

# Domestic Violence

## SPEAKING OUT

### 8.1 IS "HOME" A SAFE PLACE?

A few months ago, Rati Agnihotri, a famous 54-year-old yesteryear actress who starred in the hit movie Ek Duje Ke Liye with Kamal Hasan, announced that she was leaving her husband after 30 years of physical abuse. She said that the violence had started early in her marriage and got progressively worse. She had hoped that the situation would improve. She did not want to deprive their children of a father's love. But one day she feared for her life and decided to report him to the police. Many people expressed surprise and disbelief at this announcement. People also wondered if she was speaking the truth. If this is true, some asked, why did she stay in such a marriage for so long before walking out of it?

Some of the suspicion about Rati's **statements is related to her privileged status in society**. People wonder: how could this happen in a rich, educated family? But there is more to it. The fact is that every woman's experience of violence meets with such doubt—whatever her background.

The suspicion arises from the strong belief in the goodness of family and marriage: the belief that families form the base for our society; that they provide stability. It is also widely believed that every family should be headed by men. A man's honour, prestige and worth are tied up with how he keeps the family and wife in "control."

What about the women? People also believe that the responsibility of preserving the marriage and family lies

with women as wives. To preserve the family, wives may have to bear with the husband's irresponsibility, drunkenness, bad temper, beating, abuse, and sexual torture. They may also have to manage with very little money. They may not be allowed to meet their family and friends. A good wife is supposed to suffer all this in silence.

Society understands and even forgives such behaviour as a natural exercise of authority by the husband. The same society judges a woman's worth on the basis of how well she bears all this silently and privately. There are common proverbs that refer to the husband beating up the wife as a sign of his love! When married women like Rati Agnihotri speak out they are seen as women who failed to preserve their marriage. They are accused of being arrogant and selfish and violating the sacred institution of marriage.

#### Points to discuss:

1. Men get conflicting messages from society. They learn that a husband has to provide for his wife and family. But another message that comes across is that real men keep their wives in control. Films and serials often show a man slapping his wife, and this is seen as justified chastisement. Do boys grow up into men, anxious and confused about their role in a marriage? Try and describe some of these confusions.

2. In our society, marriage is compulsory for men and women.

Contd.



Women are prepared from childhood to bear pain and suffering. It is fairly common for a girl to be told, "How will you live in the in-laws' house if you can't bear pain?" Do you think it is this preparation (which we called socialization) that makes Rati Agnihotri and others like her to bear with years of violence? Or are there also other reasons?

3. Do you know anyone, or have you come across anyone in your family or friends' families whose experience resembles Rati Agnihotri's? (You can answer this question in your mind!)

### **Are family matters not subject to law?**

For a long time this societal rule of privacy and family honour was strengthened by the law. Police refused to intervene when women complained against such violence. "This is a private matter," they would say. Way back in 1854, JS Mill, the famous British political scientist, was among the first to observe that family was the only sphere that remained outside the rule of law in the modern state. So, in a modern state, bonded labour, slavery, violence and exercise of arbitrary authority by one citizen against another is all illegal and punishable. Mill asked the British Parliament how a modern state like Britain, which claims to be liberal, could leave its women to the arbitrary authority of their husbands.

In India this question was raised again, forcefully, in the 1970s. Around this time, as a result of the efforts of the women's movement, domestic violence began to be openly discussed for the first time. The contradictions were obvious. On the one hand, the Indian

Constitution gave equal rights to men and women. On the other, husbands and marital families could do what they wanted with daughters-in-law and wives, including killing them, or driving them to suicide.

**If you are interested you can read JS Mill's *On the Subjection of Women* at <http://www.earlymoderntexts.com/assets/pdfs/mill1869.pdf>.**

*Read this half-humorous, half-serious poem by the Telugu writer, Savithri that captures the sense of fear that gets inculcated in a girl about marriage.*

### **Fatal Truths about Marriage**

I was worried when I heard the word for the first time  
My school teacher threatened with stick in hand,  
"If you don't learn your lessons well I'm going to get you 'married off!'"

I learnt more when my brother lamented,  
"My boss in the office  
Is worse than a husband!  
Never gives you leave even if you need it badly"

My fears were fully confirmed  
When both women and men often blabbered,  
"What does he need to fear?  
He is after all a Man! Sovereign in his own right!"

