



A DEDICATED NATIONAL PLAN TOWARDS EMPOWERMENT OF WOMEN: A PRE-CONDITION TO STOP DOMESTIC ABUSE

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Abstract

Domestic violence against women can be physical, sexual, economic or psychological in nature. According to the statistical data available, it is mainly perpetuated against women by their spouses with an end to subjugate, suppress and deny women of their self esteem and identity. It not only causes bodily harm but also debilitating emotional and mental scars on a woman while exposing innocent children to a cycle of perpetuating abuse themselves. As the society blames the victim rather than the executor of the crime, a woman is trapped from all directions with hardly any support. Such violence is a violation of human rights. The State is accountable to protect all its citizens both in the private and public spheres. Towards this end, the state has to address the discriminatory societal and cultural norms that shape the value systems of the community and sensitize the public opinion towards women. Secondly, women's capacities have to be strengthened by creating means through which women can work as equal partners for the society. Finally, formulating policies from a gendered perspective, remodeling the existing programmes that are gender discriminatory, sensitizing judicial officers in dispensation of justice and strengthening the response system for the survivors is the need of the hour.

Keywords; domestic violence, empowerment, sensitization, attitudinal change, welfare schemes

Introduction

It is a well-known fact that social norms and deep-rooted cultural attitudes perpetuate discrimination against women. The unacceptable levels of discrimination make a woman vulnerable and easily exploited gradually exposing her to abuse. Although dowry and desire for a male child are to a certain extent some of the reasons for abuse against women in India, it is the power which is at the core of such violence. A man's hunger to exercise arbitrary authority upon his wife in order to suppress, subjugate and deny her of any individuality is a significant factor here. When a man's position is weaker in a marital relationship due to his higher educated and higher earning spouse, a woman is subjected to physical and emotional trauma to balance the unevenly distributed power. Therefore, strengthening a woman not only economically but also socially, emotionally, intellectually and politically is crucial to prevent abuse against her. It is a pre-condition that allows her to play a pro active role in families and society. Only empowered women can bring in social transformation, economic advancement and political stability to a nation.

Scope and Objective of the Study

The researcher in order to render justice to the topic selected in the time and space allotted to her does not deal with violence against women in a generic sense but confines herself specifically to domestic violence perpetuated against women by their spouses since most of the times, perpetrators of this violence have been the husbands. That does not mean other



violence is not significant. The paper aims at understanding the nature, dynamics and the extent of spousal abuse in the domestic confines and how the Indian policies, programmes and laws implemented in the country were unable to eradicate domestic violence perpetrated by men against their spouses and how by understanding the true distribution of power in such abusive situations, the political institutions can formulate policies that prevent senseless tragedies and protect survivors of abusive relationships.

In doing so, the researcher first defines what empowerment is and later provides a comprehensive understanding of domestic abuse inflicted against women by their spouses. She then proceeds with the various legislations enacted by our country intended to empower and protect women and how certain other important strategies and components can be incorporated in planning, to truly achieve the goal.

Empowerment

Pranab Kumar quoting the World Bank describes empowerment as “the process of increasing the capacity of individuals or groups to make choices and to transform those choices into desired actions and outcomes” (1). Empowerment leads to physical and mental development in a woman and therefore will be well equipped to fight against violence, the single most important concern of a millennial woman. Violence against women is a moral tragedy of our time and every woman must act to end it. It is a misconception that violence against women happens only in the lonely public places. It shocked the world that horrific crimes against women were reported in the so called safe places of a home which is called domestic violence.

Definition and Nature of Domestic Abuse

Domestic abuse is the violent acts committed by a family or household member against another that threatens the well-being of an individual. Although the victims can be anyone in the family, it is found that usually violence is carried out against a woman by her intimate partner. This violence indulged by a man against his wife aims at denying the victim her individuality, gaining control over her, instilling fear in her and forcing subservience. Domestic violence is not just physical abuse, but emotional, economic, verbal, and sexual too. Domestic violence surpasses every barrier as it is prevalent in all societies, classes and groups. The Domestic Violence Act, 2005, Section 3 states that domestic violence shall include:

(a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or (b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or (c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or (d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person(2).

