directly pay the victim or to deposit the same the court a portion of the wages or salary or debt due to or accrued to the credit of aggressor which may be adjusted towards the towards the monetary relief payable by him³. This type of payment made to the victim out of the debts accrued from the aggressor and adjusting the same from it relates the Garnishee proceedings under the code of Civil Procedure in India⁴. No specific criteria has been laid down or fixed by judicial interpretation as to the amount of compensation to be arrived at. So it can very well be deciphered that it depends on each case and its circumstances.

The laws of Malaysia provide similar relief that includes compensation to the victim for all necessary and reasonable expenses incurred in separating from the aggressor, such as lodging expenses incurred in separating from the aggressor, such as lodging expenses required in setting up a separating from the aggressor, such as lodging expenses required in setting up a separate household, which may include housing loan payment or rental payments in respect of the shared residence or alternative residence⁵. The Act in a way makes provision for rapid temporary relief for the woman pending disposal of the case.

Custody Orders

The Act for Custody orders where by the magistrate may at any stage, grant temporary custody of any child or children to the victim or any person making an application on her behalf and specify the visitation rights of the aggressor, which may be refused if the Magistrate is of the opinion that it will be harmful to the child⁶. Under this law, the aggrieved person cannot file an application for temporary custody alone; such an application has to be coupled with a protection order since the main aim of this law is to prevent domestic violence⁷. Here by envisaging such reliefs to be ordered the ‘best interest of the child’ principle is revisited. The

¹ Id.,S.20(1).

² Id.,s.20(2) Suresh Khullar v. Vijay Kumar Khullar A.I.R.2008 Delhi I.

³ Id.,s.20(6).

⁴ Civil Procedure Code, 1908,o.21,r.46

⁵ Domestic Violence Act, 1994. s.10.

⁶ Supra n.19 S.21.

⁷ Id.,s.21 deals with orders for temporary custody “at the time of granting protection orders”.

right of the child to violence free environment thereby ensuring development growth of children in a conducive atmosphere is emphasized. This relief is temporary in nature. Permanent custody of children would have to be determined and settled in separate proceedings in the Family Court or other appropriate court. Custody is distinct and separate from guardianship refers to all aspects of access, custody and care of the child and his/her property.

Compensation orders

The Act also provides for Compensation orders that may be additionally granted by the Magistrate to the victim as compensation for any injury, including mental torture and emotional distress, which may have been caused by the aggressor¹. The law makes provision for positive entitlement through an interim monetary relief order related to a) maintenance for the victim or her children, b) compensation for physical injury including medical expenses, c) compensation for mental torture/emotional distress, d) compensation for loss of earning, e) compensation for loss due to destruction, damage, removal of any property from her possession or control. Thus, the Act for the first time goes beyond the framework of mere 'punishment' to the offenders and tries rather to protect women from violence at home.

The orders passed by the Magistrate may be of interim, final and ex parte in nature. In addition to the primary relief and remedies granted by the Act, it also confers on the Magistrate the power to grant interim order/relief whenever he deems just, in any proceedings before him under the Act². Since the final order in a case may take a long time, the court can pass an interim order (when the proceeding are pending) a prevent further violence and provide immediate reliefs to the affected woman, including the right of residence.

In cases where the Magistrate, on the basis of an affidavit filed by the aggrieved, is satisfied that the application before him, prima facie, discloses that the respondent is committing or has committed an act of domestic violence or that there is likelihood that the respondent may commit an act of domestic violence he may grant an ex-parte order against the respondent³. An ex-parte order is one that is passed in the absence of the party to the dispute, and without prior notice to the opposite party. Once a petition is lodged with the court, in the normal course, the court

¹ Id., s.22.

² Id., s.23(1), *Sulochana v. Kuttappan* (2007) Cri.L.J 2057; *Chithrangathan v. Seema I*(2008)

³ Id.,s.23(2)

would serve a notice to the other party, so that both sides can be heard before an order is passed. This is in accordance with principle of natural justice. However, the Act makes an exception to this rule under limited circumstances, as it is intended to act swiftly in situations where the aggrieved person reasonably fears danger to her physical or mental well-being. Hence, if the court determines, on the face of the aggrieved person's application, that the respondent is committing/has committed/likely to commit domestic violence, an ex parte order may be passed.

The Act envisages that an appeal may be preferred within 30 days to the Court of Sessions from any order passed by a Magistrate under the Act.¹

One of the pivotal of the Act being restoring marital harmony, it provides that if the magistrate, on the receipt of an application from the aggrieved person or the respondent and is satisfied that there is a change in the circumstances requiring alteration, modification, or revocation of any order previously made under this Act, he/she may pass such orders as deemed appropriate.²

Analyzing the Merits of the Act

This is a significant advance of the Act that it shows commitment to the cause of ending violence against women. The objective articulated behind the Act is "to provide for more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto".

The stress on more effective protection brings within its gamut the need for the country to resort to more stringent measures to combat the problem of domestic violence in India. These words in the Act acknowledges the existence of existing old judicial remedies available in the context of Criminal law like the manifestations like assault, grievous hurt etc. in the India penal Code and the specific remedies provided under section 498A of the same Code. The Act intends to itself to prove itself more serious about the issue and to tackle the same. The protection of women from domestic violence is not the sole goal but a holistic view is adopted in the Preamble to show the eagerness in promoting the rights guaranteed under the constitution to the women who are victims.

¹ Id.,s.29.

² Id.,s.25(2). See Shri. Amit Sundra v. Sheetal Khanna 2008 Cri.L.J.66.

