



Domestic Violence in India- Urban-Rural Dichotomy

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Abstract: Domestic violence was recognized as a criminal offence in India in 1983. The offence chargeable under section 498-A of the Indian Penal Code that relates to domestic violence is any act of cruelty by a husband (or his family) towards his wife. However, until recently, there was no separate civil law addressing the specific complexities associated with domestic violence. Domestic violence though widely seen in both rural and urban areas, there is no doubt that its prevalence is more in rural areas compared to urban areas. Education plays an important role in benefitting the lives of women. Gender bias is decreased due to education and employment of women in different sectors in urban areas. At the same time it should be noted that the work environment is not congenial for all women employees. Though women are educated and employed in many of the households domestic violence is seen relating to dowry, child birth or girl child issues.

Keywords: domestic violence, Education, Customary practices

Introduction:

Customary practices such as forced and child marriage, violence and killings linked to dowry payments and sex-selective abortion, honour killings, witch-hunting of women, and communal violence perpetrated against cultural and religious minorities continue to be practiced despite laws prohibiting them. Certain minority groups, including Dalits (who are at the bottom of the caste system) and Adivasi (indigenous tribal) women, and women with disabilities, often face multiple and intersecting forms of discrimination and violence.

The UN Special Rapporteur commented in her Mission Report dated 1st April 2014:

Violence against women in India is systematic and occurs in the public and private spheres. It is underpinned by the persistence of patriarchal social norms and inter- and intra-gender hierarchies. Women are discriminated against and subordinated not only on the basis of

sex, but on other grounds, such as caste, class, ability, sexual orientation, tradition and other realities. That exposes many to a continuum of violence throughout the life cycle, commonly referred to as existing "from the womb to the tomb". The manifestations of violence against women are a reflection of the structural and institutional inequality that is a reality for most women in India.¹ In the present Article an attempt is made to analyze the urban rural dichotomy in India with regard to Domestic violence.

Protection on Domestic Violence:

1. Legal Protection:

The following laws have been passed and amended from time to time to protect women from Domestic violence:

- The Hindu Succession Act, 1956²
- The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994³
- The Hindu Marriage Act, 1955⁴



- The Protection of Women from Domestic Violence Act, 2005⁵
- The Indian Evidence Act, 1872⁶
- The Medical Termination of Pregnancy Act, 1971⁷
- Cyber-Crime against Females⁸
- The Code of Criminal Procedure, 1973⁹

2. Indian Penal Code (IPC) Protection:

- Murder, culpable, homicide, not amounting to murder (Section 302 and 304, IPC)
- Causing dowry death (section 304B IPC)
- Abetment to suicide (section 306 IPC)
- Hurt and grievous hurt (section 332-338 IPC)
- Wrongful restraint and wrongful confinement (section 341 to 348 IPC)
- Word, gesture or act intended to insult modesty of women (section 509 IPC)
- Assault with the intent to outrage modesty (section 354, IPC)
- Rape (section 376, 376B, 376C, 376D, IPC)
- Criminal breach of trust (section 406 IPC)
- Cruelty by husband or his relative (section 498A, IPC)
- Bigamy (section 494, IPC)
- Fraudulent marriage ceremony (section 496, IPC)
- Deceitfully causing a person to believe that she is lawfully married (section 493, IPC)

- Adultery (section 497, IPC)

3. Constitutional Protection:

Article 14: 'Equality before law': The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India'.

Article 15: 'Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth. (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

Article 15(3) leaves scope for affirmative action for women: 'Nothing in this article shall prevent the State from making any special provision for women and children'.

Article 16: 'Equality of opportunity in matters of public employment ... (2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against, in respect of any employment or office under the State.'¹⁰

Magnitude of Domestic Violence in India:

Gender based violence at the hands of family or community members is a serious and widespread problem in India. A study published in 2014 found that 52 percent of the women surveyed, in the 18-49 age group, had experienced some form of violence at least once in their lifetime.