Theoretical Background



One needs to look back and understand how the social conditioning and widely held beliefs and attitudes about gender roles played a key role in perpetuating violence against women in the domestic spheres. From the ancient hierarchical point of view, women themselves did not matter. Masculine and feminine qualities were fixed and as such women were viewed inferior to men, had no distinctive character of their own and they needed no special comment. In Greek culture, Aristotle (384 – 322 BCE) proceeded with the assumption that a human who is “fully developed” is male and concluded that woman “is as it were a deformed male”. Therefore, how natural it is for a woman to stay indoors, leading a quiet, sedentary life, by nurturing children and preserving the possessions acquired by her “natural ruler,” man who is well constituted for activities outside the home (3). For the same reason, as Helen Tierney says quoting Aristotle from his “Politics”, the “courage of man is shown in commanding, of a woman in obeying”(4). Hellenistic Jewish philosopher, Philo (25BCE- 50 AD) who lived in the first century in Alexandria also felt a woman’s place was in seclusion and in subordination to men. It is better that she is ruled by father or husband

In the political theories of the modern west, Jean-JacquesRousseau (1712- 1778), one of the key enlightenment philosophers of social contract theory, confines a woman to her home. Quoting Rousseau, Diana says, a “genuine mother of a family... is no woman of the world, she is almost as much of a recluse as the nun in her convent... has her sights fixed on the well being of her particular family, not on the world outside. She is not therefore predisposed to considerations of impersonal justice”(5). He demeans a woman in a manner that is despicable. “In the nineteenth century, prescriptive literature and social customs dictated that men inhabit the worlds of commerce, labour, and politics, while women controlled the home, the family's spiritual life and the children. Such a gendered division of labour was considered natural, civilized and in accordance with God's will" (6).

The status of women in India has been a subject of interest for many researchers. The history of women in India has been eventful one. From a high point of early Vedic times as historical records suggest to a low point in later Vedic and the Medieval period, to the promotion of equal rights in the modern era, it has witnessed many ups and downs. Great hardships suffered by women like Sita, Draupadi etc. are set as an example in reducing women to physical and mental slavery of men. Religion has grievously damaged the image of women in Indian society. Manu(200 BCE -100 CE) held a view that in childhood, a woman must be subject to her father, in youth to her husband and when her lord is dead, to her sons. He was of the view that a woman must not be allowed to anything independently even in her own home (7). Specific Dharma was given to women and that was *pativratha Dharma* which was considered equivalent to the sacrifices and worship of God. Further Manu says, "There is no sacrifice, pious practice, or fast which concerns women in particular; she must cherish and respect her husband and then will she be honoured in heaven"(8). Adhishankaracharya, the eight century Indian philosopher and the great founder of Hindu Philosophy called woman as “the gateway to hell and poison in the shape of nectar” (9). Vatsayana also disapproved unrestrained freedom for women.



Understanding the Dynamics of Domestic Violence

Such kind of cultural norms, value systems and social frameworks that are oppressive is central to male violence against women. They influence the attitudes and perceptions of men towards women and also determine women's status and position in the society. When it comes to violence, the society views that a man's honour is dependent on his control over his family and particularly his wife and if he could not control his wife from speaking out, he is incompetent. It expects a woman to patiently bear the abuse inflicted on her since a woman of values preserves her marriage by suffering privately.

Therefore, husbands inflict violence against women in the security of their homes and the society refuses to intervene because it is a family matter. They torture, kill and even abet suicides in them. Many incidents like pouring kerosene and lighting the wives alive are reported by the police as incidents of stove bursts. A woman's bonded labour, the exercise of arbitrary authority upon her and violence inflicted on her all remain largely unknown. When a woman endures through physical attacks, marital rape, verbal threats and intimidation, we call her a survivor rather than a victim because she's lived through the terrifying trauma of domestic violence. It is the state's responsibility to protect every woman as she is a citizen of the nation.

