

# Women at Risk: Understanding Power and Violence in Kashmir

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## ABSTRACT

*From times immemorial, Patriarchy has always been an instrument of oppression and exploitation against women resulting in the various forms of gender based violence. It occurs in all settings; at work, in the home, in the streets and the community at large, in situations of armed conflict and is perpetrated by men. Most significant fact is that women and girls experience violence primarily at the hands of men they know and within the so-called 'safe heaven' of the home and family. In all of these situations gender power differentials and other inequalities play an important role in the dynamics of violence. Women in Kashmir equally share the sorrows and fortunes of life with women in order parts of world, although the practice of infanticide, foeticide, dowry deaths are not resorted to, women are generally abused and maltreated, subjugated and physically victimized right from their childhood because of the socially structured inequality. The present paper examines the nature and extent of domestic violence against women in Kashmir and to come up with the strategies to deal with such violence against women. The research paper is based on the empirical findings.*

## INTRODUCTION

Violence against women is a worldwide problem because it includes half of the humanity. Women all over the world face multiple forms of violence just because of being women. There are many cultural and structural causes which provide sound basis for the continual perpetuation of violence against women all over the world. According to Harvey and Gow (1994), "History of violence against women is tied to the history of women being

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viewed as property and a gender role assigned to be subservient to men”.

The argument of imitable gender differences was, of course, first used against women in male patriarchal discourse to claim that women were inferior and subservient to men. (Ritzer 1996: 447) Although there is no single feminist perspective on male violence against women, it is in the work of radical feminists that the most detailed analysis are to be found (Robinson 1993:177). They see male violence as a mechanism through which men as a group as well as individual men are able to control women and maintain the supremacy (Ibid. p. 176). At the core of their approach is the view that violence is both a reflection of unequal relationships in society and serves to maintain those unequal power relationships. It reflects and maintains the power that men have over women over society generally and also therefore within their personal relationships. The term patriarchy is usually invoked as a way of conceptualizing the oppression of women which results. The term came into its own in the second half of the 19th century at the confluence of classical legal studies and anthropology, i.e. family and kinship where it was paired with an antonym, matriarchy.

Men, infact, hold an influential view of violence whereby violence does indeed have its own social or material rewards which include social control, normative approval and management of masculine identity.

In view of this, the radical feminist have developed a broader definition of violence which links together a number of different forms through it occurs and is experienced. This definition encompasses a wide spectrum of behavior including rape, sexual assault, wife beating, sexual harassment, incensed sexual abuse and pornography. They looked at these by virtue of the fact that they are overwhelmingly male acts of aggression against women and girls. They argue that these are the mechanisms through which women are socially controlled.

According to the International Planned Parenthood Federation (2000), gender-based violence is defined as physical, psychological and economic abuse of a woman by her partner or by another person within home or family. Physical violence includes physical torture ranging from beating to extreme forms of violence such as burning and murdering of woman. Psychological violence normally includes verbal aggression, humiliation, deprivation of freedom and rights, etc. Whereas, in economic violence, the man does not permit woman to work so that he might have full control over the income of family.

Thirty years after the adoption of the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), many girls and women still do not have equal opportunities to realize rights recognized

by law. In many countries, women are not entitled to own property or inherit land. Social exclusion, “honor” killings, female genital mutilation, trafficking, restricted mobility and early marriage among others, deny the right to health to women and girls and increase illness and death throughout the life-course. A report from *Human Rights Watch* also describes how women’s rights have not been observed in some countries as much as expected; in some places claims are made that women’s rights will be respected more, yet policies are sometimes not changed enough—or at all—thus still undermining the rights of women.

In India, the problem of violence against women is a result of a long standing power imbalance between men and women. Men have control over access to property and resources. There is also a sexual division of labour in India that results in female exploitation—physically, mentally, and commercially.

Radhika Coomaraswamy identifies different kinds of violence against women, in the United Nation’s special report, 1995, on Violence Against Women;

- Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non spousal violence and violence related to exploitation.
- Physical sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.
- Physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs (Mathur 2004:27, 28).

This definition added ‘violence perpetrated or condoned by the State’, to the definition by United Nations in 1993. Coomaraswamy (1992) points out that women are vulnerable to various forms of violent treatment for several reasons, all based on gender.