A recent G20 survey ranked India as the worst place to be a woman.¹¹ Female foeticide, domestic violence, sexual harassment, and other forms of gender-based violence constitute the reality of most girls' and women's lives in India. Domestic violence in India and



globally is grossly underreported in surveys and to the police is well known.¹²

Socio-economic indicators

According to various statistical sources, the population of India is estimated to be 1.24 billion in July 2014. The gender/age profile is estimated in 2014 as follows:

- 0-14 years: 28.5% (female 165,048,695 / male 187,016,401)
- 15-24 years: 18.1% (female 105,342,764 / male 118,696,540)
- 25-54 years: 40.6% (female 243,293,143 / male 258,202,535)

55-64 years: 7.0% (female 43,175,111 / male 43,625,668)

65 years plus: 5.7% (female 37,810,599 / male 34,133,175)

31.3 per cent of the population resided in urban areas, according to 2011 estimates. The 2001 Census profiled claimed religious adherence as: Hindu 80.5%, Muslim 13.4%, Christian 2.3%, Sikh 1.9%, other 1.8%, unspecified 0.1%.¹³Life expectancy at birth was estimated, in 2012, to be 69.1 years for females and 66.7 years for males.¹⁴

The following table is an illustration the magnitude of domestic violence in a nutshell.

| Age wise spread-over of violence | Physical violence since age 15 | Often | Sometimes | Total |
|----------------------------------|--------------------------------|-------|-----------|-------|
| 15-19 | 20.7 | 2.8 | 11.7 | 14.5 |
| 20-24 | 30.8 | 4.1 | 15.8 | 19.9 |
| 25-29 | 38.1 | 5.2 | 18.3 | 23.5 |
| 30-39 | 39.4 | 4.6 | 16.4 | 21.0 |
| 40-49 | 37.7 | 3.1 | 12.4 | 15.5 |

Source: NFHS-3, India, 2005-06.

From the above table by age, the prevalence of physical violence is lowest, at 21 percent, for women age 15-19, followed by 31 percent for women age 20-24 and 38-39 percent for women in the older age groups. The prevalence of violence has an inverted U-shaped relationship with age, with the highest prevalence (24 percent) found for women age 25-29 and the lowest (15-16 percent) for the youngest and oldest women. Women age 25-29 are also somewhat more likely to experience violence often. Rural women are more likely than urban women to have ever experienced physical violence since the age of 15, and to have experienced it.

Another study published in 2014 by the International Center for Research on Women (ICRW) and United Nations Population Fund (UNFPA), which surveyed 3,158 women and 9,205 men aged 18-49 in seven states, found that:

- 52% of the women surveyed reported that they had experienced some form of violence during their lifetime;
- 60% of the male respondents said that they had acted violently towards their wife/partner at least once;
- Men who did exert control through violence were diverse in age,



educational status, place of residence and caste status. Educated men and women aged 35+ years were less likely to perpetrate or experience violence.¹⁵

In India, one in every ten women reported facing sexual violence by their husbands during their lifetime. 35.1% of the sample women reported to surveyors of the third round of the NFHS in 2005-06 (on which the UN Women 2011 figures for India are based) that they have experienced physical violence by their intimate partners in their lifetime. 35.4% of the women had experienced sexual or physical violence, or both, during their lifetime by anyone.¹⁶

Domestic violence in Urban Areas

Globalization has clearly benefited a sector of India's women. The elite, educated and upper middle class, especially in the cities, have gained by exposure to Western ideas on such issues as women's roles, career options, and jobs. More Indian women than ever are engaged in business enterprises, international platforms, multi-national careers like advertising and fashion, and have better opportunities because of the free movement of goods, ideas and capital and the improved Indian economy that has been the result of globalization. Indian government statistics also show the unemployment rate for educated women (and men) has declined considerably from the late 1970s to early 1990s.