When women continue to live through abusive relationships, the violence takes a vicious cycle on children. If a daughter sees her father abusing her mother, she may continue to accept the same in her own marital life in order to experience the feelings her mother went through. This brings a feeling of normalcy within her. A son may most likely behave like his father against his own wife.

Extent of Domestic Violence

According to the UN Women *Violence against Women Prevalence Data: Surveys by Country* compiled in December 2012, about 37.2% of married women in India have experienced violence by their spouses in India (10). "The World Economic Forum ranked India 105th out of 135 countries in its 2012 Global gender gap index" (11). In the state of Telangana, according to the National Crime Records Bureau 2016, around 1,311 cruelty cases by husbands or relatives were reported in Hyderabad. Hyderabad occupies second position in India after Delhi which reported 3654 incidents in 2016. Although there is a 12% decrease in overall crime against women in 2017, Telangana is one of the top five states in crime against women. (12). However, the most disturbing part of the spousal-violence is that almost every third married women, who has experienced spousal violence, reported experiencing physical injuries like sprains, dislocations, broken teeth, burns or such other serious injuries. Yet only one to two percent reported to police!

Reasons for Enduring Domestic Abuse

Inspite of the physical and mental scars the violence leaves on a woman, they are unwilling to get out of the houses/ marriage. The reasons may be many but some are:

Lack of Financial Independence

Many women endure domestic violence because they are not financially independent to



support themselves or their children as husbands are the sole breadwinners. They would rather take the abuse than try to become financially independent which is uncertain.

Lack of Higher Education

Many parents continue to put more emphasis on their sons' education and undermine their daughters' studies and hence they are unable to secure a job that can support the family.

Complication in Remarrying

It is a well-known fact that divorced women face a lot of difficulty in remarrying. The complications and trauma involved in going for a second marriage deter a woman from leaving the abusive relationship.

Self-Esteem

Sometimes women with good education and financial stability too tolerate domestic violence just to maintain their social image in the society. A woman in a stable relationship derives more respect than a victim of an unsuccessful marriage.

In the Children's Interests

At other times women drag along their relationship so that their children don't suffer and be bullied by their peers of growing up in broken homes.

Silence Speaks Out

No matter what the reason may be, women should never endure violence inflicted on them for it is an affront on their dignity and honour. A mother is doing a disservice to her child by continuing with her toxic relationship, and a greater disservice to herself for the abuse not only destroys her well being but her children's too. It is better for the children to grow up in a single parent home rather than in an internally broken home, emotionally traumatized. A woman needs to be empowered to take care of herself and her children if she wishes to keep them with her. American Sociological Review established that "women with greater access to global cultural scripts through urban living, education, or access to media were more likely to reject intimate partner violence" (13). Every individual is bestowed with certain inalienable rights and women have to protect their rights.

With the help of many voluntary organizations, in the recent times, women have started sharing their experiences in open, have begun accessing legal routes and leading a dignified life by separating from their abuser husbands. Further, the attitude of parents towards their daughters from broken marriages has been undergoing a change. Many advertisements on TV are condemning violence against women. *Bell Bajao* campaigns are encouraging residents to stop domestic violence by ringing the doorbell whenever violence was suspected. Movies are being produced exclusively to condemn domestic violence by spouses like *Daman* (2001), *Lajja* (2001), *Provoked* (2006), *Khoon Maaf* (2011), *Hamari Adhuri Kahani* (2015). After a lot of resentment expressed by international agencies and protests by women's organizations in India, government has finally framed various acts, laws and programs that protect women from violence. But these legislations were unable to completely eradicate violence against women since most of the time, the root causes were not addressed.