I finally understood the true meaning of things—  
"Marriage sentences you to life-long imprisonment and  
It is your Husband who usurps your freedom.  
That half of the population  
Whom we nurture with the milk of our kindness  
Divides us and rules!"



### The National Family Health Survey, 2009

31% of married women in India suffer violence in their families. Such violence may involve: pushing or shaking her violently, throwing something at her face, slapping her, twisting her arm, pulling her hair, punching, kicking, dragging and beating her.

10% reported that their husbands tried to choke or burn them and threatened to attack them with a weapon.

1 in 10 women experienced sexual violence with their husbands. They were forced to have sex or perform other sexual acts unwillingly.

Almost two in five women suffered cuts, bruises, injury, sprains, dislocation of bones, deep wounds, broken bones, broken teeth, eye injuries and even burns.

Only 1 to 2% of women reported such violence to the police! Women's deaths in families are under-reported!

According to a study published in 2009 by the well-respected medical journal Lancet, which collated material on accidental deaths by fire through detailed hospital records in 2001, more than one lakh women (1,00,016 was the figure given) died in kitchen fires. The largest number of them were married women between the ages of 18 – 35. This figure was six times the number recorded by the police that year.

### Violence in the family

During the 1980s, newspapers began to increasingly report about newly married women found dead under suspicious circumstances in many middle class homes. These women had invariably died due to severe burns. The police registered these cases as accidental deaths due to "stove burst." Nobody asked why no other family members had died—or had not even been hurt—in such "accidents," why those who died were all newly married women, and how stoves could burst even in families that did not cook on stoves!

Women activists wanted such deaths to be investigated. The police were

reluctant. It was a family matter, a private issue, they said. No outsiders, including the police, had a right to enter. But why were these deaths "private"? Why did "family" enjoy such immunity from the law of the land?

Women's organizations across the country were shocked that the law did not recognize the ill-treatment, torture and murder of married women by families as a crime. They pointed out that women in families were also citizens and therefore entitled to protection from the state. Lawyers argued that if the government did not provide it, it would amount to discrimination under the Constitution of India.



• **Just think—if anyone is burnt alive on the road, office or anywhere, it is considered a major crime. But if a woman is beaten up or killed within the “home,” it is not.**

Since the police refused to enter and investigate, women's organizations themselves gathered information about the cruelty and abuse that women experienced in families. The evidence shocked the country. With this evidence they challenged the idea that the violence and suffering that married women undergo was natural. They argued that violence in the family was a violation of the basic human rights of women. The violence that was hidden and secret came out into the open. What was categorized as private suffering was made visible and public. The law was forced to recognize domestic violence as violence.

#### ***Something to do:***

- Open last week's newspapers and see how many cases of deaths of young women by burning get reported. How many of them are married? What reasons do the newspapers give for such burns? Does anyone else in the family get injured in these incidents?
- Do the newspapers report anything about the police booking cases? What cases are booked against whom?

We have provided a sample of an analysis on the website.

#### **Breaking the silence**

The next step was breaking the silence. This also required challenging the

shame that was associated with it. Women began to share such experiences in groups. Such sharing helped large numbers of women understand that it was not their failure to be good wives, daughters-in-law and mothers that caused the beatings and abuse. They were not to blame for it. Over the last thirty years, society has begun to recognize that this violence—now known as domestic violence—has devastating effects on the psychological and physical health of women, men, and of course the children in families. Government surveys show this clearly. But we also understand it more fully and richly through women and men who have written about it. These people **wrote about how they themselves—or their mothers and the families—suffered due to such violence.** Documentary and feature films have been made with the theme of domestic violence. There are now some social, legal and policy measures in place that offer support to women facing such violence. Special courts and women's police stations have also been instituted by some state governments. What can be called a cultural shift has also taken place.

Today, we see many advertisements on television which condemn domestic violence. Watch, for instance, the series Bell Bajao on <http://www.bellbajao.org/>. In these advertisements, a neighbour or a passer-by who hears the beating or crying from inside a house rings the bell. He waits for the man inside to come to the door and asks him a question. You will notice that each time it is a man who rings the bell. Why do you think the advertisements do not show a woman ringing the bell?



