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“Who am I ?” : Questioning Existence of Women amidst Domestic Violence

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Abstract

The common sense perception of the society envisages home as a place providing love, protection, care, affection, tenderness, warmth, compassion and solidarity among its members. The researches carried out by most of the early sociologists also concur with this perception. However, this perception now proves to be wrong in view of the increasing violence and untold incidences taking place within the four walls of home, once considered the safest place of the world. The violence can be termed as a male's or female's atrocities towards another male or a female, an elder's to a younger or vice-versa. Such violence gets manifested on physical, sexual or emotional level, and is held as an intrinsic part of Indian society since times immemorial.

Violence on women takes many forms; it has far-reaching consequences on physical, sexual, and psychological health of women throughout their lives. It is the most pervasive yet least recognized human rights violation in the world. It is also a profound health problem, sapping women's energy, compromising their physical health, and eroding their self-esteem leading to depression and ultimately suicide. The main objective of the paper is to conceptualize and understand domestic violence on women in India in terms of its nature, magnitude, causes, and consequences and to devise the strategies to combat this problem.

Key Words: Domestic violence, women, human rights violation.

INTRODUCTION

Gender discrimination and women's exploitation have been serious issues in Indian society that is largely patriarchal. Men in this country see their manhood as the chief source of pride and identity and women are dismissed to marginal positions. Women have been treated as a commodity by men since times immemorial. Whenever they try to express themselves freely in the men's world, they are either silenced or punished. The patriarchal domination relegates women to their private sphere and debars them from the power that men wield in public life. They internalize their subjugation, try to comply with the patriarchal norms sacrificing all their desires, and suffer in silence. They are required to submit to the rule of father or husband or son or other males in the family. Their dilemmas and ordeals mostly remain unnoticed and untold. Violence on women is 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. (Declaration on the Elimination of Violence on women adopted by the UN General Assembly)

All parts of the world including the rural sectors, the towns, the cities and the metropolis are equally affected by domestic violence on women. The violence is inflicted by a man upon woman in various forms as physical, sexual, psychological and economic (UNICEF, 2000). Violence in any form is defined as any act that goes against the norms, values and culture and laws of the society. It is inflicted upon an individual or individuals with a manifest purpose or purposes in mind. Thus, it is an unlawful activity which causes conspicuously considerable extent of damage and harm when directed towards the human beings in society.

Males who are, or who have been, in positions of trust and intimacy and power— husbands, boyfriends, fathers, fathers-in-law, stepfathers, brothers, uncles, sons, or any other male relatives usually perpetrate violence in the domestic sphere. However, many of the victims of domestic violence have refused to either name the perpetrator of the assault or attributed the injuries to other reasons (Daga et al., 1999). In fact, many victims also justify the wife beating. A study was conducted upon 90,303 married women and it was discovered that there is widespread prevalence of domestic violence (21 percent, since age 15) in India and also the acceptance of majority of married women (57 percent) to at least one reason for justifying a husband beating his wife (Sahoo et al., 2007).

The National Crime Records Bureau Report of 1991 reveals that in every 33 minutes a husband abuses his wife. It also reveals that in 1989 one dowry death occurred in every 125th minute. In 1990, 91, 92 and 93 the figures were 109th, 102nd, 106th and 90th minute respectively. India's national Family Health Survey-III, carried out in 29 states during 2005-06, has found that a substantial proportion of married women have been physically or sexually abused by their husbands at some time in their lives. The survey indicated that nationwide 37.2% of women experienced violence after marriage. Bihar was found to be the most violent, with the abuse rate against married women being as high as 59%. Madhya Pradesh (45.8%), Rajasthan (46.3%), Manipur (43.9%), Uttar Pradesh (42.4%), Tamil Nadu (41.9%) and West Bengal (40.3%) followed it. National Crime Records Bureau has recorded an increase of 40% in the case of social harassment, and 15.2% in cases of dowry deaths. The NCRB statistics reveal altogether different picture of prevalence among Indian states. West Bengal now tops in the recorded domestic violence, followed by Andhra Pradesh and Rajasthan. The National Crime Records Bureau (NCRB) Report for the year 2017 further highlights some staggering statistics about the domestic violence on women. The percentage share of domestic violence on women in the cognizable crime has grown from 3.8% in 2007 to 4.3% in 2017. The cruelty by husband and relatives under IPC 498A comes at number four in the maximum incidences of cognizable crimes.