Central Government Schemes

Recognising of how women were ruthlessly abused and their lives wasted in the narrow confines of the home, the government of India put forward many proposals, plans and schemes that would improve women's lives. When a woman is empowered, she can fight abuse. Therefore, the five year plans gave impetus to women's upliftment. The First Five Year Plan (1951-56) promoted the welfare of women by helping them to play their role in the family and the community. The Central Social Welfare Board was established in 1953 to proceed with welfare approach to women's problems. The Second Five Year Plan (1956-61) strove to improve maternal health by providing supplementary feeding for expectant and nursing mothers, advance child health services. The Third Five Year Plan (1961-66) gave big impetus to female education and expanding rural welfare services. The Fourth Five Year Plan (1969-74) also laid emphasis on female education and family planning and maternal health care. In the fifth Five Year Plan (1974-79), the Committee on Status of Women in India (CSWI) wanted women to be critical inputs for national development rather than as targets for welfare policies. The major outcome of CSWI report was the National Plan of Action (1976) which identified areas in health, family planning, nutrition, education, legislation and social welfare for formulating policies for women. Towards this end, Women's Welfare and Development Bureau was set up in 1976. In the Sixth Five Year Plan (1980-85), there was a shift in the approach from 'welfare' to 'development' of women which made the planners, and policy-makers recognize women not only as partners but also as stakeholders in the development of the country, it adopted multi-pronged strategies to boost women's health, education and employment opportunities. For rural women, priority was given to agriculture while giving equal importance to poultry, small animal husbandry, dairying, handlooms, handicrafts, small-scale industries etc. Yet family rather women remained the basic unit of development. In the Seventh Plan (1985-1990), developmental programmes continued with an end to raise women's economic and social status by bringing them into the mainstream of national development.

However, the Eight First Five Year Plan (1992-99) focused on women functioning as equal partners and participants in the developmental process and not as mere beneficiaries of welfare schemes. This approach of the Eighth Plan marks a further shift from 'development' to 'empowerment' of women. Rashtriya Mahila Kosh was set up in 1993 to meet the credit needs of poor and asset less women, National Nutrition Policy was formulated in 1993 to fulfill the commitment to maintain adequate nutritional standards in women. National Commission for Women was set up in 1992 to safeguard the interests of women, Mahila Samridhi Yojana in 1993 sought to institutionalize the savings of women so that they can have a greater control over household resources, Indira Mahila Yojana in 1995-96 (renamed as Integrated Women's Empowerment Programme in 1999) IMY attempted to ensure that women's interests are taken care of. Formulation of a National Policy for Empowerment of Women in 1996, setting up of National Crèche Fund in 1994 to provide crèche services for working mothers were some of the measures undertaken to empower women during the eight plan. The Ninth Five Year Plan (1997- 2002) took up a major commitment of empowering women as the agents of socio-economic change and



development. It built 'Women's Component Plan' that ensured at least 30 per cent of funds from other developmental sectors flow into it to empower women. Further, it aimed at organising women into Self-Help Groups which was a major step taken in the right direction to strengthen women's causes. The Tenth Five Year Plan (2002–2007) aimed at reduction in gender gaps in literacy and wage rates by at least 50% by 2007. The Eleventh Five Year Plan (2007–2012) worked towards achieving gender equality and providing clean drinking water to every citizen by 2009 which would greatly reduce women's labour. Indira Gandhi Matritva Sahyog Yojana (IGMSY) is a Conditional Maternity Benefit (CMB) Scheme for pregnant and lactating women and was launched in 2010. It provided cash incentives for pregnant and nursing mothers to improve their health and nutrition. The Twelfth Five Year Plan (2012–2017) worked towards removing gender and social gap in the school enrolment.

Laws, Acts and Treaties Signed by India to Curb Violence against Women

The government of India enacted Dowry Prohibition Act, 1961 with a view to discourage the traditional system of Dowry which is the cause of domestic violence against spouses. Under Section 498A of IPC (1983), if the husband of a woman subjects her to cruelty, he is punished with imprisonment extending up to three years and also will be liable to be fined. The Protection of Women from Domestic Violence Act 2005 was enacted by the Parliament of India to protect women from domestic violence. However it is civil in nature. In some cases bigamous marriages by husbands is the cause of spousal violence. Such acts are punishable under section 494 of IPC (1995).

