

**VIOLENCE AGAINST WOMEN-A HOLISTIC PERSPECTIVE  
WITH SPECIAL REFERENCE TO THE ENACTMENT OF  
DOMESTIC VIOLENCE ACT IN J&K STATE**

**By**  
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**INTRODUCTION**

It is often said that the status of women in society is the best way to understand a civilization, its progress and its shortcoming. In the chequered history of mankind one finds that different and disparate cultures, however, distant they may be in time and space, have at least one thing in common, and that is the contempt for women. This unequal status of women being offensive to human dignity and also violative of human rights has emerged today as a fundamental crisis in human development the world over. Gender injustice taking the shape of crimes against women has escalated all over the world and India is no exception to this. Despite the fact that the Indian Mythology placed women on a very high pedestal, deterioration in this glorious status suffered a socio-cultural set back resulting in loss of their freedom and decline in their personality. Despite the social reform movement in the 19th Century arousing considerable awakening, constitutional and legal provisions aimed at preventing discrimination, positive judicial trends, welfare schemes and activism of voluntary sector, women continue to suffer from increasing tide of violence both in and outside houses.

With the increase in the no. of cases relating to violence against women especially in families, innovative terminology Domestic Violence was coined. Domestic violence implies infliction of injury by one or more members of the family on other member or members of the family itself. On the other hand it is defined as an act/action performed by a family member to get desired conformity from other members and carrying negative emotional component. (Bhatti and Beig. 1984).

Domestic violence is violent victimization of women, within the boundaries of family: usually by men (or his family) to whom they are married or with whom like relationship. Violence can be both physical and psychological. It indicates threat or aggressive behaviour towards her not only to her physical being but towards her self respect and self confidence. Physical violence includes all types of aggressive physical behaviour by husband or his family towards the women's body (victim). Psychological

violence is carried out with psychological weapons (threats/insults/humiliating treatment/denial of human existence) rather than physical attack. Domestic violence could occasionally be seen in other relations also (i.e. by parents brother or others in parents family). (Maydeo 1990)

In 1983, domestic violence was recognized as a specific criminal offence by the introduction of section 498-A into the Indian Penal Code. This section deals with cruelty by a husband or his family towards a married woman. (atask.org:Vawnet.org.apiahf.org.2002).

Domestic Violence implies violence at home in its various forms but the legal connotation given to it by the Protection of Women from Domestic Violence Act, 2005 defines it as 'omission or commission of any act or conduct that harms or injures or endangers the health, safety, life, limb or well being of a person, any other act of threat or coercion that includes any form of physical, sexual, verbal and emotional and economic abuse'.

The need for understanding of domestic violence and specific legislation to address it in India has been extensively debated before the Protection of Women from Domestic Violence Act, 2005 was passed. But our J&K legislature till date has not seen the passes of this Act.

## **TYPES OF DOMESTIC VIOLENCE**

*Physical Violence* may be committed by means of inflicting injury like beating, kicking, whipping, pushing hard or even killing.

*Verbal violence* include abusive language, taunts, scolding, shouting harshly to hurt others.

*Social Violence* Includes de-meaning, disparaging, belittleling others.

*Emotional Violence* is committed either intentionally and deliberately or otherwise by depriving the victim of the love, care, concern, attention, empathy and understanding. (Bhatti 1985; 1996).

Domestic violence, though a universal phenomena and existing through ages, has been shrouded in secrecy, guilt and shame on the part of the victims. It is only in the last decade with the emergence of second age feminism, that wife-beating has been recognized as "a social problem of major proportions involving serious physical injury

and sometimes death" (Knight and Hatly 1987). Domestic violence has also come under the direct focus of applied researches (Goode, 1971).

