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## DOMESTIC VIOLENCE AS A VIOLATION OF HUMAN RIGHTS AGAINST WOMEN IN KERALA

Women constitute almost the half of the total world population. Gender based violence is a common reality in the lives of women and girls in many parts of the world, developing and industrialised countries alike. It has been recognised as a violation of basic human rights of women and of their exercise of fundamental freedom. In all societies, to a greater or lesser degree, women and girls are subjected to physical, sexual and psychological abuse that cuts across lines of income, class and culture. The low social and economic status of women can be both a cause and a consequence of this violence. Though there were several attempts to upgrade the status of women, the condition of women remains the same but for a few changes among some sections of women. History shows that women have never had an opportunity to express their individuality, since their freedom has always been suppressed by their immediate society. It is in this backdrop, that one has to analyse the status of women. The methodology used in this study is historical and analytical in nature. The data were collected mostly from secondary sources. Available primary sources were also consulted.

The status of women in Modern India possesses a paradoxical picture. As compared with past women in modern times have achieved a lot but in reality they still have to travel a long way. Earlier the status of women in India as a whole was very low when compared to their male counterparts due to several socio-economic and cultural factors like dominance of male chauvinism in the society, non-existence of employment opportunities, lack of education, absence of absolute property rights, social prejudices, dowry, social evils like sati, Jauhar, pardha, child marriage, denial of remarriage to widows and restriction on girl education, etc. During the Vedic Age, women were accorded an honoured place in the society. Lopamudra, Apala and Viswambara were the most enlightened women of that age who have surpassed their male counterparts. The status of women in the Vedic Age was high. They were instrumental in all the decision making process in their provinces. They were respected and placed in the highest esteem. Women enjoyed equal status and rights during the early Vedic period. However, later (approximately 500 B.C.), the status of women began to decline with the Smritis (especially Manusmriti) and with the Islamic invasion of Babur and the Mughal empire and later Christianity

curtailing women's freedom and rights. With the rise of Brahminism and due to conflicting religious and social thoughts, the place of women remained subordinate and unsatisfactory. Buddhism and Jainism, however, continued to give a place of honour to women and were eligible for admission to the religious order in both these religions as is evident from the fact that Bhikshuni Sanghamitra was one of the main proponents of Buddhism of her time. Women of Kerala who obtained higher position in law, medicine, journalism and education during this period include Annachandi, Dr. Mary Punnan Lukose, Dr. Mettilda John, B. Bhagheerathi Amma, Gouri Sankunni, etc. Anna Chandi was the first woman who obtained degree in law and many newspapers gave blessings to her for obtaining such a degree. Suriyani Christian community gave 'Suvarna Mudra' to Mary Punnan, who obtained degree in Medicine. During this period, each community used to give blessings and encouragement to the women who got higher education. Many communities during this period were also pressuring on the Government for giving Preferences to women in Government employment. There were women owned and administered schools such as Agasta Blan Ford in Trivandrum and Mrs. Baker School in Kottayam and these schools provide better education. The new ideas about employment, reservation and financial assistance to Women, especially for technical education were very much discussed during this period in Legislative Assembly, Medias, public speeches, etc. There was large number of eminent women with regard to social reformation and compassion activities and Mudukulam Parvathy Amma, Arya Pallam, Parvathy Nenmini Mangalam, Devaki Narikkattiri were some of them. K.Chinnamma, the founder of Hindu Mahila Mandiram', located even now in Thiruvananthapuram, was the leading example for women engaged in compassion activities.

Kerala is the smallest state in Indian union. It occupies one percent of total landed area of India with a population of 3.33 crore which is three percent of total population of India 2011 census. Kerala has often been regarded as the land of women. Historically the state has been quite different from the rest of the country in terms of the indicators of women's development. The Kerala model of development owes its attributed success to the achievements in the areas of health and education where the contribution of women is particularly significant. Several factors have contributed to the success. The matriarchal system that prevailed among some of the dominant communities in the past, the progressive social movements, government policies, and a historically conducive climate are a few of the other factors that have been identified as contributors to the success of women in Kerala. Along with the government, various Christian missionaries like LMS, CMS and BEMS- the pioneers of women's development made continuous efforts to popularize women's education and empowerment. LMS missionaries were the first protestant missionary society which sent missionaries to Kerala. Johanna Mead was the pioneer missionary in the field of women's education in Kerala. The activities of the missionaries helped to change the attitude of the people towards girl's education. Members of each caste became aware of their rights in the society and tried to improve their conditions. Certain social evils such as sati, smarthavicharam, devadasi system, Pula Pedi etc disappeared from the society of Kerala. Communities such as Ezhavas, Nadars, Nairs and Harijans were guided by great visionaries and