- Because of being female, a woman is subject to rape, female circumcision/genital mutilation, female infanticide and sex related crimes. This reason relates to society’s construction of female sexuality and its role in social hierarchy.
- Because of her relationship to a man, a woman is vulnerable to domestic violence, dowry murder and sati like incidents. This reason relates to society’s concept of a woman as a property and dependent of the male protector, father, husband, son, etc.

- Because of the social group to which she belongs, in times of war, riots. Or ethnic, caste, or class violence, a woman may be raped and brutalized as a means of humiliating the community to which she belongs. This also relates to male perception of female sexuality and women as the property of men.
- Combining these types of abuse with the concept of hierarchical gender relations, a useful way to view gender violence is by identifying where the violence towards women occurs.
- Essentially, violence happens in three contexts - the family, the community and the state and at each point key social institutions fulfill critical and interactive functions in defining legitimating and maintaining the violence.
- The family socializes its members to accept hierarchical relations expressed in unequal division of labour between the sexes and power over the allocation of resources.
- The community (i.e., social, economic, religious, and cultural institutions) provides the mechanisms for perpetuating male control over women's sexuality, mobility and labour.
- The state legitimizes the proprietary rights of men over women, providing a legal basis to the family and the community to perpetuate these relations. The state does this through the enactment of discriminatory application of the law (Mathur 2004).

## DOMESTIC VIOLENCE

Among all forms of violence faced by the women, Domestic violence is one of the emerging crimes against women which is linked to their disadvantageous position in the society.

Domestic violence is any act of physical, sexual, or psychological abuse, or the threat of such abuse, inflicted against a woman by a person intimately connected to her through marriage, family relation, or acquaintanceship is universal and has its root in the socio-cultural set up of the society. The perpetrators of domestic violence have often been found to be the males and the victims, their sexual partners. It is always the women who have to be in the tight rope, subject to inequality and looked down as an inferior sex. Starting from childhood to the end of her life she has to be under the control of father or husband or the son. The subordinate status of women combined with socio cultural norms that are inclined

towards patriarchy and masculinity can be considered as an important factor determining the domestic violence (Sahoo 2000). Internationally, one in three women have been beaten, coerced into sex or abused in their lifetime by a member of her own family (Heise 1999).

### **Review of Studies**

In view of the frequency as well as the pervasiveness of domestic violence, many researchers in the past have carried out to assess the situation besides exploring its possible cause and subsequent consequences for society in general and women in particular. Researchers and professionals have identified that domestic violence escalates in both frequency and severity over time and without intervention, battering may grow into a habitual way of resolving family conflicts (Pandey 2008:27). INCLEN (2000), found it as an issue that knows no age, education, social class and religion in India. The same study is of the view that forty percent women had experienced at least one form of physical violence in their married life. Murthy et al. (2004) argues that numbers of family members, kind of marriage and husband's level of education besides menstrual problems have significant influence on domestic violence. While many researches come out with argument that lifestyle of men such as smoking, alcoholism and drugs promote men to commit domestic violence (Leonard, 1992; McKenry et al., 1995; Rao, 1997 and Bhatt, 1998), some are of the view that masculinity and domestic violence are closely interlinked (Duvvury and Nayak, 2003 and Hamberger et al., 1997). Again, persons with lower socialization and responsibility are found to be the enhancers of the problem (Barnett and Hamberger, 1992). Studies have also revealed that sons of violent parents (Martin et al, 2002), men raised in patriarchal family structure that encourages traditional gender role (Fagot et al., 1998 and Malamuth et al., 1995) are more likely to abuse their intimate partners. Gendered socialization process is what mainly is responsible for domestic violence (Sahu, 2003). Another study among Uttar Pradesh men by Gerstein (2000) is of the view that illiteracy or comparatively minimal educational standard and poverty are important reasons for domestic violence. Further, marriage at a younger age makes women vulnerable to domestic violence (Mishra, 2000; Hindin, 2002 and Rao, 1997). Lower socioeconomic status has been linked to domestic violence in numerous settings worldwide (Koenig et al., 2003, Hindin & Adair, 2002, Hoffman et al., 1994, Seltzer & Kalmuss, 1988). Besides this, the role of inter spousal

relationship, gender of the children, property ownership, working status, dowry, autonomy, religion and caste of the person can't be ignored (Sahu, 2003).

### **Domestic Violence in Kashmir**

It is the traditional set-up of Kashmiri society, whereby a man is believed to be the responsible person for the nourishment of the family, in economic terms. Due to this cultural belief, men try for jobs, and women, who are dependent on men, try to marry that man who has a job and economic stability.