### **DOMESTIC VIOLENCE IN THE INDIAN SOCIETY**

Domestic Violence is as old as Indian History. The nature and extent of family violence is primarily dependent on the equality of life and basic cultural values. The Ramayana and Mahabharata clearly depict the prevalence of domestic violence. There are numerous historical evidences of intra-family exploitation, conflicts and violence. Lord Rama advocated the throne and went in exile in order to fulfill his father's word of honour given to his step mother. Parsurama murdered his mother at the command of his father (Prabhu 1963). Kautilya, while advocating seclusion of women and vigilance in the harem describes a number of instances where the queens in collaboration with their paramours and kinsmen had killed the kings. Kautilya in another context ordains: "Any woman who murders her husband preceptor, off springs, set fire another's property, poison a man or cuts off any of the bodily joints of another shall be term by bulls: (IV, 11.S.230). Kautilya even allows divorce. He contents: "mutual enmity and danger to life from the spouse may be the valid reason for divorce" (III.3.S.155). These references from Kautilya stand as a testimony to the prevalence of fight and violence. Manu (IX 14, 15) gives to women the following character, "they are lascivious, fickle minded, devoid of love and come to dislike their husbands and resort to another man, whether handsome or ugly, simply because he is a man". Even the earlier historical accounts do not treat women as reliable life partners. The Satapatha Brahmana, (XIV, 1.1.31) says that "women, sudra, a dog and a crow untruth, sin and darkness". Rigveda (X.95.15) and Satapatha Brahmana, (XI.5.19) and declare: "*there is no friendship women and they have the heart of hyenas*".

In short, the Indian Literature brings out the following types of domestic violence (i) Conjugal violence in which the husband dominated the wife was generally, at the receiving end. But we do find a number of instances in which wives in collaboration with their paramours eliminated their husband; (ii) Violence among Co-wives. The jealousy between co-wives, due to polygamy and inheritance resulted into not only in elimination of the co-wives but their children (iii) Siblings violence in which the elder sib assumed the role of a father perpetuating insult and violence on the younger one. In all these types of Physical Violence a clear pattern emerges, that is, the most powerful uses physical violence against the least powerful, and the socially dependent violence against the least powerful and the socially dependent person accept such humiliation, insult and violence without raising any objection.

It is a great tragedy that for most women violence begins at home with husbands and other members. In developed and developing countries alike physical and psychological abuse with the family affects an astounding number of women. Of late there has been alarming increase in domestic violence. The growing cult of violence, though keeps on sending shock waves to the civilized society whenever it happens, continues unabated. There is a constant erosion of the basic human values of tolerance and the spirit of "live and let live". Domestic Violence is not merely a social ill but a crime of equal stature with other crimes that urgently needs to be addressed. There had been several studies in this sphere which provided and insight into the magnitude of the problem which the investigator had to study. Heise (1999) found that around the world at least one in every three women had been beaten or otherwise abused in her lifetime, often by the husband or family member. Organizations, (2002): Asian Task Force Against Violence Women Electronic Network collectively revealed that 95% of domestic violence victims were women and it was a serious problem that needed to be address.

**Objectives:-**

1. To find out whether people have an idea about Domestic Violence?
2. To find out what are the causes of Domestic Violence against Women?
3. To find out whether Domestic Violence is prevalent in J&K or not?

The Author on the basis of an empirical venture subjected to small universe due to paucity of time, analyzed the data's collected by formulating tables and accordingly the tables have been interpreted which is as under:-

***An Empirical Analysis:- Domestic Violence in the State of J&K.***

The Researcher with respect to the awareness about the Possibility of enactment of a Domestic Violence Act in J&K State conducted a survey by an empirical research. The inference drawn as per the data's is as under:

**TABLE No. 1**

***SHOWING THE SEX OF THE RESPONDENTS***

<b>S. No.</b>	<b>Particulars</b>	<b>Frequency</b>	<b>Percentage</b>
1.	Males	25	25 %
2.	Females	75	75 %

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	Total	100	100%
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Table No. 1 Pertaining to the sex of respondents shows that out of the 100 respondents, 25 i.e. 25% males and 30 i.e. 30% respondents were females.

It indicates that majority of the respondents were females.

**TABLE No. 2**

**SHOWING THE AGE OF THE RESPONDENTS**

S. No.	Particulars	Frequency	Percentage
1.	21-30 years	25	25 %
2.	30-40 years	25	25%
3.	40-50 years	25	25%
4.	Above 50 years	25	25%
	Total	100	100%

Table No. 2 Pertaining to the age groups of respondents shows that out of 100 respondents, 25 i.e. 25% respondents were belonging to the age group of 21-30 years, 25 i.e. 25% were belonging to the age group of 30-40 years, 25 i.e. 25% were belonging to the age group of 40-50 years, whereas 25 i.e. 25% were belonging to the age group of above 50 years age.