monastic orders (Ashrams) - Sree Narayana Guru, Sri Vaikunta Swamikal, Sree Chattambi Swamikal & Ayyankali - who exhorted them to educate themselves by starting their own schools. The teachings of these saints have also empowered the poor and backward class women to organize themselves and bargain for their rights. The rulers of the Princely state of Travancore (Thiruvithaamkoor) were at the forefront in the spread of education. A school for girls was established by the Maharaja in 1859, which was an act unprecedented in the Indian subcontinent. Starting with the turn of the last century, the state had a favorable sex ratio (1004) which gradually picked up and reached 1084 in 2011 (India figure is 940). Similarly in terms of literacy, infant mortality rates, birth rate, and mean age at marriage, women in Kerala score higher than their counterparts elsewhere in the country. In fact, the girls outnumber boys from the secondary school level onwards due to their lower dropout rates. Girls constitute 52% at the plus two level. The Kerala model is defined as the Kerala's high standard of living (comparable to US or Europe) at very low per capita income which is only 1/80th of US citizens per capita income. According to Frank and Chasin this model is "a set of economic practices developed in the state of Kerala, resulted in attaining a high level of standards in human development, despite having a very low industrial development" (Frank and Chasin 2000).<sup>2</sup> The term matrilineal system refers to groups that trace their ancestral descent through maternal lines instead of paternal lines and in which familial authority is wielded by women. The status of women is better in matrilineal families whereas they are in subordinate status in patrilineal families.

Feminist analysis of violence has been based on power relations between men and women that deny women equal access to power thus making resources them more vulnerable to violence from men. The cause of this violence can be traced to patriarchy. The ideology that bestows that men power and authority over all aspects of women's lives including their bodies.

### **Why this huge increase of violence in a highly literate state?**

Most people have a glorified image of Kerala as a matrilineal society that boasts several positive social indicators. However, the matrilineal system existed only among the Nairs and a few other communities. And none of the social or political movements that contributed to great change in Kerala (class, caste, etc) ever took up gender issues or upheld the dignity of women. Why does a state that boasts India's highest literacy levels and excellent social development indicators see a 300% increase in violence against women? Possibly because literacy and education do not change mindsets. In a deeply patriarchal society, education teaches women only to be good wives and mothers. Recent research carried out by organizations and individual researchers suggests that routine violence against women is high in Kerala. What propels such widespread violence against women in the state where women are so highly literate?. The International Center for Research on Women (ICRW) study found that Thiruvananthapuram had a very high prevalence of domestic violence. Violence in Thiruvananthapuram is about 64% in urban non-slum areas and 71% in rural areas. This is higher than Bhopal, Lucknow, Nagpur and Vellore .

Another study on gender-based violence in Kerala, undertaken by Sakhi in 2004 for the Kerala government's department of health, revealed that 40% of respondents had experienced violence in the home at some point in their lives. Another study conducted in Kerala found that 45 percent of women had at least one incident of physical violence in their lifetime. More psychological and physical violence was reported by women who had less social support.

## REASONS FOR DOMESTIC VIOLENCE

1. Availability of alcohol and drugs in the region. In Mundakkayam, within two kms, there are two outlets of Beverages Cooperation. Added to this, in the hilly regions and in certain houses preparation and sale of illicit liquor is common.
2. Erosion of societal values
3. Religion's role in the individual's life is reduced
4. Problems related to dowry
5. Changing attitude of society towards old. Today they are considered as a burden.
6. Pressure of nuclear families such as a. Going behind money b. Feeling of poverty by Comparisons c. Diseases d. Frustrations e. No sincere relationships.
7. Cutting the boundaries of male- female relationships
8. Alcoholism among the women
9. Economic independence of women
10. Women are not aware of their position.
11. Lack of self satisfaction
12. No respect to the opposite sex
13. Women are looked as commodity.
14. Imitation of other culture
15. Homosexuality
16. No proper socialisation and as a result of this children are going away
17. Families are engaged in parties and other activities and children follow the same without understanding the context.
18. Good values in the family such as sincere love, respect to members, responsibility,

Patience etc are lost

19. Pregnancy and abortion before marriage
20. Behavioural problem of the partners.
21. Extra marital relationships and its consequences.
22. Slavery to mobile phones and internet.
23. Valueless education
24. Lack of proper sex education
25. Misunderstanding about sex
26. Unnecessary celebrations
27. Deterioration of societal values because of changing political scenario
28. Belief that women are free and therefore she can do anything
29. Going for employment outside the country without clearing all the papers

A research study conducted by C.S. Chandrika (1998) on sexual harassment at the workplace as a part of the study for SAKSHI, an NGO in New Delhi found that 95% of the women felt that there was prevalence of sexual harassment at the work place in Kerala. Another phenomenon is that of 'missing girls' in Kerala.

### **Violence against Women: A Theoretical Framework**

Male violence against women is worldwide phenomenon and can be understood as the consequence of characteristics of societal structures like class, gender, etc. Violence against women is sometimes a mechanism for subordination or sometimes women's unequal status favours their vulnerability to violence.

### **Defining Violence against women**

The most widely used definition of violence against women (VAW) is:

The Declaration on Elimination of Violence Against Women adopted by the UN General Assembly in 1993, defines Violence Against Women as "any act of gender based violence

against women 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 deprivations of liberty, whether occurring in public or private spaces”.