Domestic violence against women is on the rise in the state of Jammu and Kashmir. Even the ones who are educated and the economically independent are at the receiving end.

Police figures show an increase in domestic violence cases, mostly relating to matrimonial disputes and family squabbles. Harassment for dowry too is one of the most common complaints lodged with the police, data shows. In 2008, 772 complaints were received. Out of which 62 were registered, 121 reached the trial stage and 381 were settled by mutual agreement and 108 are still pending. In 2009, the number of cases nearly doubled with 1272, and in 2010 in just three months 191 complaints were recorded (Sharma: 2010).

In order to intervene effectively, into the issue, more scholarly inquiry needs to address the theoretical parameters of domestic violence. In light of this, the present work acknowledges the prevalence of domestic violence is rooted in the traditional setup of societies and exists beyond the parameters of nature and development of societies while also suggesting that enhancing the status and dignity of a woman within and beyond families can be helpful in not only understanding family violence, but in giving direction for intervention at the family level.

### **METHODOLOGY**

Based on the field work in Srinagar city of Jammu and Kashmir and subsequent analysis and tabulation of the data collected, inferences were drawn out which yields a real sociological picture of domestic violence against women. The Srinagar city was selected as universe purposively due to its heterogeneous composition and the inflow of people from all

other parts of the Kashmir. The inferences were drawn after selecting a purposive sample of 180 based on stratified random sampling taking care of the various sociological variables like age, level of education, nature of job and socio-economic status. While distributing the sample educational status was divided in to strata taking care of those who were highly qualified or could teach their children and those who were altogether illiterate or could not educate their children. So far as the job profile of the sample is concerned, respondents were equally divided into two categories, i.e. who were not involved in any kind of job (non-working) and who were involved in organized or unorganized work (working). After identifying the sample, an intensive study was carried out by employing the Interview Schedule and Observation as methodological tools. The data collected was supplemented with interviews and the secondary data gathered from the records of the Gazetteers, Books, Research Papers, and other relevant unpublished archival material available on this subject. After condensing the information, following inferences came to the forefront.

## MAJOR FINDINGS OF THE STUDY

Domestic violence in Srinagar city is prevalent unprecedentedly and beyond the parameters of religion, socio-economic and cultural status, level of education, etc. and almost every form of it, although in varying proportions. It was revealed that only 3.9 percent of the respondents straightway ignored of any kind of domestic violence they had ever faced thereby clearly signifying the fact that domestic violence is present almost in every family and nearly all women are facing it although the intensity, form and proportions varied with family to family and woman to woman.

In the course of field study as Table 1.1 depicts, it was found that the form of domestic violence ranged from wife beating, female foeticide, abuse, discrimination in terms of attention and care to denial of property rights. The prevalence of verbal and emotional abuse was found to be comparatively in higher intensity i.e. 63.89 percent of the respondents faced abuse ranging from mental torture to verbal and emotional abuse. The incidence of wife beating was found to be faced by 38.33 percent of the respondents resulting in consequences ranging from physical injuries to their mental torture. In many of the cases, the victims had even been hospitalized in response to the physical abuse they faced.

Table 1.1

<i>Forms of Domestic Violence</i>	<i>Level of Education</i>		<i>Age (in years)</i>			<i>Economic Status</i>			<i>Job Profile</i>		<i>Total Respondents (Percentage)</i>
	<i>Literate</i>	<i>Illiterate</i>	<i>25-35</i>	<i>36-45</i>	<i>46-55</i>	<i>Lower Middle Class</i>	<i>Middle Class</i>	<i>Upper Class</i>	<i>Working</i>	<i>Non Working</i>	
Total Number of Respondents	90	90	60	60	60	60	60	60	90	90	180 (100)
Wife Beating	31	38	29	23	17	25	28	16	25	44	69 (38.33)
Female Foeticide	04	05	05	04	00	02	04	03	04	05	09 (5)
Verbal and emotional Abuse	50	65	40	40	35	50	41	24	44	71	115 (63.89)
Denial of Property Rights	60	31	40	30	21	41	37	13	22	69	91 (50.56)
Discrimination of Health Care/ Lack of attention	21	34	9	16	30	29	14	12	10	45	55 (30.56)