It indicates that there was equal no. of respondents from all the age group.

**TABLE No. 3**

**SHOWING THE OCCUPATIONAL STATUS OF THE RESPONDENTS**

S. No.	Particulars	Frequency	Percentage
1.	Professionals	15	15%
2.	Advocates/Judges/Police Personals	15	15%
3.	Housewives	20	20%
4.	Working females	20	20%
5.	Students	10	10%
6.	Traders	10	10%
7.	Agriculturalists	10	10%
	Total	100	100%

Table No. 3 Pertaining to the occupational status of respondents exhibit that out of 100 respondents, 20 i.e. 20% respondents were working females, 20 i.e. 20% were housewives, 15 i.e. 15% respondents were professionals, 15 i.e. 15% respondents were Advocates, Judges, and Police personals, 10 i.e. 10% respondents were students, 10 i.e. 10% respondents were traders and 10 i.e. 10% respondents were Agriculturalists.

It indicates that majority of the respondents were Housewives as well as working females.

**TABLE No. 4**

***SHOWING THE AREA TO WHICH THE RESPONDENTS BELONG***

<b>S. No.</b>	<b>Particulars</b>	<b>Frequency</b>	<b>Percentage</b>
1.	Urban	50	50%
2.	Rural	50	50%
	Total	100	100%

Table No. 4 With regard to the area of the respondents shows that out of 100 respondents, 50 i.e. 50% respondents belong to Urban Area and 50 i.e. 50 % respondents belong to Rural Area.

It shows that half of the respondents belong to Urban Area and half belong to the Rural Area.

**TABLE No. 5**

***SHOWING THE RESPONDENTS AWARENESS ABOUT THE DOMESTIC VIOLENCE***

<b>S. No.</b>	<b>Particulars</b>	<b>Frequency</b>	<b>Percentage</b>
1.	Yes	82	82%
2.	No	18	18%
	Total	100	100%

Table No. 5 Showing approach towards awareness about the Domestic Violence indicates that out of 100 respondents, 82 i.e. 82% respondents were of the view that they have awareness, where as 18 i.e. 18% respondents could not say anything in this regard.

It indicates that majority of the respondents were having awareness about the social evil of Domestic Violence.

**TABLE No. 6**

**SHOWING THE RESPONSE ABOUT THE EXISTENCE OF AN LEGISLATION, DOMESTIC VIOLENCE ACT, TO DEAL WITH THE CASES OF DOMESTIC VIOLENCE**

<b>S. No.</b>	<b>Particulars</b>	<b>Frequency</b>	<b>Percentage</b>
1.	Yes	41	41%
2.	No	59	59%
	Total	100	100

Table No. 6 The table depicts that 41% respondents were aware about the existence of new law termed as Domestic Violence Act, while 59% were ignorant about the existence of such an legislation. The lack of awareness about, the existence of such an important legislation may due to lack of extension of Domestic Violence Act in J&K State.

**TABLE No. 7**

**SHOWING THE RESPONSE IN CASE OF VICTIMIZATION UNDER DOMESTIC VIOLENCE**

<b>S. No.</b>	<b>Particulars</b>	<b>Frequency</b>	<b>Percentage</b>
1.	Yes	73	73%
2.	No	27	27%
	Total	100	100

Table No. 7 Showing response of respondents having male and female both as victims of Domestic Violence, the table indicates that out of 100 respondents, 73 i.e. 73% respondents were of the view that they are victims of Domestic Violence, whereas 27 i.e. 27% respondents have never experincec Domestic Violence.

It indicates that the majority of the respondents are victims of the Domestic Violence. The most glaring finding of this table is regarding the response of male respondents to be victim of Domestic Violence. It may be mentioned here that table No. 1 shows that out of the total



number of respondents 75% were females and 25% were males. The author observed that majority of male respondents i.e. 90% were of this view that they are victims of Domestic Violence.