The intention behind is not to take cognizance of the criminal act of domestic violence but overall promotion of rights guaranteed to the women in India. This objective legitimately takes care of the different types of acts recognized as domestic violence in the Act.¹ It takes into account the multifaceted violations of human rights of women victims.

The Act provides a temporary or urgent from a violent atmosphere at home. It gives a broad definition of domestic violence as including physical, sexual, verbal, emotional and economic abuse. It addressed domestic violence against all women, including wives, mothers, daughters, sisters, widows, second wives or any women in the home. The law could be used against any relative of the woman. The Act gave women the right to reside in the house, to get protection orders, and to maintenance, custody, compensation, and protection from violence. It provided women with several mechanisms to access the law, including the appointment of judges, Protection officers, Service Providers, and Police officers. It also established the right to a speedy trial and disposal of cases within 60 days.

The very inclusion of a criteria as to the ridicule resulting if a woman does not bear a male child, go on to reinforce the culturally accepted normative pattern of son preference in Indian society thereby emphasizing the patriarchal notions and cultural background of our country². All most all the description's that goes on to describe emotional and verbal abuse suffered by a woman victim is indicative and reflective of patriarchal Indian culture.

Recognizing that women need state mandated infrastructure to access the law, the institution of Protection Officers is created to record all reporter instances of domestic violence, to enable the woman to access the courts by assisting in drafting applications and to assist the courts in collecting evidence and in enforcing the orders.³ He is the first port of call to address the concerns of women who will be stigmatized to litigating against one's own family, difficulties in getting the orders enforced etc. He/she is to assist the victim in accessing the court and other

¹ Physical, mental or emotional, verbal, sexual and economic abuse.

² Protection of women from Domestic Violence Rules, 2006, gives the details of the Domestic Incident Report that needs to be filled up by, or on behalf of, the aggrieved woman. This report makes a list of the categories of verbal and emotional abuse that a woman may face : 1. Accusation/aspersion on your character/conduct, and so on.

2. Insult for not bringing dowry. 3. Insult for not having a male child. 4. Demeaning, humiliating remark/statement. 5. Ridicule. 6. Name calling. 7. Forcing you not to attend school/college or any other education institution. 8. Preventing you from taking up a job.

³ Before the act was passed the options open to the women suffering domestic violence were unrealistic. It was difficult to imagine any marriage surviving criminal trial and imprisonment. It was a choice between tolerating the violence and ending the marriage. Now the reliefs under the act stand in between the extreme measures relating to crime and divorce and help in preserving the matrimonial home to the extent possible.

support services (such as legal aid, medical aid, shelter homes etc.) and second to assist the court during the course of the proceedings and in the enforcement of orders. It's a multiple option law in that a woman can access it herself or else can approach the following to enable her access it: Protection Officer, police, lawyer, Service Provider or can even go directly to the magistrate. A multiple channel of communication has been set up under the law and it is up to the woman to choose which is more suitable to her. Again this is in keeping with the concept that access to justice has to be democratic

The duty to prepare a safety plan is an important responsibility vested with the Protection officer, under Rule 8(1) (iv). The safety plan is a document prepared for the aggrieved woman that identifies ways in which the aggrieved party can protect herself during a violent incident and reduce the risk of serious harm. It must be based on the types of abuses faced by her and the remedies she has asked for in court . It is not an Alternative, but in addition to the remedies she seeks through the court. The rules under the Act provide a format for a safety plan in form V. The rules under the Act provide a format for a safety plans is an example of how the act works at the preventive level.

Counselling envisaged in the Act, can take place at the pre-litigative and post-litigative stages of proceedings. At the pre-litigative stage, counseling would aim at restoring the aggrieved woman's self-esteem, dignity, provide psychological support to her and facilitate her to decide whether or not to pursue a legal recourse. At the litigative stage, counseling would be aimed at getting the perpetrator to give an undertaking not to inflict further domestic violence. This form of counseling is important in re-establishing "basic trust and a sense of safety" for the woman facing domestic violence¹. The overall objective of counseling as envisaged under this law is to prevent any further acts of violence from being perpetrated. In case where joint counseling is ordered, the proceedings take on the complexion of a mediation process. However, Rule 14 specifies that settlement are to be attempted only at the behest of the aggrieved person.²

One of the most important remedies visualized under this law is to stop violence, particularly violence of emergency nature, and therefore we have the 'stop violence order' in the form of protection orders. The intention of course, is to give a woman facing domestic violence a space

¹ Keynote Address of Ms. Indira Jaising at 'Making the PWDVA Successful: Second National Women's Conference', 18th-20th February 2007.

² See discussions on Staying Alive: First Monitoring & Evaluation Report 2007 on the Protection of Woman from Domestic Violence Act 2005, published by the Lawyers Collective, at pp.46-47.

free from violence where she can evaluate her options and choose her future course of action.¹ It is meant to be an immediate and emergency law. The Act works in addition to other laws and does not make the existing pre 2005 legal regime redundant.

There is no period of limitation stated in the Act within which the aggrieved party should approach the court. This is because domestic violence is to be viewed like a continuing offence rather than a “one time offence”.² The Supreme Court has repeatedly held that in the absence of an express provision on period of limitation in the statute concerned, a beneficial legislation has no period of limitation.³

The Act is commendable for the recognition of different types of abuses that are likely to be perpetrated to woman in her natal and matrimonial family. The courts have on various occasions interpreted a wife’s right to reside as being part of her right to maintenance. But still to provide for this right through a legislative framework is a commendable leap in ensuring the very right to existence and survival in the society. The right to reside contemplated under the Act is irrespective of the pattern of ownership and is over the space where the woman and the perpetrator of violence have lived together in a domestic relationship. Through judicial interpretation several significant progressive changes are coming forth in the status of victims of domestic violence.