### Forms of Domestic Violence

Women's property and inheritance rights are recognized in international law and in a growing number of countries worldwide, yet women in many developing countries do not have the right to own or inherit property. At the same time, women are, under certain circumstances, increasingly heading up households and are in critical need of land and property for economic security, particularly in the context of the conflict situations prevailing in societies like Kashmir wherein frequency of widowhood and orphans is on increase. In fact, secure property rights are believed to be a factor in reducing women's risk of feeling insecure in all respects and protecting them from domestic violence. However, in practice, the situation does not help them to avail such rights. As the study divulged, 50.55 percent of the respondents reported that either they were denied the property rights or has no property in possession, leading to the insecurity of their survival. Such respondents were in dilemma related to their future, if at all, had to witness divorce or widowhood in their life. Besides the denial of property rights, 30.56 percent of the respondents were facing

discrimination in their families on part of the health care. As reported, their health was not taken care of unlike those of other members in the family and their illness was taken non-serious irrespective of the nature of kind of illness it used to be. Same is the case with other forms of care ranging from their clothing to their diet. Intense differences were found on all forms of care and attention they otherwise deserved equally as other family members do.

Besides the above mentioned forms of domestic violence, female foeticide is also one of the main forms of violence the woman is facing all-over the nation, although the magnitude of the same was found to be marginal i.e. 5 percent of the respondents faced such problem.

On analysis of the empirical data, it was revealed that the socio-economic status and educational background was not found to be a major check in controlling the extent of their victimization although their financial dependence on men or on in-laws put the woman, substantially, at a higher risk. As far as the frequency of assaults is concerned, it was found to decrease gradually with the age although being replaced by other forms of violence.

Violence against women is embedded within social and cultural norms that perpetuate inequality between women and men, condone or even encourage violence against women. It is manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement of women. While looking on to the factors responsible for domestic violence, the cultural taboo attached to the patriarchy of male being superior and have to be obeyed by a woman was found to be dominating all through the study. As table 1.2 depicts, 96.95 percent of the respondents revealed the superiority of male over female was inherited in their cultural patterns as a result had to face to any kind of violence at domestic level. It was also found that the level of violence intensified as and when a woman confronts, objects, raises query to, what is she to asked to do, irrespective of whether her argument is valid or not. Even if, any case, a woman reacts to the violence, it was found to add to the fuel. Even questioning the activities or decisions of husbands also contributes to violence against them. As is evident from the study, 86.7 percent respondents had to face the consequences on doing so.

Table 1.2: Causes of Domestic Violence

<i>Causes of Domestic Violence</i>	<i>Level of Education</i>		<i>Age (in Years)</i>			<i>Economic Status</i>			<i>Job Profile</i>		<i>Total respondents (percentage)</i>
	<i>Literate</i>	<i>Illiterate</i>	<i>25-35</i>	<i>36-45</i>	<i>46-55</i>	<i>Lower Middle Class</i>	<i>Middle Class</i>	<i>Upper Class</i>	<i>Working</i>	<i>Non Working</i>	
Total Number of Respondents	85	88	58	56	59	58	58	57	85	88	173 (100)
Dowry Demand	29	15	21	19	4	22	19	3	15	29	44 (25.43)
Son Preference	21	44	5	47	13	48	10	7	42	23	65 (37.57)
Cultural Taboo of Patriarchy	81	85	53	55	58	57	59	50	81	85	166 (95.95)
Consuming Liquor by Husband	02	06	01	05	02	04	03	01	03	05	08 (4.62)
Questioning Husband	71	79	51	54	45	56	52	42	65	85	150 (86.70)
Economic Dependence	23	66	21	22	46	47	20	22	11	78	89 (51.44)
Role-Conflict	51	32	31	36	16	24	40	19	61	22	83 (47.98)

It is pertinent to mention here that the consumption of liquor in the selected universe is comparatively lower as compared to other parts of the country and consequently it was found to be marginally responsible for evidences of domestic violence. as is evident from the information collected that only 4.62 percent respondents held consumption of liquor responsible for domestic violence.

Interestingly dowry, which otherwise is not an established problem in Kashmir, was also found to be a responsible factor for domestic violence faced by women. The study revealed that 25.43 percent of the respondents faced one or other form of domestic violence mainly because of non-fulfillment of dowry demands of their in-laws.

A wife/daughter-in-law of this part of globe is expected to take care of her husband, in-laws and her children simultaneously irrespective of being in job or not. She is, supposedly to be, very efficient in roles attributed to

her. In fact the present scenario depicts that economically independent or the working women are preferred for marriages resulting in the evident prospects of her role-conflict. In such cases, she is expected to perform all the traditional roles of being a house-wife and simultaneously spend the income on family, failing which, she is destined to face varied forms of domestic violence. This argument is consequent to what has been understood during the field study.