Violence on women is partly a result of gender relations that assumes men superior to women. Given the subordinate status of women, much of gender violence is considered normal and enjoys social sanction. Manifestations of violence include physical aggression, such as blows of varying intensity, burns, attempted hanging, sexual abuse and rape, psychological violence through insults, humiliation, coercion, blackmail, economic or emotional threats, and control over speech and actions. In extreme death is the result. These expressions of violence take place in a man-woman relationship within the family, state and society.

NATURE & MAGNITUDE OF DOMESTIC VIOLENCE IN INDIA

Violence in family or domestic violence, as we call it today, is not a recent phenomenon in India. Since times immemorial, domestic violence has been an inherent part of Indian society and thus a common practice in the country. Domestic violence in India, as in many other countries in the world, is viewed as not only a widely prevalent incident but also a hidden and ignored form of violence on women and girls. It has become so ingrained in the system that people start indulging in this act much before her birth in the form of female foeticide. Female foeticide emerges as one of the most prevalent domestic violence in India. It reflects an utter violation of female child's right to live (Swain & Hiwarkar, 2013). Female foeticide is evidenced in causing an imbalance in the sex ratio of the country by making a substantial fall in the number of female children. A research report appearing in the Times of India reveals that 80 per cent of the districts in India report a sharp decrease in the sex ratio of the female children since 1991 (Dhawan, 2006). The 95 sex ratio of India in the age group of 0-6 years has declined from 945 girls per 1000 boys in 1991 to 927 girls per 1000 boys in 2001 and still to a lesser number of 914 girls per 1000 boys in 2011 and the next census threatens to have alarming statistics. This constant decline in girl child sex ratio in the country is an outcome of the violence manifested in the form of female foeticide and female infanticide. Despite the fact that domestic violence is an indelible practice witnessing the Indian society over the ages since the ancient days, there has been very little or no intensive research among the family researchers towards this problem, which is growing unabated in the recent years.

Domestic violence deprives women of their right to speech, expression, education, employment, equal status, freedom and all that is beneficial for their wellbeing and development. Domestic violence has been conceptualized as a pattern of coercive behaviour by a spouse or intimate partner to gain power or control over the other. Thus in any violence that is directed on a woman, the abuser is her husband. However, domestic violence, as prevailing in the present context, has been inflicted on women by their in-laws as well. Even in parental home, a girl also suffers violence by her father, uncle or brother. The violence is called domestic because it is committed within the closed doors of the home by the near or distant relatives of the victims. Almost 15,000 women die every day because of various types of domestic violence in India (Ramanna, 2006).

Domestic violence can be seen as kicking, punching, biting, slapping, strangling, choking, burning with cigarettes, throwing acid, marital rape or forced sex, pushing woman out of house, confining her to home, etc. In almost half of the cases, violence becomes very severe like beating women with belts, iron rods, subjecting them to starving for days together, chaining, stabbing, threatening with murder, etc. Violence resulting from dowry cases appears to be relatively a recent phenomenon and is increasing because of people's greed for money, power and prestige. Failures of marriages, harassment, bride burning and death of newly wedded women have been the most common talks of the people in villages and cities as well.

Dowry seems to be giving an excuse to the husband and his family members for torturing and beating up the woman (Kishwar & Vanita 1984). There have been plenty of cases wherein violence or coercive acts take place due to the practice of dowry (Verghese, 1980; Singh 1981; Sundaram, 1981). Out of the total 1,32,720 cases of crime against women registered in 2003, the dowry deaths alone are found to be 6,285 while the other cases registered under the Dowry Prohibition Act come to be 2,532. In recent times, more than half of the dowry cases, the daughters-in-law either are thrown out of their husbands' home or return to their parental homes on their own. Hardly any of such daughters-in-law dares to file a case of divorce on the ground of cruelty or reports to the police. Rather, they keep on trying for a compromise. On being unsuccessful for a compromise, and with the violence being escalated, in most of the cases the daughters-in-law force themselves to commit suicide. In certain cases, even the parents are found compounding the plight of their daughters by persuading them to bear the violence silently, not to discuss the misery with others, and force them to go back to the hell-the violent home.

