

DOMESTIC VIOLENCE AGAINST WOMEN IN INDIA WITHIN FOUR WALLS OF HOUSE: DANGER AT HOME

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ABSTRACT

Women called 'weaker sex' or in a more civilised manner 'fairer sex' have been the target of violence since ages in all sense. Women, be she a daughter, a sister, a wife, an aunt or a grandmother always has to bear the brunt of remaining under the dominance of a male counterpart. India being a country in transitionary period provides very diverging images. One the one hand, we have a woman as the head of the state, another woman is heading the ruling coalition, the United Progressive Alliance etc., whereas ,on the other hand, we have the recent case of a diplomat involved in domestic violence against his wife. The age old tradition in India also places all the responsibilities on women. Docility, coyness, submissive attitude etc have all along been propagated as the hallmark of women`s character. The so called modernisation has done no decisive good as regards women. Opportunities provided by modernisation has taken away more from Indian women than giving them in terms of privileges. Many Acts have been passed by Indian legislatures which are very good in intention however when it comes to their practical implementation, it is very disappointing. Not to speak of the poor womenfolk even the well educated women silently bear domestic violence. There are even instances of marital rape, not to speak of other subtle forms of violence which abounds. The aim of this paper is to analyze the forms , causes and Consequences of Domestic violence against women. The paper will also suggest measures to overcome the problem of committing domestic violence against women in India.

"In a society where the rights and potential of women are constrained no man can be truly free. He may have power, but he will not have freedom" Mary Robinson(Irish Politician)

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“Home sweet home” is the dream of every individual, where one feels safe and secure from any danger. Unfortunately a marginalized section of population (women) are targeted subjected for violence from within their home by the people with whom they have domestic relation. This trend is universal.

Introduction:

Family violence is a global problem affecting family of all classes and cultures. The term “Domestic Violence” is most commonly employed to describe the incidents of familial or intimate battering. Violence is an act of aggression that crosses the boundary of the other persons autonomy and identity. It is a coercive instrument “to assert one’s will over another to prove or feel a sense of power.” In the legal sense, violence is an act of illegal criminal use of force, The term Domestic, historically has referenced an idealized family unit functioning in a protected and secluded manner appropriately shielded from public. Traditionally, the family has been considered a sphere of intimacy and devoid of conflicts of interests among the members, a “cultural” ideal and focus of identity”. Domestic violence is one of the gravest and most pervasive human rights violation. Domestic violence is by far the most common form of gender-based violence. Domestic violence is the most serious violation of all basic rights that a woman suffers in her own home at the hands of member within her own family. Domestic violence has commonly been referred as domestic abuse, wife beating, spousal abuse, wife battering, wife abuse, violence in intimate relationship, intimate partner violence or by any other name, but the fact remains that it is a serious issue. Our’s is a traditions bound patriarchal society where women have been physically, sexually, verbally and psychologically, economically exploited at the hands of men folk, sometimes in the name of religion, sometimes on the pretext of writing in the scriptures and sometimes by the social sanctions. The Government of India has enacted violence act, 2005 has been enforced from 26th october 2006 all over the country. The main purpose of this act was to provide civil remedies to the victims of domestic violence.

Nature of Violence:

“Violence against women is a manifestation of 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 the full advancement of women...” The United Nations Declaration on the Elimination of Violence against Women, General Assembly Resolution, December 1993.

Violence against women and girls continues to be a global epidemic that kills, tortures, and maims – physically, psychologically, sexually and economically. It is one of the most pervasive of human rights violations, denying women and girl’s equality, security, dignity, self-worth, and their Right to enjoy fundamental freedoms. Domestic violence is a form of gender-based violence, intended at subordinating women. The global dimensions of domestic violence are of great concern, both in terms of their scope and extent. Domestic violence is perhaps the most universal, yet one of the most invisible forms of violence against women. No country or society can claim to be free of domestic violence, but the patterns and trends may vary across regions and countries. The United Nations Declaration on the Elimination of Violence against Women, 1993, defines violence against women as “any act of gender-based violence that results 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 in private life.”(UN Resolution 1993).

Definition of Domestic Violence

- According to Black’s Law Dictionary, “Domestic Violence means violence between members of a household usually spouses, an assaults or other violent act committed by one member of a household against another.”(Black’s Law Dictionary, 1999)
- ♦ Collin’s Dictionary of Sociology; defines violence as “ The infliction of physical harm to the human body or to human property by physical force using the body or weapons”. (Collin’s Dictionary of Sociology 1991).

So, the term ‘Domestic Violence’ may be defined, as ‘ Violence between heterosexual adults who are living together or who have previously lived together in a conjugal relationship’. Domestic violence’ is a specific form of violence perpetrated mostly by male members against women within family.