This new law put real power in women’s hands in a court system which ought to be committed to using the laws effectively. They provide that woman can go back to court to ask the judge to find the man in contempt of court if he violates such an order. Upon finding him in contempt, the judge can fine the battered or send him to jail to convince him there are real penalties for disobeying the law. The difference between this and a criminal law remedy is that the woman does not have to persuade often obstreperous police or prosecutors to take action; she has the right to go to court on her own behalf without the officials taking any action at all. In addition, once she has the order she can threaten the batterer, in effect, not to harass her or that she is potent to take steps to have the respondent thrown in jail.

¹ In contrast to existing criminal laws,(in particular S.498A) which is dependent on the state, the police and prosecution for enforcement, any civil law is victim driven. It can be put into motion by the aggrieved by direct access to court for relief. A civil law is a far more democratic form of access to justice.

² Supra Ch.4

³ Some examples of Supreme court judgments which have stated this principle are as follows: Bhagirath Kanoria v. State of Madhya Pradesh,(1984) 2 S.C.C. 222; Mithu Devi v. Siya Chaudhury , MANU/BH/1083/1974 (Patna High Court) and Golla Seetharamalu v. Golla Rathanamma, MANU/AP/0096/1990(AP HC).

The Act plays a wonderful role in protection of women's right in the household and in guarding them from domestic violence. In the very first instance, a recognition of domestic violence as something unacceptable, where it has become yet another social practice, is necessary and indeed, commendable in a patriarchal society. Having recognized the rights women and the violation of these rights, the next step taken is providing innovatory and effective remedies to enforce the same. The conceptualization of the Act thus far is admirable.

At a purely theoretical level, the Act has been a colossal leap for the women of India because it has because it has, for the first time, recognized the fact that Indian women are not only the victims of individual acts of physical and sexual abuse, as it is prevalent in many societies, but also victims of a well-established oppressive social hierarchy that constantly and systematically stunts their economic growth and perpetuates their dependence on the male members of their family and has attempted to remedy the situation.

The Act- A Critical Analysis

The Act can never be supported under Article 15(1) of the constitution of India which talks about the policy of non-discrimination based on sex or any other kind. It doesn't discuss about the instances of domestic violence faced by men. The Act can be defended as a social welfare legislation. The Act can be only defended under the case of Article 15(3) which guarantees protective discrimination in favour of women and children. Section 3(c) of the Act defines "aggrieved person" as any person who is or has been in domestic relationship, and thus include wives, ex-wives, live-in partner and even former girlfriends and also any person related to her. According to the provisions of the Act all the above women have a right to reside in the house of the accused. Such a provision of the Act may give rise to impractical circumstances within the family- living with a man's wife, ex-wife/wives, former girlfriends and their relatives, all the Same time. Such a situation will lead to a chaotic unwarranted situation in the Indian cultural milieu.

The issue of counseling mentioned in section 14 of the Act is a very contentious issue. It in turn brings in the alternate dispute resolution mechanism into motion without any sensitivity to the issue. The section itself states that the Magistrates may at any stage of the proceeding direct the respondent or the aggrieved person either to singly or jointly undergo counseling with a

service provider who possess qualifications and experience in counseling. The practice reveals that counseling resorted to in family courts are further pressurization of women victims to adjust themselves to the hierarchical set up of the society. This could be problematic provision given that counseling is used as a tool for women to accept violent situation and get back to the marriage. Counseling ought to be for the abuser and not the victim. One must understand, to begin with, that the women and abuser are in an unequal situation and no joint counseling is possible in that situation. It can lead to further dis empowerment of the unequal party.

The right of the women to reside in the shared household was declared by law to exist as a protected right for the first time in Indian legal history. The Act has acknowledged the dangers of patriarchal set up of matrimonial home and the consequent dangers to women victims associated with it. The fact of providing measures like providing shared residence at the cost of the husband to the women concerned is only a way of making a man moral by policing or legislation. The relationships mentioned under the Act are too sensitive and weak that it cannot withstand any coercion behind it. Law can never make a person behave morally in the society. The sanctions affixed behind the laws in the society have a deterrent effect but never has it qualified to be a preventive or restitutive justice to the victim. A victim undergoing the trauma of domestic violence is to be given a restitutive remedy but the very same remedy in its true sense is denied to the victim herein by the application of the Act.

The right to reside in a shared household and related residence order has provided a less extreme remedy than was previously available to a woman who had to suffer domestic violence and were later thrown away of their matrimonial homes. Domestic violence pertains to the violence inflicted by the family of the victim, in such a case it appears to be highly impractical to implement such residence orders and protection orders as between them may prove to be ineffective or worse or counterproductive, thereby further straining the family relationships in the family. Taking into account the fact that in India concept like that of matrimonial property, shared property or concept of trust as between the spouses etc. that exist in English legal regime is alien. To implement the concept of shared household has led to many apprehensions.

The provision for a residence order is capable of being gravely misused as a sort of injunction to prevent the alienation of property apparently filed as a case of domestic violence. Since the definition of domestic violence is so widely worded, any emotional or verbal abuse

that might have been condoned for years might be misused as leverage in what is essentially a civil dispute.