The Centre for Diseases Control in the US has defined four different types of violence:

- Physical violence
- Sexual violence
- Threat of physical or sexual violence, and
- Psychological or emotional abuse.

Economic violence is another category of violence identified by the UN Special Rapporteur on Violence against Women. This is perpetrated usually by an intimate partner or family member and includes economic blackmail, control over money a woman earns, denial of access to education, health assistance or remunerated employment and denial of property rights. Gender-based violence against women takes many forms and occurs throughout a woman’s life cycle. Heise (1994) describe the different forms of violence that women experience throughout their lifespan.

### Forms of violence experienced by women throughout their lifespan

Phase	Type of Violence Present
Pre-birth	Sex-selective abortion; battering during pregnancy; coerced pregnancy.
Infancy	Female infanticide; emotional and physical abuse; differential access to food and medical care.
Girlhood	□ Child marriage; genital mutilation; sexual abuse by family members and strangers; differential access to food, medical care and education.

## Adolescence

- Violence during courtship; economically coerced sex (e.g. for school fees); Dowry system, sexual abuse in the workplace; rape; sexual harassment; arranged marriage; trafficking.

## Reproductive age

Physical, psychological and sexual abuse by intimate male partners and relatives; forced pregnancies by partner; sexual abuse in the workplace; sexual harassment; rape; abuse of widows, including property grabbing and sexual cleansing practices.

## Elderly

- Abuse of widows, including property grabbing; accusations of witchcraft; physical and psychological violence by younger family members; differential access to food and medical care.

A serious issue in the context of Kerala is the atrocities against tribal women and the increasing number of unwed mothers in tribal hamlets. According to an ICRW-INCLIN (International Centre for Research on Women and International Clinical Epidemiologist Network) study (2000), Thiruvananthapuram, the capital city of Kerala, ranks first among five cities in India in prevalence of domestic violence. There are increasing reports of dowry-related violence, rape (1019 reported rape in 2012) and other atrocities against women in Kerala. Kerala has recorded 23,853 cases involving violence, including rape, against women and 1,326 cases of attack on children in the past two years (2013). Domestic violence dominate among the crimes against women in Kerala, a study by the Institute of Social Science for Kerala Police (2013) has revealed. As much as 51.4 per cent of the crimes are related to domestic crimes which are more

common among the women who are between 26 and 40 years (44.9 per cent). Poverty coupled with alcoholism is the root cause for crime against women, it has been revealed. But there are other causes among which the most vulnerable ones are social media and modern ICT tools. A high level of divorced and widowed women at the macro level state data and micro level panchayat data show the poor status of women in the Kerala society.

### **Conclusion and Suggestions**

Centuries have come, and centuries have gone, but the plight of women is not likely to change. Time has helplessly watched women suffering in the form of discrimination, oppression, exploitation, degradation, aggression, humiliation. It has been seen that when the society imposes sanctions against the perpetrators of violence, the women are empowered to exert for their rights. Only when the family and the society are democratized, the status of the women is strengthened. At this time, it becomes the duty of the state to facilitate and strengthen the process. The solution lies in the fact that women empowerment approach to combat violence against women should be well integrated and interwoven into all policies and programs of the governments. Women should be equal partners not only at the public places but should have adequate control of their own resources.

The following measures can be considered for bringing phenomenal change in the status of women.

1. There should be co-ordinated efforts of police, administration and judiciary for enforcing measures against atrocities on women.
2. Efforts should be made for the proper and effective enforcement of existing laws related to women.
3. Police need to be sensitized to treat domestic violence cases as seriously as any other crime. Special training to handle domestic violence cases should be imparted to police force. Women representation in the police force should be increased.
4. Non- Governmental agencies and private institutions need to be a part of any initiative that seeks to address the issue of Domestic Violence.

5. People's Planning Programmes through self Help Groups and Neighbourhood Groups should be encouraged to facilitate mutual sharing between women
6. More counseling centers with professionally qualified counselors should be started at the rural/urban areas focusing more on domestic violence victims.
7. Pre-marital and post marital counseling should be made compulsory resulting in the minimization of the breaking down of families.
8. Frequent legal awareness camps for women empowerment and spreading social awareness about women's status & rights should be organized in rural /urban areas.
9. Male attitudes and society's attitudes need to undergo change. Since prevention of domestic violence requires fundamental changes in attitudes and behaviour, it confronts societal and individual resistance to change.
10. To increase the reporting of such cases at first we need to empower the women and children. They must be educate on their rights and encourage them to come forward to register the cases. There are many violent cases but due to stigma in the society very few are reported.
11. Punishment of every culprit need to be exemplary
12. Law enforcers should be well trained to react swiftly and with sensitivity towards the women and children cases.
13. Women's Commission should be given more penal powers beyond just recommendatory powers. It should be expanded with more members and provided adequate resources and personnel .

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