Even though the violence itself has not stopped, in small but significant ways our society is moving towards challenging the notions of privacy and honour that enable the exercise of arbitrary authority on wives and daughters-in-law in the family. Shabnam Virmani made a series of 1 minute films titled "Bol" to help create awareness about domestic violence. In each film, a woman makes a short, sharp statement about what she found absolutely unbearable. You can reach them through our website.

Wives and mothers are also learning to break the silence around their suffering in different ways. Some approach caste panchayats. Others go to the courts. Some of them fight vehemently while some others are forced to give up due to lack of support. Parents are no longer as quick as they were before to blame their daughters and send them back to husbands and marital households. Some women separate and live with their children or with their parents. As a result of **changes in law and state policy** combined with the struggles of women, domestic violence is gradually being recognized as an undesirable and unacceptable practice.

**• Still most women take a long time to decide to even complain. They take even longer to decide they want to leave. Leaving is the last option. For various reasons, if it is possible, they would like to save the marriage.**

However, such change has not taken place only in relation to the individual. Our society also witnessed significant protests and movements against domestic violence in the last four decades. Not many people know that

domestic violence was one of the key issues that gave rise to the famous anti-arrack movement in Andhra Pradesh in 1991. Rural women attending adult literacy classes in Nellore district read the story of Sitamma who committed suicide, unable to change the alcoholism of her husband and his abuse. This provoked them to look into their own lives where their husbands, fuelled by the easy availability of arrack, had become addicts. They were unable to support the family economically and had also become violent. As one of women recounted, "We are wage earners. We produce gold from the earth. But what is the use? All our hard-earned money is spent on toddy and arrack. When our men-folk do not have money they sell away our rice, butter, ghee or anything that fetches them arrack [...]. They take away whatever they can lay their hands on.... Apart from drinking they abuse us, pick up fights with us, slap our children. They make our day-to-day existence miserable [...]. Then we read the story of Sitamma's death. It started us thinking. **Who is responsible for her death?** We then told the sarpanch (head of the village council) to close the arrack shop." The rural women in several districts decided to boycott arrack shops, stop the supply of arrack to their villages, and protect themselves and their families from economic and physical destruction.

**In the next class we will be watching Shabnam Virmani's 1996 film, When Women Unite: The Story of an Uprising. Its Telugu title is Aadavallu Ekamaite. The film provides a graphic account of the women-led anti-arrack movement in Andhra Pradesh, 1991-94.**



## 8.2 WHEN WOMEN UNITE

During 1991-1992, the Andhra Pradesh government centralized the sale of arrack and began to supply it in small sachets to villages. What was till then available only in bottles and pots when the village distilled it (mainly during festivals or harvests) could now be had every day and even carried home. Landlords were persuaded by liquor contractors to pay part of the wages of agricultural workers in these sachets. This wreaked havoc with the domestic economy of many families. The struggles of the women that began within the

Nellore district to prevent the sale of arrack in their particular villages gave them a measure of control over their lives and transformed their relations with men. And then the movement spread....

You will be watching Shabnam Virmani's film, *When Women Unite*. This is a docu-drama that narrates the story of these protests through a mixture of enactment, interviews and other footage.



### 8.3 REBUILDING LIVES

Married women try their best, as we learnt above, to save their marriage even in the face of severe violence. They seek advice from everyone and try to reform their husbands. Taking the legal recourse often comes as the last resort. The following two extracts relate to women's uphill struggles to keep themselves safe and alive in the face of domestic violence.

*The first one is from an autobiographical account by Flavia Agnes, who is today a leading lawyer in the country. In her younger years (she is now 67) she was a victim of domestic violence. Her autobiography My Story . . . Our Story of Re-building Broken Lives (first published in 1984), speaks about her struggle to protect herself and her children from violence and rebuild her life. She went on to study and practice law in the family courts in Mumbai where she has been fighting relentlessly to secure women's rights in families. You can also read her articles and essays about such struggles for justice in newspapers and journals. In the following excerpt, she narrates how she sought advice from a variety of people to stop her husband from ill-treating her.*

#### **The Search for a Good Marriage Counsellor**

I tried to be a better mother, a better housewife, a better wife. I had to somehow make this marriage work. I started mastering all the "housewifely" skills. I learnt to stitch childrens' clothes, beautiful clothes with delicate embroidery . . . I baked cakes. I learnt to make pickles, jams, biscuits. Later I started a garden in the balcony—rose, jasmine, daisy, cactus, tomato, chilli, kadi patta, mint, tulsi . . . the garden grew, but marriage didn't improve. I had mastered the housewifely skills,

but they proved to be totally ineffective weapons to curb the violence ...