By many accounts, the business environment in India is more hospitable to women compared to similar developing countries. Men still largely dominate strategic sectors such as policymaking and finance while women fare better in media and advertising. Financial

institutions are said to have stricter loan standards for women entrepreneurs while sales jobs requiring fieldwork are often advertised for men only. Despite this adversity, the number of women applying to the prestigious Indian Institutes of Management is growing.

The struggle for women's equality began in India in the 20th century, as an offshoot of the fight against British colonialism. Western-educated leaders like Mahatma Gandhi initiated this struggle by stating that a woman is completely equal to a man. Millions of women, educated and illiterate, housewives and widows, students and elderly, participated in India's freedom movement because of Gandhi's influence. At the same time, women came into their own when they took over for the imprisoned men and expanded the push for independence. In itself, the idea of equality between genders, which derives from Western ideas of individual freedom, was alien to the traditional, family oriented Indian society.

India's famous female Prime Minister, Indira Gandhi, owes her entrance into power to her status as the daughter of India's founding Prime Minister and heir to the dynastic, Nehru-Gandhi political family line which eventually gave India three prime ministers. She downplayed her pioneering role as a woman in politics by saying, "I do not regard myself as a woman. I regard myself as a person with a job." The percentage of women in the parliament in India is currently 9 per cent, down from a peak of 10 per cent in 1988.

It is present even in the well-educated sections of Indian society. Even educated



men who claims to have a rational mind and the ability to think and distinguish between what is correct and what is wrong make such grave mistakes of domestic violence. Even if they are educated, when it comes to giving women a position at par with them, their orthodox mentality comes forth. They can never accept the fact that their wife (better half) can prosper more than them and have a better position in the society. If a wife is earning more than a husband, it also becomes a reason for domestic violence. But it has been noticed that majority of the women in the fear of bringing bad name to their family, don't open their mouths and go on suffering through all the pain and pressure.¹⁷

Domestic Violence in Rural Areas:

The possibility of domestic violence is more rampant in rural areas. In rural areas, young girls are married off at the tender age of 12 or 13 before they reach puberty. They have little knowledge about sexual relationships which they are going to share with their husband. On the other hand, men are mature enough and they expect a lot from their marriage. When the women can't fulfil the needs and urges of the man, he starts exploiting and man-handling her. She has no clue how to handle the situation and so she escapes to her father's house. But there also, she gets no sympathy from her own parents and she is forced to return to her husband. When she comes back, the treatment which is met out to her is even worse and due to all these reasons, when situations go out of her hand and she can't bear anymore then she is forced to end her life.

Rural women are less or not educated at all, so it is difficult for them

to find a solution to fight against domestic violence. They are not even welcome in their father's family. No one wants to understand their status or mental condition. Sometimes, their own relatives hold them responsible for not being able to keep the man happy. Such social dogmas weaken a woman from inside and she is forced to take some drastic step which can put an end to her problems permanently.

Urban-Rural Dichotomy – A Comparison

: In a survey in the city of Delhi in 2010, it was found that 3.8% of the women respondents had faced sexual assault or rape, 45.4% had been stalked, and 80.8% had faced verbal harassment. 0.8% of these incidents were reported to the police¹⁸.

Delhi, for example, is an urban area which has consistently higher reporting and lower incidence of violence than other states for all three types of violence for which state-wise estimates are available, while Bihar has low reporting rates and high incidence for all the three types of violence. Delhi is not exactly comparable to Bihar, since Delhi is primarily a city with much higher income and literacy levels than Bihar, but since Delhi is frequently in the news for sexual violence, this is a useful comparison. Himachal Pradesh, a state with better gender indicators than other states, has comparatively lower incidence of violence for every kind of violence, and comparatively higher reporting for physical violence by others and sexual violence by husbands, but low reporting for physical violence by husbands. Kerala, falls somewhere in the middle of other states for both reporting and incidence of violence.¹⁹ The neighbouring state of Tamil Nadu is also similar to Kerala. Low reporting of sexual violence, despite



regional differences, remains a problem in all Indian states.