Since the definition relationship explicitly includes past relationship it is made possible for a divorced wife to be granted a continuing right to reside in the shared household, which would not have been available to her in the earlier legal set up. Moreover, orders seeking monetary compensation by one party without corresponding right to the party on ordinary wear and tear of family life are likely to come up on frivolous grounds. This trend is likely to disturb the equilibrium in the marital ties. Apart from the concept of 'mental cruelty' which has evolved Over many centuries that exist in Family law there is no other test evolved to find out the extent of emotional and verbal abuse within the 'domestic relationships' can go a long way forward to ensure the potential misuse of the provision under the Act.

The Act is civil in nature but criminal in procedure and offence of penalty for breach of protection order by respondent under this Act is made cognizable and non-bailable. No where the Act speak about the crime of domestic violence as non-bailable. Only when the order passed by the court is breached that offence of having committed the breach of order is made non-bailable. This in turn brings in the weakness of the Act through back door. On one the domestic violence is acknowledged as a Human Rights issue but at the same time only emergency orders can be realized by resorting to this Act. This Act does not provide for a long term solution to the problem. The acknowledgement of the problem and its seriousness as affecting the human rights of women concerned thus becomes only a farce thereby creating a rosy impression that Indian has impression legislations in consonance with the international guidelines and norms.

Another criticism raised is that some of the offences mentioned in the Act cannot be proved. To furnish evidences regarding any 'sexual violence' being committed by a husband, be it mental or emotional abuse perpetrated by the respondent against a women in close relationship as mentioned in the Act is difficult to be proved before a court of law. What remains outside the ambit of the law is the sensitivity. The continuous nature of the offence makes domestic violence intolerable to women. It cannot be expected of a woman to take note of and keep an account of it with dates, all the displeasures and illegalities meted out to her by the respondents at any point of her life with them as per the act. This itself creates suspicion as to the genuineness of a victims complaint. The legal system becomes an extension of the patriarchal

family structure, emerging as the moral guardian, rather than a neutral arbiter, although boasting to be the latter, although boasting to be the latter.

The new Act seeks to cover the female live-in partner also and thus it gives, though indirectly, legitimacy to the practice of live together. Giving legitimacy to the demands made by live-in- partners akin to the legitimacy of a legal wife may create problems in the society and family being a specific unit in it. The practice of live together does not in itself reflect 'women's liberation' in the Indian context though the fact is that it exists based on the reliable sources. It may rather promote skepticism in the mind of the people of our country that a culture of free sex is being propagated and may make the position of women more vulnerable in a society. The case of famous actress Khusboo¹ is an example to justify the skepticism that may arise from different quarters of the society.

The negative impact of the Act is that the Act is counterproductive and contradictory to the cultural ethos and norms of the Indian family and society and hence the Act is conceptually flawed. Cultural influences affect not only the content of the law, but also how the law is enforced. If members of society do not respect or understand the law-including those individual responsible for the law's enforcement, the objectives set forth by the law will not be achieved. The sensitivities implicit in the ideology of marriage and family as an integrated unit of the society and the provision of the Act especially in the context of the unique and peculiar form that India's social structure has acquired over the years, is making its implementation complicated and its success uncertain. The broad premise in which the Act is envisaged and understood clearly indicates to the patriarchal and hegemonic relationships within family relationships in India. The Act definitely speaks out for itself the protectionist paradigm of the state in any women-related legislation appears to be the ideology in this particular act also. The Act creates a departure when it moves out of the framework of marriage and looks at domestic relationships which bring within its ambit the specific cultural protest.

The introduction of concepts of individual autonomy, freedom and integrity when induced into a woman's status and personality typical to India, is likely to damage the social fabric of the society thereby leading to disintegration of family ties. The social fabric of India which is predominantly governed by patriarchal joint family system furthering the subjugation of Indian

¹ MANU/SC/0310/2010.

women is the major challenge to the implementation of this Act in India. Violence is a highly stigmatized issue as society often blames women for the violence that they experience. In applying the Act, there exists a dichotomy as to the existing social spectrum the values cherished and the introduction of new concept of autonomy and dignity rights of woman. Viewed in this perspective, the Act appears to be a western duplication. These social interpretations add to the difficulties encountered in implementing the Act effectively.

The Universal Declaration of human Rights has proclaimed that “everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law”. However, the Act presumes that the accused man is guilty until proven innocent, thus violating the presumption of innocence and the principles of fair trial guaranteed under Articles 20 and 21 of the Constitution of India. There can be arrest on mere complaint by the women and there is no investigation which is conducted prior to that and they do not foresee the after effects of such action like arresting and putting a person in jail, even before trial has begun, amount to prejudging and punishing the accused without due process.

This law does not replace existing criminal, family and tort laws. Instead it works in addition to and complements other laws. The Act recognizes the need for urgent reliefs to be granted to provide women with a violence-free residence. Hence, the nature of remedies provide under this law is temporary in nature; the permanent solution still remains within the framework of matrimonial laws under which a woman would have to decide on whether or not continue in the relationship. At a more popular level the Act is being interpreted as a potent weapon in the hands of unscrupulous women against men and leading to disintegration of family until in the society. The law is based on a totally wrong notion and assumes men as the sole perpetrators of domestic violence. This is altogether creates a wrong impression and only confirms the gender bias in favor of creates a wrong impression and only confirms the gender bias in favor of women created by this law. Giving of such sweeping legal powers to women while withholding protection to male victims is tantamount to systematic legal victimization of men. There can be arrest on mere complaint by the women and there is no investigation which is conducted prior to that and they do not foresee the effects of such action like arresting and putting a person in jail, even before trial has begun, amounts to prejudging and punishing the accused without due process. There are no safety valves in the act to prevent its misuse. Moreover there is no

provision of penalty or punishment in case of a frivolous complaint preferred by a person under the act. It may prove disastrous not only for an individual in case the complainant has 'malafide intentions.