The search for freedom has been slow and painful. I was trapped within the vicious circle of a violent home and a cruel world. I went round in circles.

I appeared for a Bank of India test. I passed. He [her husband] said: "Working women are arrogant. They neglect the home. I will not allow my wife to work." I didn't go back for the interview.

A doctor in the neighbourhood offered to give me homeopathic medicine, free of charge and advised, "Don't drink coffee." I started having tea instead of coffee in the morning. He locked the tea in the cupboard. The doctor provided me with medicine and tea. But my health became worse. Six months later the doctor was alarmed. He said: "It would be better to try allopathy for a while." My sisters presented me with a mixer. I sold it to buy my medicines. I wanted to live—until the children grew up. I had made a promise to myself.

The doctor advised: why don't you talk to the priests? Once, when I was thrown out after a violent fight, I did . . . I was told, "Counseling cannot be done to one partner. Bring your husband along." I thought, "If my husband is the type to come along, then I don't need to come at all." Another Father said, "You can come and talk to me, but I cannot intervene. He might make false allegations against me. Then my reputation will be spoilt." But he was sympathetic. At least I could talk to him and retain my sanity. After I suffered a fracture (due to beatings) he advised: "Why don't you make a police complaint?"

I went to the police station. The Officer said, "He is an educated man. If you



press charges, it will be worse for you. He will not be scared of our warnings." I said, "I need a shelter." They said, "There is one. We can direct you. But they will not take the children." I asked, "What will happen to them?" "They will be sent to the remand home or left with their father." That settled the matter. I withdrew the complaint.

After a long search I came across an old priest who was ready to come home and talk. After one two-hour session, the priest left. I was warned: "If you ever go back to this priest, you will not enter this house. I don't need help to handle my marriage. If you have problems, why don't you just leave? With children or without them—the choice is yours."

I met another priest for guidance regarding divorce. He said: "He is a sick man. Not a physical sickness, but a mental sickness. Supposing he has cancer, would you have deserted him? He needs your help to overcome this sickness." "If he had cancer of the body, I would be Florence Nightingale incarnate," I thought. "But his cancer of the mind is growing on my body, breaking it, deforming it, damaging my psyche. His cancer doesn't hurt him, just me." I realized that I was being asked not only to stay on with him but also to be sympathetic and understanding towards him because he has a sickness . . . . the sickness of beating me. The search for a "good marriage counsellor" came to an end.

#### **Points to discuss:**

1. It is common to hear that when a wife gets beaten it is because of some fault on her part; that she is not good at something, for instance. But the author says "I had mastered the housewifely skills, but they proved to be totally

ineffective weapons to curb the violence". Why do you think she says it?

2. Why do you think Flavia Agnes says "The search for freedom has been slow and painful. I was trapped within the vicious circle of a violent home and a cruel world."? Explain this.

3. Do you think the advice given by priests, doctors and policemen to the author are correct? Give your reasons.

4. The general attitude in our society that a relationship between a husband and a wife is a personal matter, even if the husband beats her. Would you agree with this? Why?

*The second extract for today's class discussion is a petition for divorce filed in the Hyderabad family court in 2013. Rarely do we come across women who take the step of seeking divorce from an abusive husband and marital family. You will read that the petitioner, a qualified engineer with a well-paying job, arrived at this decision after a long battle. Read the extract and think about the reasons that have inhibited her from seeking legal remedies. Is loneliness one of the reasons - the loneliness which is caused by shame and inability to change the situation? If you have the time, list your reasons, and discuss the merits of each in the class.*

#### **A petition for divorce**

I got married in the presence of the elders and well-wishers of both sides. We lived in Chennai. I conceived immediately after the marriage. Right from the first month of my marriage, my husband started harassing me. He abused me in filthy language saying that I was not up to his expectations



## Protection of Women from Domestic Violence Act, 2005

In India, physical and mental cruelty was recognized as a ground for divorce since 1939 in the Muslim Marriages Dissolution Act. But it was also made into a criminal offence in 1984. After India signed the Convention on the Elimination of Discrimination Against Women (CEDAW) of the United Nations, women's organizations pressed for a comprehensive law against domestic violence. India became one of the 60 countries that passed a law against domestic violence between 2005 and 2011. Now 119 countries have such laws.