In a similar survey in the city of Thiruvananthapuram in 2009-2011, 1% women says that they had faced sexual assault or rape in the last year, 37% said that they had been "stalked", and 90% had faced "verbal abuse."²⁰ Only 5.4% of the women who had been sexually assaulted or harassed reported the incident to the police.²¹

Another survey of two districts each in Rural Uttar Pradesh and Tamil Nadu finds that while 44.7% of the women had been beaten by their husbands in Uttar Pradesh and 58.9% had been intimidated in Tamil Nadu, the numbers were 37.2% for beating by husband and 36.2% for intimidation by husbands.²²

Violence in the north-Indian states of the Hindi-heartland is higher than other states of India. This is true for under-reporting as well. Surprisingly, violence against women, especially spousal violence is very high in the state of West Bengal, and reporting is low as well.

Another survey conducted to find facts about violence It is found that the rate of intimate partner violence against urban residents (5.1 per 1,000) was higher than the rate of violence against suburban (3.0 per 1,000) and rural (4.3 per 1,000) residents. Rural residents had higher rates of violence perpetrated by immediate family members (1.6 per 1,000) than urban (1.2 per 1,000) and suburban (1.0 per 1,000) residents. Rates of intimate partner violence were higher than rates of violence committed by immediate family and other relatives for residents in all areas. The rate of violence committed by acquaintances was higher

for victims living in urban (8.8 per 1,000) and rural (9.5 per 1,000) areas than in suburban areas (7.8 per 1,000). Urban areas had the highest rate of stranger violence (14.2 per 1,000).²³

Several differences exist in urban and rural areas that can explain why the rate of family and intimate partner violence might be higher in rural areas. These factors include: the geography of rural areas facilitates the kind of isolation that supports rural family violence as well as in rural communities, people are more likely to know each other. The literature on rural women and children point to the following factors that influence rates of domestic and family abuse compared to urban areas.²⁴

- social and physical isolation
- lack of education
- less political and social autonomy for women than for men, along with a more traditionalist, conservative view of women and children
- poverty and economic distress
- population loss and particularly the outmigration of young people
- the inaccessibility of services to enhance the health and well-being of women and children

Carsey Institute conducted a study on urban and rural differences in the community context of partner violence and the effectiveness of protective orders. Key findings include:²⁵

- Civil protective orders are effective in reducing partner violence for many women.
- The impact of civil protective orders on reducing violence and abuse did not differ for rural and urban women.



- Community-level barriers to enforce civil protective orders exist for women in rural areas.

Rural poverty is a particular concern regarding domestic violence. Studies have shown that poverty and domestic violence are related. Poverty greatly contributes to family and relationship stress and limits victims' ability to leave abusive partners or family members. Nonmetropolitan poverty rates are higher than those in metropolitan regions for many demographic groups.

In some situations, poverty may exacerbate the likelihood of experiencing domestic violence. Poor women may feel trapped in unhealthy relationships if they have fewer options to support themselves and less social support to offer financial help. Domestic violence survivors may be in need of legal assistance for protection orders, divorces, child custody proceedings and other legal matters that are a consequence of abuse or violence. In rural areas, it can be more difficult to find an affordable lawyer or legal aid. Law enforcement and the courts in rural communities may be less familiar with issues of domestic violence and appropriate responses.

Conclusion

Domestic violence though widely seen in both rural and urban areas, there is no doubt that its prevalence is more in rural areas compared to urban areas. Education plays an important role in benefitting the lives of women. Gender bias is decreased due to education and employment of women in different sectors in urban areas. At the same time it should be noted that the work environment is not congenial for all women employees. Though women are educated and employed in many of the

households domestic violence is seen relating to dowry, child birth or girl child issues. However when we study the statistics it is clear that rural women are proved to be more oppressed and facing domestic violence due to their lack of education and poverty. Lack of knowledge of legal support and help from voluntary organization is another reason for rural women suffering domestic violence. Steps must be taken to conduct awareness programmes in rural and semi-rural areas so that this section of the people could come forwards to complain about domestic violence and seek legal aid.

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