Also, India is a signatory to the 1993 UN World Conference on Human Rights that formally declared women's rights as human rights and UN Commission on the Status of Women (CSW), a UN organ that brings together governments to review progress on women's rights. Further, it also signed the Beijing Declaration and Platform for Action in 1995 at the UN Fourth Conference on Women calling for strong and specific commitments by governments and other institutions to take action in 12 areas, including health, violence against women and girls, economics, the environment, and decision-making etc. It also ratified the international treaty adopted at the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979. It is a part of UN Security Council Resolution 1325 which promotes women's participation and representation at all levels of decision-making and the Sustainable Development Goals (SDGs) adopted in 2015 by UN members aimed at achieving gender equality and empowerment of all women and girls.

Accessing New Forums of Justice in Telangana

The Government of Telangana has taken up certain measures to provide women equal growth opportunities in all spheres of life and protection. The government spends Rs 40,000 crores on as many as 35 welfare schemes. As part of this:

- Women's police stations are situated all over the state to protect women from domestic violence
- 'Special Cells' have been created, to help both the abuser and the victim. While the



abuser goes for psychological counseling and anger management therapy, the victim is counseled to regain her sense of self and individuality

- Special Family Courts have been constituted to try domestic abuse cases in the State under Family Courts Act 1984
- 'Bharosa', a one-stop support centre to provide protection for women and children was launched by the Hyderabad police in March, 2016. 'Bharosa' is intended to support women affected by violence in private and public spheres
- 'Housing Scheme for the Poor' (2015) provides quality and respectable housing (2 BHK) flats to the poor. The house will be registered on the name of the woman in the family
- 'Aasara Pension' scheme (2014) ensures secured and dignified life for the poor. It protects the most vulnerable sections of society – the old and infirm, incapacitated women, widows, HIV-AIDS victims etc.
- 'KCR kits' scheme (2017) gives financial assistance of Rs 12,000 in three phases. Further, a sum of Rs 1,000 will be given additionally in the case of delivery of a baby girl'.
- 'Pension Scheme for Single Women' (April 2017), the first in the country gives pension for single women from poor families to provide them financial support'.
- Telangana government provides three acres of agricultural land to landless Dalits. The scheme also creates provision for irrigation facilities, land development and other agricultural assistance for their sustained livelihood under 'Dalitulaku Bhupampini' scheme. Most of the beneficiaries have been women.
- 33 % of jobs are reserved for women in Government sector.

True Stories that Inspire

With the support systems provided by the government, some women were able to recover from the trauma of domestic violence and lead emotionally healthy lives. Flavia Agnes, 65 a women's rights lawyer from Mumbai who was abused by her husband physically completed her law school and co-founded Majlis Legal Centre in 1991 to provide legal help and counseling to victims of domestic abuse. She is a proud woman now. Rani who was abused by her husband is now proud to be the first woman auto driver in Bhopal after separating from her husband and this is truly appreciable.

A Framework to Prevent Domestic Abuse against Women

But many a times, the measures taken by the governments are mainly in the form of responses and services for domestic abuse survivors. Very rarely the structural or root causes are addressed as said earlier. The best way to prevent violence against women is to prevent it from happening. It is important that respectful relationships and gender equality is promoted at an early stage between boys and girls. Public policies should concentrate on this as this decides the future relationships of the citizens. Towards this end, the policy makers must ensure to bring about an attitudinal change in the people towards women by including mandatory courses in gender sensitization in the school and college curriculum. Gender courses have to be mandatory in all disciplines of study and professional courses.



Children have to be taught to share the domestic work equally. It is appalling to note that text books still contain images or examples that reinforce stereotyped roles for instance, in the first class English Text Book designed by Telugu Academy, a father is shown coming from office and the mother engaged in household chores. Such texts promote and reinforce gender biases which eventually lead to violence against women. All these books have to be revised. In Scandinavian countries, the text books are the most gender friendly and defy the traditional gender stereotyping as such in these societies, men share much of the domestic work than other parts of the world and women constitute almost 48% of workforce.