Viewed from a practical side, the Act provides for Magistrate's discretion in matters pertaining to monetary relief, monetary relief, monetary compensation, child custody and the contradictory reports of enquiring authorities (as the complaint may simultaneously be filed under section 498A of the IPC as well as the Act of 2005). Similarly there are maintenance provisions within the various personal laws (Hindu, Muslim and Christian) which may stand contrary to the provision of monetary compensation and relief and even right to residence within the Act. There are mainly two legal approaches for women who had suffered domestic violence, one is filing for divorce through Family court, and the other is filing application to Magistrate according to the Act which might go through criminal legal system. Too many laws on one issue create lots of confusion in the large number of already illiterate women who are without any/adequate knowledge of law. It creates confusion for decision-making authorities also, notably the judiciary. Consequently there is wider scope for judiciary discretion-something that appeal to judge's wisdom.

The law is wholly gender specific and rules out any possibility of domestic violence against a man. The law confers rights in a woman without imposing any liability, while a man is overburdened with discriminative liabilities with total denial of rights. A counter argument could be raised at this point that it is women who are disproportionately vulnerable to violence due to their position of equality. The constitution of India allows the state to take of substantive equality. The Act now where ignores violence that man face in intimate relationships. For them the general laws of the land are available for seeking legal redress. A separate law for women is to correct historical disadvantages by creating means to facilitate a woman's access to justice as a step to overcome inequality.

The larger ambit of vulnerability of children associated with domestic violence has not been dealt effectively under Protection of Women from Domestic violence Act, 2005. There is no specific law on domestic violence against children in the country. However, in the year 2000 the Juvenile Justice (Care and Protection of Children) Act, recognized cruelty against children by people who have the charge of such children or control over such children as a special

offence. Section 23 of the Act provides for punishment for cruelty to a child, which includes assault, abandonment, exposure or willful neglect that is likely to cause mental or physical suffering to the child. There need to be more effective provisions of child rights and security under the Act to prevent the vulnerability of the children.

The frame work for model legislation on domestic violence¹ acts as the sources of framework for the new Act in India. The relationships that are to be regulated within the Act to combat domestic violence includes female household workers. But the category of house maids does not find mention in the Act in India. The acts of domestic violence in the framework include marital rape which does not find mentioning in the Act in India. Instead the ambit of marital rape is confined within the sexual abuse concept included under the definition domestic violence.

The Act ought to be activated by “vulnerable persons’ of either gender that is vulnerable due to old age, mental or physical disability or for any other reason. This is a welcome recognition of the need to protect the disabled and provide remedies for the violence with they face. The same has been included within the Pakistan law dealing with Domestic violence that came into force recently in 2012. It explicitly states that an application can be filed against a person of any gender who has caused the violence, meaning thereby that women can also be respondents². An interesting addition is the creation of the “Protection Committee” a multi-agency body consisting of a medical doctor, a psychologist/psycho-social worker and an official appointed by the court, a female police officer not below the rank of sub-inspector and two women members of civil society and the Protection Officer to respond to every case of domestic violence. The Protection officer is a full time government servant. Whereas the Indian Act visualizes a similar structure, this is being done by administrative guidelines and there is no compulsion on the State to appoint full time government servants as Protection officers.

This Act should have ideally included stringent penal provisions for curtailing the instances of abuse and mishandling, but herein, instead various opportunities have been made available which can ultimately lead to its grave misuse and can thus as a catalyst for breaking homes.

¹ Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution.

² This is also the law in India now; with the Hon’ble Supreme court in Sandhya Manoj Wankhade v. Manoj Bhimrao Wankhade, (2011) 3 S.C.C. 650. clarifying that woman can be respondents in an application under the PWDVA.

Thus, this Act does not contain any provision for creating awareness or for strengthening and preserving family as an institution or even providing chances for reconciliation or even scope for improvement to the husband. There is no mentioning in the Act as to the constitution of an agency which would essentially work to check whether the complaints are frivolous or not. At the same time creation of new law despite the existing legal provision on the issue of violence against women, including domestic violence reflects the gravity of the problem. Taking into account this fact the state should have given emphasis to the overall (socio-economic and political) empowerment of women to strengthen their position in society and family. However, one may see the apathy of the government towards the issue of empowerment of women. Law, though very important, is not the complete solution for such problems.

To overcome the problem of socio-economic and cultural hurdles, it is desirable to adopt a human rights approach to women's problems. Nevertheless, the passing of the new act once again reveals our dependency on the administrative and legal machinery to prevent gender crimes within the prevailing patriarchal social structure. Hence, there remains serious concern about possibility of the new law to make qualitative changes in the life of women within family. It is only through the human rights perspective that one can help safeguard human dignity and create a "violence-free home" leading to a violence-free society".¹

¹ Rachana Kaushal-"Protection of women from Domestic Violence Act 2005-An Appraisal," 48(11) Mainstream Weekly 32 (2010), New Delhi.

5.3 CONCLUSION

¹Domestic violence is public health concern in India, and abuse is very prevalent in the study population. Several risk and protective factors that could inform targeted interventions aimed at decreasing domestic violence were identified, and most are related to cultural attitudes about male and female roles in the household. In this patriarchal culture, addressing domestic violence is used to re-establish household dynamics when one party deviates from expected behaviors in a marriage. When a husband fails as provider, violence is a demonstration of male authority. When a wife does not adequately manage matters in the home, including pleasing her husband and bearing children, violence is a mode of readjustment. Family characteristics that hinder a man or woman's ability to fulfill cultural expectation were identified as risk factors for violence, such as financial struggles, alcohol use, men's unemployment, women's employment, and extramarital sex. Factors external to the couple themselves that increase the risk of violence were entities that strengthened traditional views of gender roles, including extended family members, religious institutions, and neighbors.