The history shows that the women in the country have suffered the extreme cases of domestic violence. Even today despite a reckonable social status of women, the reports showing violence against them are much larger in number than against their men counterpart. The United Nations' Population Fund, 2018 reports that in India 70 per cent of married women in the age group 15 to 49 are subjected to domestic violence like beating, marital rape or forced sex. It again reports that domestic violence has been inflicted on more than 55 per cent of women in the country, especially in the states like Bihar, U.P., M.P. and other northern states. A study report shows that while 75 per cent of schedule caste women are beaten up regularly by their husbands, in 70 to 80 per cent of the reported cases, the assault is committed on the female child. In such cases, the abusers are found to be the relatives of the child.

The most common causes of domestic violence on women have been identified as unfulfilled demands for dowry, denial of wife to have sex with husband, wife's argument with her partner, wife often moving out without informing the partner, infidelity towards her husband, her inability to bear a male child, her negligence towards the children and in-laws. However, consumption of alcohol by the male spouse and his involvement in extra-marital relationship are found to be the major causes of 97 domestic violence cases on women in the contemporary society.

One study reveals that husbands, in-laws and other family members have subjected 21 per cent of married women in the country to severe physical abuse since the early periods of their marriage. (IIPS and ORC Macro 2018). The official statistics have shown growing proportions of violence on women in India from time to time. The National Crimes Records Bureau reveals an increase in incidences of violence on women from 31 per cent in 1995 to 45 per cent in 1999 (NCRB 1995, 1999). Some population surveys indicate an increase in physical abuse of women of various socio-cultural milieu to the extent varying from 21 to 48 per cent (Jejeebhoy, 1998; Visaria, 1999; INCLEN 2000; Verma & Collumbien, 2013). These data are substantiated by more studies revealing physical violence on women. The studies, which have investigated physical violence on women by men, report that 21 to 40 per cent of men perpetrate physical violence on women (Duvvury et al., 2002; Verma & Collumbien, 2013). Findings from the surveys of

hospital records, court proceedings, NGOs and police records, reveal more or less the same rate of prevalence of physical violence perpetrated on women (Daga et al., 1998; Jaswal, 2000).

The prevalence rates of physical violence on women in India show some variation from one state to another. For example, Tamil Nadu reveals the highest incidence, with 40 per cent of women reporting the physical violence against them from the age of 15. States like Andhra Pradesh, Karnataka, Meghalaya, Arunachal Pradesh, Mizoram, Orissa, Bihar and Jammu and Kashmir report the incidence to an extent beyond 20 per cent. Himachal Pradesh has the lowest rate of incidence (5.8 per cent), followed by Kerala (10.1 per cent) and Gujarat (10.2 per cent) (IIPS and ORC Macro, 2018). The statistics on domestic violence on women enable us to put these states under the categories of low, moderate, high and very high domestic violence zones in India depending on the magnitude of such cases reported. For example, when the states such as Rajasthan, Kerala, Gujarat and Himachal Pradesh are identified as the low domestic violence zone, the states like Tamil Nadu and Meghalaya are recognized as the very high domestic violence zone. While Manipur, Nagaland, Maharashtra, Goa, West Bengal, Assam, Delhi, Punjab, Haryana and Sikkim are put under the moderate domestic violence zone, the states like Orissa, Bihar, Arunachal Pradesh, Andhra Pradesh, Uttar Pradesh Jammu & Kashmir, Karnataka, Madhya Pradesh and Mizoram belong to the high domestic violence zone.

A study conducted in 2015 shows that out of 1, 32, 720 registered cases of dowry related violence, 40, 282 were of very harsh nature and cruelty by husbands or relatives, whereas, 6, 285 were of dowry deaths. Similarly in another study done in the same year by the Centre for Social Research it was revealed that per annum nearly 5 million married women suffered from domestic violence in India. Just one out of 1000 of such cases of violence was reported, 98 out of 100 cases investigated under 498A of the IPC, the accused were convicted only in two cases. In another study, which is between April 2015 and March 2016, and which appeared in the local newspaper, it was reported that Maharashtra has the highest number of domestic violence with 2, 433 cases followed by the southern states of Andhra Pradesh with 1, 174 cases and Karnataka with 1, 013 cases. Compared to these states, Madhya Pradesh and Kerala have the lowest rate of domestic violence i.e. 882 and 631 cases respectively, as reported by the above study.