In term of the Protection of Women from Domestic Violence Act, 2005 the expression “ domestic violence” includes actual abuse or threat of abuse- physical, sexual, verbal, emotional, or economic violence. Section 3 of the Act says that any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it-

- (a) Harms or injures or endangers the health, safety, whether mental or physical, and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or
- (b) Harasses, harms with a view to coerce her or anyone related to her for a dowry, or property, or valuable security,
- (c) Has the effect of threatening the aggrieved person or any person related to her any conduct mentioned in clause,
- (d) Otherwise injures or causes harm, whether physical or mental to the aggrieved person.

Technically the term 'domestic violence' also includes violence by domestic help or non-family members living with the family. There is no universally accepted definition of violence against women. Some human rights activists prefer a broad-based definition that includes "structural violence" such as poverty, and unequal access to health and education. Others have argued for a more limited definition.

Domestic violence is about abuse of power. It happens when one person in a relationship use a pattern of behaviors to control the other person. It can happen in marital relationship or living in relationship. Many people who are being abused do not see themselves as victims. Also, abusers do not see themselves as being abusive.

Forms of Domestic Violence : Domestic violence includes violence perpetrated by intimate partners and other family members, and manifested through;

Physical Violence (Any Kind of Bodily Harm): Physical abuse is defined as experiencing any act of physical aggression including minor acts such as slaps and severe acts such as assault with deadly weapons. It includes: Pushing, shoving, hitting, with fits, kicking, choking, grabbing, pinching, pulling hair, or threatening with weapons. Number of studies on Domestic violence have revealed in the physical violence is very often inflicted through means available in everyday life, transformed into a weapon of brutality. In a study conducted by Leela Visaria, 58% of the assaulted women reported that they have been hit by a wooden stick.

Sexual Violence: Sexual abuses are associated with battering. Sexual violence can take the form of any sexual act that a woman submits to against her will, due to force, threat or coercion, forcing a woman to look at pornography or any obscene pictures. It also encompasses acts of

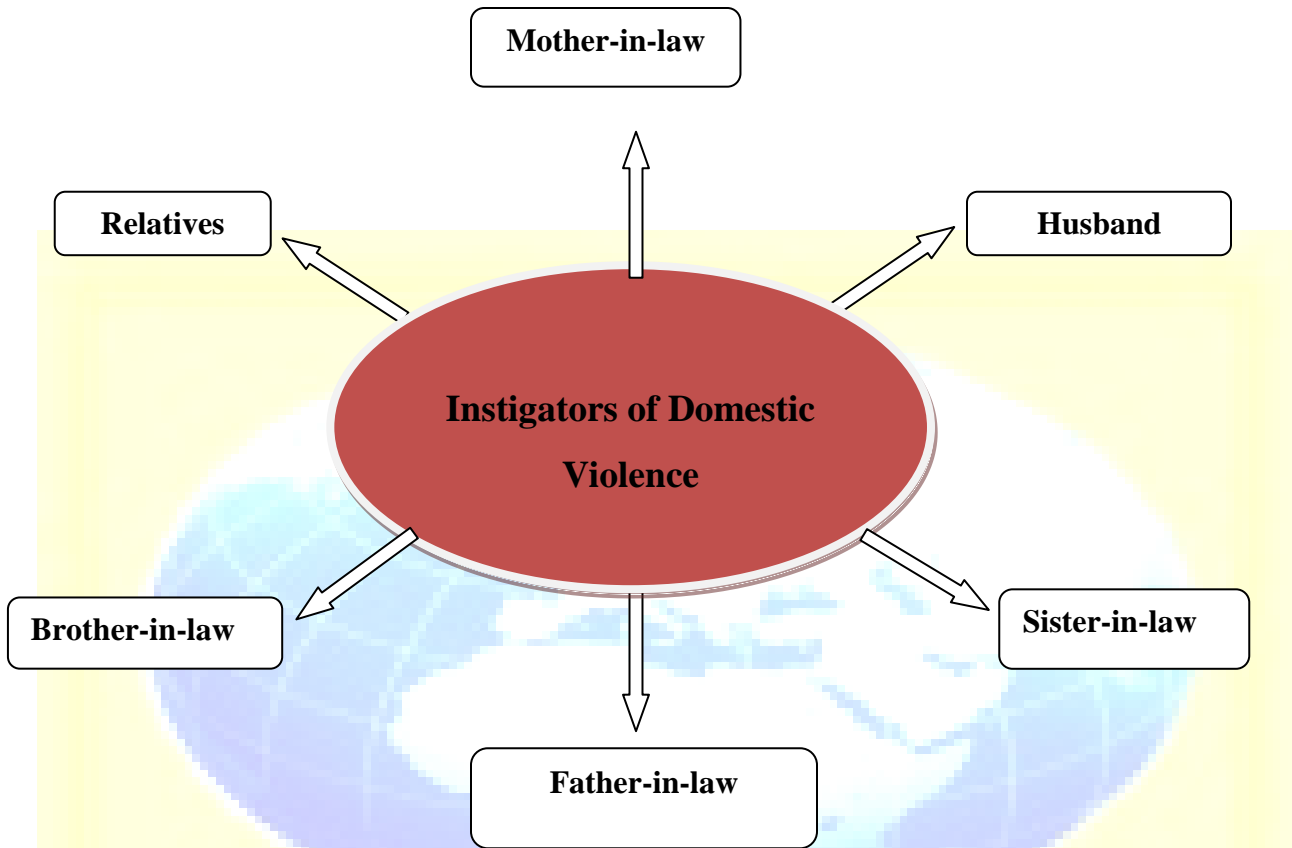
sexual exploitation, control over reproductive freedom and marital rape. Any act of sexual nature to abuse, humiliate or degrade a women's integrity.