On the other hand, protective factors, such as interactions with NGOs or religious groups discussing women's issues, may foster less rigid family structuring. Similarly, characteristics of couples that were associated with decreased violence, such as responding calmly to arguments and allowing women to make more decisions, were also consistent with less rigid gender norms.

Therefore, one approach to targeting domestic violence could be to address the factors that are intrinsic to the couples themselves, such as socioeconomic factors, substance use, conflict management, and sexual health. Having strategies for responding to verbal disagreements stands out as a powerful means to decrease one's risk of violence. Education regarding conflict management could be one effective intervention for protecting women from violence.

Another approach could be to address external factors that influence cultural gender norms, such as community groups, religious groups, or extended families. Addressing outside factors may be a more lasting and effective means to address violence, as they create an environment

¹ Domestic violence in low-income communities in Mumbai India.pdf..diditalcommons.uconn.edu>cgi.

that can be either supportive for violence or against violence for many in a community.

¹Although many homes provide the socially assumed family characteristics of love, support, and bonding, it has become evident that families frequently are also the scenes of violent human relationships both between the couple and among parents and their offspring which can take a dismaying variety of forms, from domestic abuse and rape to child marriage and female foeticide (Who 2002; Heise 1999). In recent years, there has been increasing concern about violence against women in general and domestic violence in particular, in both developed and developing countries. Not only has domestic violence against women been acknowledged worldwide as a violation of the basic human rights of women, but an increasing amount of research highlights the health burdens, intergenerational effects, and demographic consequences of such violence.

According to the World Health Organization (WHO) report, among women aged 15-44 years, gender violence accounts for more deaths and disability than cancer, malaria, traffic injuries and war put together (WHO 2005). International summits namely the United Nations conferences on Population and Development in Cairo in 1994, the Declaration on the Elimination of violence Against women, Platform of Action for United Nations in Vienna in 1993 and the Beijing World conference on women in Beijing in 1995 recognize violence against women as a violation of basic human rights, impediment to women's autonomy and adverse repercussion on reproductive health.

Worldwide, women experience many forms of violence to gender extent than men. Women are unequivocally the primary victims of family violence, and the tradition of household privacy has kept this violence against women hidden from scrutiny. Violence of any kind has a serious impact on the economy of a country: because women bear the brunt of domestic violence, they bear the health and psychological burdens as well. Victims of domestic violence are abused inside what should be the most secure environment- their own home. Violence against women is often referred to as gender-based violence. Gender is the term used to denote the social characteristics assigned to men and women, which interact with other factors such as age, religion, nationality, ethnicity, and social background. Gender based violence is therefore violence targeted to women or girls on the basis of their subordinate status in society (Heise et al.

¹ dspace.gipe.ac.in

. Women are vulnerable to different types of violence at different moments in their lives. The life-cycle perspective provides a framework within which to account for the pervasiveness of gender-based violence in the lives of women and girls. This approach presents the wide spectrum of abuses that women and girls experience throughout their lives, delineating the specific form and scope of violence suffered by girls and women at each stage of the life cycle. Viewed from a life-cycle perspective, there are six basic phases in the lives of women and girls when they are likely to experience gender specific forms of abuse and assault. These are: per birth, infancy, girlhood, adolescence, reproductive age and old age.

One of the main challenges facing international researchers on violence against women is to develop clear operational definition of different types of violence and tools for measuring violence that permit meaningful comparisons among diverse settings. WHO defines violence as ‘the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal-development or deprivation’ (WHO 2002). Violence can be self-directed, such as suicidal behavior; interpersonal, such as family or intimate partner violence or violence between individuals who are not related; or collective, including violence by states and organized groups of people. Furthermore, the nature of violent acts may be physical, sexual, or emotional, or may involve neglect or deprivation. In recent years, domestic violence which is violence between spouses or intimate partners is being increasingly recognized as a human rights and social and public health concern. The term “domestic violence” has come to encompass a wide range of behaviors. Common usage has been broadened to include all physical acts of violence that are domestic in nature, i.e., between members of a family. Over time, this definition has been expanded even further to include non-physical aspects of the phenomenon. As per the World report on violence and health, intimate partner violence is defined as “any behavior within an intimate relationship that causes physical, psychological or sexual harm to those in the relationship”. Domestic violence is the most common type of violence against women performed by intimate male partners, mainly husbands.

Many different theoretical models attempt to describe the risk and protective factors for domestic violence, including those based upon biological, psychological, cultural and gender equality concepts. The gender-sensitive approaches emphasize gender role and expectations and

the devaluation of women's work inside and outside the home as crucial to understanding family violence. Ahuja (1998) and Sharma (1997) highlight a common approach in some of the theories that focus on individual aggressors. There are two kinds of explanation focusing on individuals. One includes psycho-pathological explanations that focus on personality characteristics of victims and offenders. These theories provide pathological explanation for violent behaviour focusing on brain structures, chemical imbalances, dietary deficiencies, hormonal factors as well as evolutionary theories and genetic characteristics to explain violent behaviours. This model thus links mental illnesses and other intra individual phenomena such as alcoholism and drug use to violent behaviour. The socio-psychological model on the other hand argues that violent behaviour can be understood by careful examination of the external environmental factors that have an impact on the behaviour of individual leading to stressful situation or family inter-actional partners. Feminist analysis of violence has been on power relation between men and women that deny women equal access to power and resources thus making them more vulnerable to violence from men. The cause of this violence can be traced to patriarchy the ideology that bestows on men power and authority over all aspects women's lives including her bodies. Ahuja propose an integrated model that includes a combination of the above factors to explain violent behaviours among individuals. The model proposes the influence of four factors on violent behaviour among individuals. They are : Social norms and social organizations that socialize the individuals that influences the behaviour of individuals. This framework includes a range of physical, social, emotional and psychological factors at the personal community and societal levels. The ecological model is based on the understanding that domestic violence is the result of a combination of social and individual factors, and can best be visualized as four concentric circles.