FORMS OF DOMESTIC VIOLENCE

Physical Violence

As mentioned earlier it is the most visible form of domestic violence. Physical violence includes actions like pushing, throwing, hair pulling, slapping, punching, hitting and use of a weapon, etc.

Emotional Violence

It has a huge and deep impact on a woman's psyche. As the impact of this violence cannot be quantified, it is difficult to recognize its presence and the extent of damage it causes. The Service de police de la Ville de Montréal (SPVM) explains that psychological violence has three aspects to it: Intimidation, Harassment and Threat. Psychological violence leads to social and emotional problems like depression, suicide and suicide attempts.

Sexual Violence

It is one of the most unreported forms of domestic violence and can be equated to sexual harassment. The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature. Sexual violence happens more frequently in marital relationship through marital rape or other forced sexual activities. Many a time, sexual violence goes unnoticed, as victims tend to hide it due to fear and belief that marital relationship gives unlimited sexual access to a husband over his wife. It is believed that women if married are safe in our society. However, if the devil prevails in her family itself it would be rather very difficult for her to escape. The relatives or family friends can commit rape or sexual abuse on helpless women.

Economic Violence

It broadly means denying the available economic opportunities and facilities to women. Olufunmilayo I. Fawole in her paper titled “Economic Violence to Women and Girls: Is It Receiving the Necessary Attention?” mentions that economic violence has gross impact on women's health and it leads to gross poverty and other forms of violence. She also explains that economic violence includes exclusion from financial decision-making, unequal pay pattern, prohibition on working and denial of property rights.

Torture during Pregnancy

It is one of the most inhuman tortures inflicted on women. Women need special care and attention and nutritious food during pregnancy. Researches indicate that 30% of the abuse starts during pregnancy and it may get worsen during pregnancy or after the birth of the child. Tortures during pregnancy can put the unborn baby and the mother in danger. It may increase the chance of miscarriage, infection, premature birth and sometimes death of the baby. Denials of facilities are nothing but a stress for the women to survive to deliver the baby.

Forced Prostitution

Forced prostitution or other kinds of commercial exploitation by male husband or parents are another kind of violence on women reported worldwide. Women are tricked or forced into prostitution by their husbands and relatives for money.

Murder

It is the cruellest form of violence on women. The murder of women by their husband and in laws is related to escalation of dowry demands and with more general harassment and severe beating of women. Demanding, giving and accepting dowry is illegal in India. The practice, however, still prevails in many sections of the society. The issue of dowry is probably the most common sources of domestic violence in India, where the husband along with his parents and relative tortures his wife for money. Sometimes women are killed by their husbands in sudden fit of anger.

CAUSES OF DOMESTIC VIOLENCE

Various studies have revealed the following common reasons for the occurrence of domestic violence:

Alcohol & Drug Abuse

Men's habit of consuming liquor is a common cause for quarrel between husband and wife. A drunken husband at home is seldom a pleasant sight for the wife.

Suspicion

Infidelity or suspected infidelity by the wife becomes a cause of spousal conflict that further leads to domestic violence. It is irritable to men to see their wives having good terms with other men. It fumes their baseless suspicion.

Economic Inequality

Economic inequality between men and women is another reason that creates rifts in families. Mostly the men are the bread earners in the family. Therefore, they feel that they should enjoy a superior position. This many a time translates into a coercive behaviour to suppress their partners.

Hierarchical Gender Relations

Hierarchical gender relations and established traditions in the family is one of the reasons of violence on women. Acts of violence on female members of the household, whether wife or child, are perceived as acts of discipline considered essential for maintaining the rule of male-authority within the family.

Polygamy

Tendency of polygamy (due to the woman's infertility, family pressures, extra-marital affair, etc.) sometimes gives rise to spousal fighting, which is the most demeaning experience for women.