In Gita Hariharan v. Reserve Bank of India, the Supreme Court considered that a mother can be the natural guardian even during the lifetime of the father as equal status to women is guaranteed under Article 14. In spite of the judgment, every document in the country still asks only for a father's name. Such acts instill in a child a feeling that a father is superior to his/her mother, it reinforces gender bias and creates a kind of supremacy in men which can shape violence. Moreover, such acts do not favour single mothers, rape victims and independent women and these have to be modified. Instead, it can be replaced by 'parent's name'. The child should be given freedom to write either father or mother's name.

Strict norms have to be in place to discourage movies that portray violence against women, show women in bad light and has dialogues that demean a woman's honour and dignity. Such movies should not be given censor certification and on the other hand, tax reliefs have to be given to programmes and films that show men and women as equal partners.

The government should aim at bringing about changes in the policies and programmes that discriminate against women for instance; the MGNREGA promises 100 days of employment every year to each rural household but mandates only a third of the workers under the scheme to be women instead of fifty percent. Further, women are excluded from planning of works and remain as mere labourers and are deprived of basic work-site facilities. Care should be taken to draft every policy in the country from a women's perspective. Government websites, advertisements and campaigns must show images that counteract traditional gender roles for instance, men holding babies and feeding. Such images alter the attitudes of people regarding gender roles.

India is one among almost 90 countries in the world without paid Paternity leave. In Sweden 480 days of paid parental leave is granted and each parent can use 240 days. The leave ensures that fathers nurse and care their babies turning them into more sensitive and less violent individuals. It is time government comes out with an Act that provides men (fathers) paternity leave in every work sector when a child is born in the family and paid maternity leave for women for at least 9 months should be in force in all government and private sectors. Further no organization should be given permission without crèche facilities and this can facilitate women to work outside.

The Constitution of India assures equal status, opportunity and dignity to every individual irrespective of differences based on sex. In tune with Article 14 that grants equal status and equal protection to women, Article 15(1) that prohibits discrimination on the basis of sex,

Article 15(3) that does not prohibit the State from creating any special provisions for women, Article 16 that grants equal opportunities for women in employment and Article 38 of the directive principles of state policy that directs a State to promote the welfare of all people, the government must ensure to engage women in the development process with a heavy dose of rights rather than mere recipients of welfare benefits.

The state has to respond to domestic abuse crimes immediately so that the offenders are punished and justice is secured through legal routes within a stipulated time frame. For this the deep rooted corruption in the political and legal systems must be tackled. Even today in India, no case filed in police stations or in courts sees the light of the day unless the white collared employee's palms are greased. Further, undergoing gender sensitization courses by police and judicial staff has to be made mandatory to deal with women's issues.

Also, the government must strictly monitor the responses of law enforcement agencies in cases related to crimes against women by maintaining database on violence. Time-bound trial of crimes against women should be implemented; *naari adalats* and family courts should be strengthened. There are some cases in family courts which go on even more than five years. In such cases, a woman is denied justice. To foster a culture of justice and support, shelter homes for distressed women have to be built on a war footing in every assembly constituency and should be open round the clock to provide immediate support to a woman, quick protection orders and most importantly quick disbursement of economic and social assistance is also needed. When the system is not pro women, women's lives collapse.

Authorities should aim at giving women equal access to opportunities and resources in politics in order to exercise their voice in leadership and participation. This would also enable women to include women's issues in political agendas for instance, Swedish Parliament constitutes almost 45% women who tirelessly work in turning Sweden into a more egalitarian society

Conclusion

The researcher is of the opinion that women who are empowered are more able to stand up for their rights and fight abuse and as a result, experience less domestic violence. Therefore more significance has to be given to address a range of social norms and structural patterns that impact one's thinking and hinder women's empowerment. It is vital to take up preventive interventions to truly empower women. Further, she is of the view that the unintended negative impacts of gender discriminatory educational, economic and social policies are too serious to be neglected and for the same reason must be looked into.

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