Although the estimates of estimates of prevalence of domestic violence vary widely, prevalence rates generally range from 20 percent to 50 percent (Heise et al.1998). In the current literature on domestic violence, different explanations have been given for its occurrence: (1) cultural system legitimise violence, legal authorities fail to protect women, economic structure subordinate women, and political systems marginalize women's needs (Heise et al. 1994); (2) marital violence is more prevalent in societies in which patriarchal systems are strong and women have few options outside of marriage due to divorce restrictions and low access to

economic resources and where violence is an accepted means for conflict resolution (Levinson ; (3) violence against women is a reflection of the power relationships between spouses (Strauss, Gelles and Steinmetz 1980) ; symptoms with minimal personal resources, and little institutional support (Strauss, Gelles and Steinmetz 1980); (5) Society encourages husbands to exercise their rights to dominate and control wives (Dobash et al. 1993).

It was not until 1983 that domestic violence was recognized as a criminal act in India. Under section 498A of the Indian Penal Code, Physical and mental violence inflicted on a woman by her husband and in-laws was recognized as a cognizable offense and punishable under the act. The Indian Penal Code was amended twice, first in 1983 and then in 1986. Section 498A is one of the few legal provisions that has recognized the fact that male members of a family can perpetrate violence against women. It brought under the purview of the law what had been considered to be a private matter. Section 498A defined a new cognizable offense, cruelty by the husband or relatives of the husband. It prescribed imprisonment for a term that may extended to 3 years and also included a fine. The definition of cruelty is not just confined to causing grave injury, bodily harm, or danger to life, limb, or physical health but also includes mental health, harassment, and emotional torture through verbal abuse. Law reform in the women's movement gained momentum in the 1970s with issues pertaining to rape and dowry. Under the circumstances of such prevailing abuse, there was a move to recognize domestic violence against women, the underlying root causes of such violence and effects of the intersection of the subordination of women and other forms of social, cultural, economic and political subordination, need to be identified and addressed. With a view to tackling increasing violence in the family, the Government of India introduced a very useful Domestic violence Act in 2005. The Act is a very vital piece of legislation. The Domestic violence Act was passed in furtherance of the recommendations of the United Nations Committee on the CEDAW (Convention of the Elimination of all forms of Discrimination Against Women). The Domestic Violence Act promotes the rights of women guaranteed under Articles 14 and 15 of the constitution of India. Domestic violence is one among several factors that hinder women in their progress, and this Act seeks to protect them from third evil.

The phenomenon of violence against women within the family in India is complex and deeply embedded. Girls and women in India are usually less privileged than boys in terms of

their position in the family and society and in terms of access to material resources. Marriage continues to be regarded as essential for a girl; control over a woman's sexuality and its safe transfer into the hands of husbands who are assumed to "own" their wives is of primary importance. Nevertheless, there are regional and community variations. Women in the north have relatively less autonomy than their counterparts in the south, and experience fewer opportunities for control over economic resources (Karve 1965). A small segment of urban class women enjoy some of the benefits of education, careers, and economic independence. Despite regional differences in women's status, there is much less variation in rates of domestic violence. In India, the differences in the experience of domestic violence are discernible with respect to the level of female literacy, sex ratio, age at marriage of girls, household size, female workforce participation rate, and gender relations. The bivariate analysis of NFHS-3 data shows systematic relationship between current age and age at marriage of the women and lifetime experience of domestic violence. As expected the data shows that current age of women increase she experience more violence. Thus domestic violence increase with age. This is not surprising because logically one would expect a step-wise increase with age, because lifetime experience is cumulative and as one grows older, one has had exposure to this potential risk for a longer period of time. Young female age at marriage is also a significant risk factor and the data supports the hypothesis that young age at marriage of women is a significant risk factor for experiencing domestic violence.

Illiteracy and unemployment of husband is strongly associated with violence, and there is a negative correlation between a husband's regular employment and domestic violence. As expected husbands unemployment and the associated stress and frustration enhance the probability of men to be violent to his wife. The traditional Indian culture's feeling of powerlessness and lack of occupational success. Men may use physical expression of supremacy to compensate for this. Alcohol use is an important risk factor associated with the experience and perpetration of intimate partner violence. As expected partner alcohol use plays a critical role in domestic violence as alcohol intake reduce inhibitions, cloud judgment, and impair ability to interpret social cues. Strong association is found between husband's alcohol consumption behavior and reporting of violence by women. Men are more likely to act violently when drunk because they do not feel they will be held accountable for their behaviour. Indian

families should be educated about the risk of domestic violence that accompanies drunkenness. If men can learn to drink without getting drunk, they may be less likely to become violent, so long as casual drinking does not drastically alter their perceptions and judgment.

Domestic violence not only poses a direct threat to women's health, but also has adverse consequences for other aspects of women's health. We examine how several different demographic and health outcomes for women vary by women's experience of domestic violence. With the objective measures of anemia and underweight, we investigated the extent to which domestic violence predicts the likelihood of being malnourished among women in India.