Culturally, ours is a male dominant and son-preferred society. Biological evidences prove that it is the male whose fate decides the nature of the gender of his offspring. But traditionally, woman has always been held responsible for this and similar evidences were sought in the field. As revealed, 37.57 percent of the respondents had to face varied forms of domestic violence for being held responsible for birth of a daughter. Economic dependence was among the main factors responsible for putting the security of women folk on risk. The study divulged that 51.44 percent of the respondents had to face domestic violence because of being economically dependent on them. Rather they were of the view that any form of domestic violence would have been far from them, had they been economically dependent.

As depicted, victims of domestic violence do not possess a set of universal characteristics or personality traits, but they do share the common experience of being abused by the husbands or in-laws. Domestic violence against women affects all spheres of women's lives; their autonomy, their productivity, their capacity to care for themselves and their children, and their quality of life. It increases their risk for a wide range of negative health outcomes and even death. Much of this violence happens to women primarily because she happens to be a 'woman', that is why it has also been called gender-based violence. It carries great costs to the individuals, who experience it, and also to society and to the many services and sector, including the health care system that has to respond to its consequences.

Women who experience wife beating or physical violence are at a great risk of physical or emotional trauma as majority of the abused women were seen to have developed both physical as well as mental health problems with varying degrees depending on the intensity of violence being perpetrated on them which ranged from chronic pain, gastro-intestinal disorders, irritable bowel syndrome to headaches, hypertension, depression memory problems and cognitive difficulties. Above all, suicidal thoughts were also experienced by many respondents many a times throughout their marital life. Besides, a considerable impact was

found on the socialization of the children. The circumstances around the victims made it very difficult for them to socialize their children for which, otherwise, a mother is known for.

History is witness to the fact that howsoever and whatsoever a woman had attempted to do, till date, she has failed to seek refuge from domestic violence. Her extreme steps against being victimized have resulted either in divorce or suicides and other dreadful consequences.

## CONCLUSION

To overcome this menace, the parliament has enacted laws making domestic violence punishable. In 1983, domestic violence was recognized as a specific criminal offence by the introduction of section 498-A into the Indian Penal Code. This section deals with cruelty by a husband or his family towards a married woman. The punishment is imprisonment for upto three years and a fine. The complaint against cruelty need not be lodged by the person herself. Any relative may also make the complaint on her behalf. Commissions have also been set up to check its magnitude.

A bill to protect women in Jammu and Kashmir from domestic violence was introduced in the legislative Assembly aiming at giving protection to women against any kind of violence within the family.

According to the objectives of the bill, the measure seeks to 'protect the women from being victims of domestic violence in society and cover those women who are in a relationship with the abuser where both parties have lived together in a shared household and are related by consanguinity, marriage, adoption in addition to relationship with family members living together as a joint family'. The bill also provides for the right of women to secure housing and to reside in her matrimonial home or shared household, whether or not she has any title or rights there.

Although the laws enacted and Commissions set up have been able to manage the intensity of domestic violence but the evidences prove it to be marginal. Based upon the facts revealed by the study, Domestic violence is a menace which is enrooted in the taboos of the patriarchy supported by the cultural and traditional ideas. Besides, values and norms are imbibed through the process of socialization and through social control which add to its prevalence. Mere enactment of laws would not prove to be efficient when it enjoys the support of social structural gender inequality. A well devised strategy and a long term approach is needed which would uproot

the menace altogether and simultaneously uphold the dignity of woman. It is necessary to put check on gender biased socialization and social control both at family as well as at the social level which, otherwise, teaches men to be aggressive in social relationships and bestows them with unlimited and undue freedom and power and, a sense of accountability needs to be inculcated in men. The most enduring enemies of the dignity and security of women lie in the cultural forces aimed at preserving male dominance and female-subjugation, often defended by the vulnerable traditions resulting in the prevalence of domestic violence. A major step ahead to check the menace would be an attitudinal change and courage to go against such traditions for which the contribution media, religious figures, literally people would be significant. This, any case, would not ignore the role of the state which needs to provide economic support and social security to the victims of domestic violence and efficient enforcement of the legal sanctions on those who commit such offences. Educational curriculum must be acquainted with such courses which would bring an attitudinal change among the people to break the shackles of such cultural forces and traditions which result in perpetuation of domestic violence against women.

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