Dowry Demands

Dowry demands torture the daughter-in-law to give in to their greed. Not only the husband but also the in-laws inflict injuries on women sometimes leading to heinous crimes.

Women's Headstrong Attitude

Sometimes, the rising awareness among women about their rights is another cause of violence on women. When literate and educated women raise their voice against such violence, it provokes and adds fuel to further violence from the male partners. Reports of incidents such as preparing a meal late or improper cooking or not disciplining and caring a child may seem trivial but these cases of failure to fulfil such duties becomes an excuse for violence on women.

CONSEQUENCES OF DOMESTIC VIOLENCE

Physical Consequences

Bruises, broken bones, head injuries, lacerations and internal bleeding are some of the acute effects of a domestic violence incident that require medical attention and hospitalization (Jones, 1997). Some chronic health conditions that have been linked to victims of domestic violence are arthritis, irritable bowel syndrome (Berrios, 1991). Victims that are pregnant during a domestic violence relationship experience greater risk of miscarriage, pre-term labour and injury to or death of foetus.

Psychological Consequences

Among victims who are still living with their perpetrators, high amounts of stress, fear and anxiety are commonly reported. Depression is also common, as victims are made to feel guilty for provoking the abuse and are frequently subjected to intense criticism. It is reported that 60% of the victims meet the diagnostic criteria for depression, either during or after termination of the relationship, and have a greatly increased risk of committing suicide (Barnett, 2001). The most commonly referenced psychological effect of domestic violence is Post-Traumatic Stress Disorder (PTSD). According to Vitanza, Vogel and Marshall (1995), flashbacks, intrusive images, exaggerated startle response, nightmares and avoidance of triggers that are associated with the abuse characterize PTSD. These symptoms are generally experienced for a long span of time after the victim has left the dangerous situation.

Health Consequences

Domestic violence has long-lasting adverse effect on women's reproductive health; including unwanted pregnancy, complications during pregnancy including miscarriage, unsafe abortion, sexually transmitted infections (STIs) including HIV, and maternal death. According to the World Bank Survey, in developing countries, rape and domestic violence together account for 5 per cent of the healthy years of life lost in a woman's reproductive age. The health consequences of domestic violence are considered as a burden on health care systems and a drain of resources. This lowers educational attainment, affects maternal health, and produces adjustment problems in children. An increasing amount of research also indicates that the acceptance and experience of domestic violence has adverse consequences on women's health and subsequently on the health of their children.

Economic Consequences

Domestic violence has also significant economic consequences like reduction in family income, increasing health care costs, job absenteeism, non-productivity and costs related attending to the rule of the law. Gender-based violence also compounds other effects of economic exploitation. In India, domestic violence is used as a bargaining instrument to extract huge amounts in the form of dowry from in-laws, once the marriage has taken place.

According to a World Bank report, one workday in every five lost by women in India is a result of health problems arising from domestic violence. The costs that a woman may have to incur as a victim of domestic violence are medical services related to physical, psychiatric, or psychological care; physical and occupational therapy or rehabilitation; necessary transportation, temporary housing, child care expenses, loss of income (if she is employed), attorney's fee in addition to the costs incurred in obtaining a civil protection order, and any other losses suffered by the victim as a proximate result of the offense.

STRATEGIES TO COMBAT DOMESTIC VIOLENCE IN INDIA

There are number of strategies, which must be taken care of to combat the problem. These are detailed out as under:

Strict Enforcement of Laws

The laws to combat domestic violence in India such as the “The Dowry Prevention Act, 1961”, “The Commission of Sati Prevention Act, 1987,” “The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994” and the recently passed “Domestic Violence Act, 2005, should be strictly implemented.

Human Rights Instruments

United Nations through its various platforms has declared domestic violence to be a serious human rights concern. The organization has come out with important decisions in this regard. Important among them being Beijing Conference and its 'Platform of Action' Appointing of Special Reporters on violence on women; Universal Declaration of Human rights (UDHR); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); Declaration on elimination of violence on women.