Passed in 2005, the Protection of Women from Domestic Violence Act defines a wide range of actions by husbands and his relatives—including beating, insults, abuse, excessive suspicion, threats, demand for dowry, perverse sexual behaviour, financial deprivation and sale of household assets—as domestic violence. A wife experiencing such violence can approach the nearest Magistrate's Court and seek the following kinds of reliefs.

1. **Protection Order:** If the wife is living separately, the husband can be ordered to not enter her home, or disturb her at her workplace, or attempt to communicate with her in any way. This includes email and phone calls.

2. **Maintenance Order:** The husband can be directed to provide financial support for the wife and the children.

3. **Residence Order:** If the wife is living in her husband's home, the Court can direct that she should not be evicted or thrown out of her husband's home. This Order can be passed even if the wife does not own the house.

4. **Joint property:** The husband can be directed to not to sell joint property such as the house or operate bank accounts and bank lockers used by both the husband and wife.

5. **Custody of children:** If the wife is anxious that her children will be separated from her, the Court can grant her a protection order.

If the children are not with the wife, the Court can direct that the children be returned to the wife or enable her to visit them.

6. **Compensation:** The Magistrate, in the final stage, can direct the husband to pay compensation to the wife for the physical and mental harm that she suffered on account of his conduct.

A violation of any of the Orders passed by the Magistrate is an offence. The husband can be punished with a sentence of up to one year in jail along with a fine.

In addition to the above, the wife can also complain about domestic violence in the local police station. The provision of law is Section 498A in the Indian Penal Code.



## 8.4 FURTHER READING: NEW FORUMS FOR JUSTICE

### Nari Adalats and Women's Jamaats

In the past twenty years there have been scattered but interesting experiments in dealing with domestic violence in certain areas of Gujarat and Tamil Nadu by collectives of women.

In the state of Gujarat, such women's collectives are known as **Nari Adalats (women's courts)**. We all know that traditionally, community panchayats are all male, where women have meager presence and voice. Nari Adalat came into existence to counter such traditional set ups. Its members are elected from each village and the adalat sits on a particular day near the district collector's office. Natal families may come with a daughter or a sister or sometimes the wife may herself come with a complaint. The outcome of these hearing depends on the negotiability and willingness of the concerned parties to change. In cases where marriages become irretrievable, dowry and stree dhan are returned to the wives. Treating women as an equal partner in marriage, Nari Adalats have arbitrated more than seven hundred cases. This initiative came up under the Mahila Samakhya Programme supported by the government.

In the state of Tamil Nadu we have another, extremely interesting example of such collective tackling of domestic violence. This is a **women's jamaat**. The traditional institution that settles disputes among Muslims is known as jamaat. Like any other traditional community panchayats jamaats do not have women members. In Pudukottai district, a group of Muslim women, led by Sharifa Khanam, decided to form

collectives of poor, rural Muslim women into women's jamaats. Dissatisfied with the way community jamaats were dealing with concerns of women's education, dowry, and domestic violence, they decided to step in. Religion, they discovered, did not form an obstacle but male dominance did. In the process they also learnt about the rights Muslim women held accorded to their faith and how to use such knowledge to question injustices and violence. Over time, male community leaders have changed their view point about the collective and have begun to accept the verdicts and resolutions offered by the women's jamaat. The sense of bringing justice to suffering women through collective effort is captured by the song (see, Box) that some of them composed.

The life we have lived begging,  
Is not a life worth living  
These are times when we have to demand  
Let us come together  
And dare to question —  
No more succumbing with bent heads!  
Every day feels like death  
Due to this double-faced justice  
When we make the law for men  
Then will they learn!  
Let us talk of a common justice  
And attain our victory . . .