**TABLE No. 8**

**SHOWING THE RESPONSE OF RESPONDENTS REGARDING THEIR REACTIONS AND ACTION IN CASE OF DOMESTIC VIOLENCE.**

<b>S. No.</b>	<b>Particulars</b>	<b>Frequency</b>	<b>Percentage</b>
1.	Lodging of an report in a police station	7	7%
2.	Making hue and cry to attract others attention	6	6%
3.	Retaliation	1	1%
4.	Submission	5	5%
5.	Helplessness	32	32%
6.	Routine affair	47	47%
7.	To place Matter before Panchayat or any other community committee.	2	2%
	Total	100	100

Table No. 8 Pertaining to the response regarding that reaction and action in case of Domestic Violence revealed that out of 100 respondents, 47 i.e. 47% respondents were considered it as a routine affair, while 32 i.e. 32% respondents were of the opinion that victim of Domestic Violence finds himself/herself in a helplessness state in majority of instances. While 5% respondents out of the total no. stated that best way of facing domestic violence is to make submission and not to react. That means to silently and humbly tolerate Domestic Violence. It is apparent that 84% respondents out of the total no. of 100 respondents were such who are submission and docile in case of Domestic Violence. It was only small fraction of 16% out of which 7% mustered the courage to initiate process of criminal Justice by lodging a report in the Police Station while another 6% preferred the mode of making hue and cry so as to attract other members of the society may be neighbours or close relations so as to mobilize adverse opinion of the society against the aggressor and to built social pressure against such an social evil which is very rampant in



Indian families and it is only 1% who believed in the approach of retaliation.

**TABLE No. 9**

**SHOWING THE RESPONSE RELATING TO THE CAUSES OF DOMESTIC VIOLENCE**

<b>S. No.</b>	<b>Particulars</b>	<b>Frequency</b>	<b>Percentage</b>
1.	Lack of communication	8	8%
2.	Lack of Understanding	6	6%
3.	Lack of adjustment	4	4%
4.	Unhealthy habits	4	4%
5.	Financial strains	12	12%
6.	Psychological Depression	9	9%
7.	Male Domination	14	14%
8.	Phobia of woman improvement	13	13%
9.	Excessive and unrealistic expectations.	8	8%
10.	All of the Above	22	22%
	Total	100	100

Table No. 9 Pertaining to the response, one significant of the data is depicting that the issue of male or female domination. The concept of equality which is being kept in the Constitution of India appears to be textual. 14 % respondents were of the opinion that male domination is an important factor leading to Domestic Violence. While 13% respondents were of this opinion that the developing phenomenon of women empowerment in the form of slogan and sometimes to create an hype to demonstrate female power in the society is also responsible for domestic Violence. Which directly leads to one important inference that there is a great need to develop a proper understanding, knowledge and sensitiveness about the exact role of a male and a female in the society maintaining and preserving harmonious equilibrium.

Another important observation was about the 12% respondents who considered financial stress and strain to be the cause of Domestic Violence, while 9% considered Psychological Depression that is increasing strain and stress is also the cause of Domestic Violence, so there is a need of proper management of your routine work. Excessive

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and Unrealistic expectations is also considered as the cause of Domestic Violence by 8% respondents. Another 8% and 6% respondents considered that lack of communication and lack of understanding are also the major reasons of Domestic Violence which can be avoided by adopting the realistic approach, so their should be proper communication and understanding among the family members. Another 8% respondents out of which 4% considered lack of adjustment and 4% considered and healthy habits is also the main cause of Domestic Violence.

However, 22% were of the opinion that all the factors given from 1-9 in table No. 9 are collectively responsible for Domestic Violence.

**TABLE No. 10**

**SHOWING RESPONSE RELATING TO THE EXTENSION OF DOMESTIC VIOLENCE IN J&K**

S. No.	Particulars	Frequency	Percentage
1.	Yes	100	100 %
2.	No	Nil	Nil
	Total	100	100

Table No. 10 With regard to the response relating to the extension of Domestic Violence in J&K shows that out of 100 respondents, All the 100% were in favour of extension of Domestic Violence Act in J&K also.

**TABLE No. 11**

**SHOWING RESPONSE OF THE RESPONDENTS ABOUT THE OCCURRENCE OF DOMESTIC VIOLENCE IN THE J&K STATE**

S. No.	Particulars	Frequency	Percentage
1.	Yes	81	81%
2.	No	19	19%
	Total	100	100

Table No. 11 With regard to the response about Domestic Violence in J&K State in concerned, 81 i.e. 81% respondents were of the view that it is very much exist in J&K State while 19 i.e. 19% were not aware of it.

It indicates that majority agreed that Domestic Violence is quite prevalent in J&K State.