Government’s Promptness

Amongst immediate steps, the most important task of government is to check continuously deteriorating law and order situation. There should be vigilant policing round the clock both in cities and suburban areas and more women police officers should be deployed in all police stations. Speedy and time-bound justice is needed urgently. Delayed justice emboldens the spirits of criminal-minded elements in society, who take advantage of loopholes in law, which enables them to escape. Many culprits go off scot-free even after committing a heinous crime. Reforming the structure and systems of governmental institutions engaged in the law-making and enforcement tasks is the need of the hour.

Role of NGOs & Welfare Bodies

Non-governmental organizations and institutions should conduct series of seminars, workshops meetings at different places and on various aspects of violence on women to sensitize the general public about this sensitive issue.

Role of Media

Media should bring women issues to public domain in a forceful manner. They can play an important role in spreading awareness. They can provide a platform to speakers and panellists from different fields and eminent personalities responsible for decision-making to share their views and conduct an in-depth study on various gender issues, and view it holistically touching various aspects of the problem.

Role of Family

Family is the first and foremost institution, where children learn first lesson of humanity and social relationships. Family is the best place to inculcate positive values like honesty, simplicity, modesty, sense of responsibility and respect for elders. Childhood is the most formative, educative and impressionable time in a human's life and most appropriate time for inculcation of such values, as it remains permanently and firmly embedded in their delicate psyche throughout their life. Training for gender sensitization should be imparted within the family. Right from the beginning, all the children should be treated equally, without any gender-bias.

Role of Women

Instead of silently bearing all the atrocities perpetrated against them, women should raise their voice against injustice; create awareness among women about their rights and channelize their efforts by writing articles, organizing seminars, workshops etc. Irrespective of their social status in society, they should join hands, and work in a spirit of unity. They should raise their voice boldly against social evils like dowry, bride-burning, female infanticide, etc.

All-round Intervention

Efforts done so far on gender issue defy basic and simple solutions. Elimination of all kinds of violence on women requires channelizing simultaneously the attention and efforts of all the concerned people. This sensitive issue needs intervention and action at multiple levels— state, society and individuals in public and private capacities.

Besides this, there are certain suggestions to improve the situation, which are as follows:

- Call the police if you see or hear evidence of domestic violence.
- Support a friend or family member who may be in an abusive relationship.
- Volunteer at an organization that helps survivors or works to prevent violence.
- Raise children to respect others. Teach children to treat others, as they would like to be treated.
- Lead by example.
- Work to create a culture that rejects violence as a way to deal with problems. Speak up against messages, which say that violence or mistreating women is not wrong.
- Become an activist.
- Participate in an anti-violence event.
- Volunteer in youth programs.
- Become a mentor. Get involved in programs that teach young people to solve problems without violence.
- Ask about anti-violence policies and programs at work and educational institutions.
- At work, ask about policies that deal with sexual harassment, for example. On campus, ask about services to escort students to home safely at night and about other safety measures.

CONCLUSION

Violence on women is endemic in India. The reason is women in the country are highly vulnerable because of poor quality of life indicated by rampant poverty, lack of education, high under five mortality, poor health status, high fertility rate and high maternal mortality rate. Also contributing to the violence on women is societal mindset about women that has not changed much. Violence is perpetrated on women both inside and outside her home. As a result, Protection of Women from Domestic Violence Act, 2005 (DVA, 2005) was passed. The law came into force on the 26th October 2006.

The government and voluntary organizations are making efforts towards ending or minimizing violence on women. The efforts of the government are in the shape of enacting relevant legislations, issuing orders and launching various women welfare schemes. However, their implementation remains tardy, as the lower level government functionaries are not gender sensitive.

On the other hand, the voluntary organizations are taking both preventive as well as reactionary measures. However, efforts of the voluntary organizations suffer from paucity of funds and infrastructure. Education of the girl child is the first step towards a better society with no incidents of violence. Campaigns aimed at men and boys to increase awareness and change attitudes about gender inequality are effective tools. As individuals and responsible citizens, we need to spread awareness and report any act of violence on women around us. All must redeem women's humanity. Men's complacent adherence to age-old traditional patriarchal norms and codes, which relegates women to the margins, must be questioned and challenged by us. We must work for reconstruction and modification of gender roles to accord a fair human status to all women.

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