Thus this study provides the comprehensive analysis of the prevalence of domestic and other forms of violence in married Indian women and its associated risk factors as well as women empowerment along with the health consequences experienced by women reporting violence. Domestic violence must be examined with respect to contexts, such as interpersonal relationships in the marital household, the influence of alcohol consumption, and influence of socio-demographic factors. Secondly, the relation of husband and wife cannot be the only focus of research on domestic violence in India. The structure of the family and the division of power and authority amongst its members is often a critical aspect of domestic violence and coping. These analyses document regional differences in the reports of domestic violence in India. While some of this diversity is explained through the addition of family characteristics (family structure, decision-making, socio-economic status and natal family violence) and individual characteristics (education, labor force participation, financial independence, and attitudes towards domestic violence), the regional differences are still strong. Women from the 'liberal' South are much more likely to be beaten by their husbands than their counterparts in the more 'patriarchal' North. The presence of family characteristics indicating 'jointness (non-nuclear family structure, and decision making shared with people other than the husband) shows a counter intuitive trend: husbands are less likely to beat their wives in joint families than non-joint families. For example, women were less likely to be victimized by violence if they were not in control of decision-making of the household. So, when women are more controlled by structural forces, they are less likely to be beaten.

5.4. SUGGESTION / RECOMMENDATION

¹The recommendations highlighting the roles/services of various sections for reducing the occurrence and prevalence of domestic violence are scripted below under the major heads:

Judiciary:

- Strict enforcement of the laws regarding Drugs addiction should be made for reducing the occurrence of domestic violence.
- Measures should be taken to deal severely with the Alcoholics who perpetuate domestic violence.
- Special courts must be set up for cases of violence against women and children with upto-date technological support like video graphing of statements of rape and child abuse victims.
- Domestic violence cases should be taken up promptly and completed without delay avoiding unnecessary imposition of strains and stress on them.
- Mobile courts should be introduced as an effective strategy for reaching out to more and victims in the rural/urban areas.

GOVERNMENT:

- Efforts should be made for the proper and effective enforcement of existing laws related to women.
- Government Agencies/department should made use of the assistance of NGOs to create awareness on Domestic violence among the public.
- All police stations should be equipped with special legal aid cells to provide assistance to victims of domestic violence.

Police:

- Police need to be sensitized to treat domestic violence cases as seriously as any other crime.

¹ researchgate.net

- Special training to handle domestic violence cases should be imparted to police force.
- There should be a separate wing of police dealing with women's issues, attached to all police stations and should be excluded from any other duty.
- Women police officials should handle all crimes against women.

NGOS:

- NGOs working in different fields should be made proactive to the issues of domestic violence so that prompt assistance could be rendered to the victims.
- Non-Government agencies and private institutions need to be part of any initiative that seeks to address the issue of Domestic violence.
- Information regarding all agencies dealing with domestic violence should be made available to all health care institutions for their reference resulting in the provision of services as and when required.
- Facilities like short stay homes for women in distress should be provided and emphasis should be laid on vocational training to rehabilitate them.
- Children of affected women should be given special care and attention to enhance their education and social functioning.

Health Care Support:

- Authorities should take steps to recognize domestic violence as a public health issue.
- Special care should be provided to women seeking medical help following an episode of violence.
- Gender based violence; its impact on health and care of abused women should be integrated into the medical and nursing curriculum.

Counselling:

- More counselling Centre's with professionally qualified counsellors should be started at the rural/urban areas focusing more on domestic violence victims.
- Vulnerable communities should be identified and services like counselling, legal aid etc.

should be made easily accessible and free of charge.

- Mobile counselling should be introduced as an effective strategy to provide consolation to

the victims of domestic violence.

- Mobile counselling should be introduced as an effective strategy to provide consolation to

provide consolation to the victims of domestic violence.

Awareness Generation and Sensitization:

- Gender sensitization and awareness generation programmes on domestic violence should become a part of the school and university curriculum.
- This would help to bring about a change in the mindset of the coming generations.
- List of NGOs and other governmental organisations dealing with women's issues should be made known to the public.

BIBLIOGRAPHY

BOOKS REFERRED:

- ❖ Paranjape, N.V., 'Criminology, Penology Victimology'. Central Law Publications, 17th Edition.
- ❖ Goonesekere.Savitri, 'Violence law and women's Right in S. Asia' 2004. p.8.
- ❖ Gandhi, Vikash H. 'Judicial approach in Criminal justice system: An experience of India,2010 p.1.
- ❖ Ebbe Obi, NI and Das Dalip K. 'Criminal abuse of women and children' 2009 p.230.
- ❖ Misra Preeti, 'Domestic violence Against women: Legal Control & Judicial Response' 2007. p.356.
- ❖ Singh, Deipa, 'Criminology, Penology & Victimology'. The bright law house, 2017.
- ❖ Heise L. "Violence against women" An integrated, ecological frame work; 1998.
- ❖ Karlekar M "Domestic violence" economic & political weekly; 4th july 1998.

WEBSITES REFERRED:

- ❖ www.researchgate.net
- ❖ www.womenshealth.gov
- ❖ www.usenews.com
- ❖ www.indiatoday.in
- ❖ www.dspace.gipe.ac.in
- ❖ studentsrepo.um.edu.my
- ❖ www.latestlaws.com
- ❖ shodhganga.inflibnot.ac.in>jspui
- ❖ en.m.wikipedia.org
- ❖ digitalcommons.uconn.edu>cgi.