**TABLE No. 12**

**SHOWING RESPONSE RELATING TO THE ENACTMENT OF DOMESTIC VIOLENCE ACT IN THE STATE**

S. No.	Particulars	Frequency	Percentage
1.	Yes	100	100%
2.	No	Nil	Nil
	Total	100	100

Table No. 12 With regard to the response relating to the enactment of Domestic Violence Act in State shows that out of 100 respondents all the 100% were in favour of enactment of Domestic Violence Act in the state also.

Showing the response as mention in table no. 11, it is obvious that enactment in Domestic Violence Act in J&K State is a necessity. It may be mentioned here that recently it was stated by minister for social welfare Sakina Itoo while releasing annual report 2008-09 of J&K State Commission for women that J&K Protection of Women Domestic Violence Act being introduced soon (Daily Excelsior, 8 Oct 2009). She stated that it will be given more teeth to curb the atrocities being inflicted on women.

**TABLE No. 13**

**SHOWING RESPONDENTS OPINION ABOUT THE DOMESTIC VIOLENCE THAT WHETHER IT IS CONTRARY TO THE CONCEPT OF PROMOTION OF SOCIAL WELFARE?**

S. No.	Particulars	Frequency	Percentage
1.	Yes	87	87%
2.	No	13	13%
	Total	100	100

Table No. 13 Pertaining to the respondents opinion that whether Domestic Violence is contrary to the concept of promotion of social welfare indicates that out

of 100 respondents, 87 i.e. 87% were in favour of it while 13 i.e. 13% were not in favour of it.

It indicates that the majority of the respondents were agreed that Domestic Violence is contrary to the concept of Promotion of Social Welfare, which is the one of the objective of our Indian Constitution as enshrined in the Preamble and other Provision of the Constitution.

**TABLE No. 14**

***SHOWING THEIR OPINION THAT WHETHER DOMESTIC VIOLENCE IS HAZARDOUS FOR HAPPY AND HEALTHY MATRIMONIAL LIFE?***

<b>S. No.</b>	<b>Particulars</b>	<b>Frequency</b>	<b>Percentage</b>
1.	Yes	97	97%
2.	No	3	3%
	Total	100	100

Table No. 14 With regard to the question whether they think that Domestic Violence is hazards for happy and healthy matrimonial life, out of 100 respondents, 97 i.e. 97% were agreed with it that in many cases it causes breakdown of the family ties while 3 i.e. 3% did not agree with it.

Thus, it indicates that majority were of the opinion that Domestic Violence is hazardous for happy and healthy matrimonial life.

***Showing the response of the General Public, that what steps they suggest to curve the tendency of Domestic Violence***

The respondents were requested to give their suggestions on the issue of the domestic violence. The respondents gave many suggestions. The author is hereby producing the common suggestions given by majority of respondents which are:-

- i) Disseminate information about laws dealing with Domestic Violence and its impact on their rights.
- ii) The respondents also suggested that apart from the legal knowledge and literacy, the common member of the society must also be providing working knowledge about the procedure to be used to bring Legal Redressal Machinery into emotion, so that aggrieved person can get timely and speedy justice.

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- iii) Some of the respondents suggested that there is an urgent need of enactment of comprehensive legislation process of Adjudication based on sound principle of administration of justice which should be aimed at reducing the Domestic Violence and should also have provisions for speedy Justice.
- iv) Mass awareness should be generated through media and brochures to highlight the hazards and adverse effects of the incidence of Domestic Violence.
- v) Family Counselling and reconciliation centers should be established to help dead locked wed locks was indeed a very vocal suggestion by number of respondents.
- vi) Legal Aid should be made available to those who are in distress or aggrieved due to Domestic Violence.
- vii) Publicize and disseminate such information which is concerning Domestic Violence and easily understandable format and alternative format appropriate for persons with disabilities.
- viii) Encourage, co-ordinate and co-operate with local and regional groups, effective NGOS, Educational Institutions and the Media, to implement programmes in human Education and also to make common man aware about Human Rights, Human Dignity and Protection of weaker section of the society.
- ix) The understanding of the Domestic violence issue should be reflected through various government policies such as housing, loan facilities, income generating schemes, jobs etc. and this group should be treated as a target group of economic development and welfare services which can and easier job which can contribute towards the national progress only then it could be said that country is actually going towards progress.