Verbal, Emotional and Psychological Violence: Domestic violence associated with physical assault such as sexual abuse may cause less physical injury than mental agony which leads to Psychological violence. Psychological abuse can take the form of a behavior designed to instill fear or otherwise undermine a women's sense of self e.g., **name calling, any kind of accusation on a women's character or conduct, insults for not brining dowry, preventing a women from marrying a person of her choice, any form of threat or insults for not producing a male child.** Domestic violence also causes women to fear for their lives. It is one of the leading causes of death among women.

Economic Violence: Economic abuse can take the form of not giving money, clothes, food, medicines, causing hindrance to employment opportunities, forcing a woman to vacate her house, destruction of property, dowry harassment, female infanticide all examples of financial violence. Economic violence includes denying a women access to and control over basic resources. It also involves alienating her from assets and property, deprivation of basic necessities of life or all or any economic or financial resources to which she is entitled to including household necessities for herself and her children, if any, dispossessing her from using stridhan, property, jointly or separately owned by her.

Violence, thus involves force or power both physical and mental applied from the position of power or authority. In case of domestic violence this authority is legitimize by the social sanctions due to inherent unequal family structure where women are expected to suffer pain silently without even questioning.

(Figure 1): INSTIGATORS OF DOMESTIC VIOLENCE



Causes of Domestic Violence: Factors responsible for Domestic Violence against Women

1. Alcohol
2. Job dissatisfaction of husband
3. Unemployed husband
4. Economic crisis
5. Dowry
6. Lack of privacy
7. Resistance for sexual abuse
8. Extra-marital affairs
9. Difference of social status
10. Employment of wife
11. Suspicion

12. Giving birth to a girl child repeatedly
13. Not attending to household chores
14. Medically unfit for child bearing.
15. Improper Implementation of Laws.

Number of causes of domestic violence have been identified by various studies conducted in India as well as abroad. The common element of the domestic violence in the families is gender and power. From the ancient time, there has been a bias system in accordance to gender- the male and the female-which prevails even today. This difference in gender leads to many problems including domestic violence. Men, considering himself as the superior being, want to control each and every act of women. The mentality of dominance over women came due to the patriarchal society. When man feels that his power and dominance is being threatened by the women (which the men regard as inferior creature to them), he adopts the way of violence. The attribute that male is superior and female is inferior and male for gender is valued more so than female is one of the causes of domestic violence. Women were being considered inferior to man not only in the modern contemporary world but also from the ancient world. Verse from the Rig Veda one of the most important scriptures of Hindus says that: "With women there can be lasting friendship; hearts of hyenas are hearts of women". The situation in India is more serious because of the socialization process of girls and women. They have been socialized to be submissive and to be obedient to their husband- pati to parameshwar hai; bahu ghar ki lajja hai; ghar ki baat bahar na jai; maarta hai to kya huva, hai to mera aadmi, mera pati koi dusra to nhi, etc. Further they have been socialized in a manner that they develop low self-esteem.

Consequences and immediate impact of Domestic Violence: The consequences of domestic violence can result in physical-mental pain and suffering, maiming and can be as serious as causing even death. Domestic violence against women leads to far reaching physical and psychological consequences, some with fatal outcomes.

(Table 1): Health Consequences of Domestic Violence

Physical Violence	Psychological and emotional Violence	Sexual and reproductive	Fetal effect
Injury and Bruises Fractures Cuts Burns Stab wounds Homicides Gastrointestinal Disorders Chronic pain	Poor self esteem Depression Anxiety Post traumatic Disorder Phobia Suicidal behavior Fear	Gynecological disorders Pregnancy Related Complications Miscarriage Unwanted Pregnancy Increased risk of RTI STI including HIV and AIDS	High Maternity Mortality, Suicides, AIDS related mortality

Source: Violence Against Women, WHO Consultation, 1996

Domestic violence against women leads to far physical and psychological consequences, some fatal outcomes. Women who have experienced physical, psychological and sexual violence are at higher risk of unwanted pregnancy, high risk pregnancy, and adverse pregnancy outcomes and of contracting sexually transmitted diseases including HIV/AIDS. In fact, there is strong link between domestic violence and HIV prevention strategies. Public health practitioners need to educate women about the risk of sex and drug abuse or they may even distribute the means for behavioural changes. But if women are physically and psychologically abused by their husbands, they remain powerless to reduce their risk of HIV. Physical violence leads to injuries, fatal outcomes (less common) and functional disorders (most common) such as chronic pain syndrome, gastro intestinal disorder etc.

Domestic violence leads to stress and stress related mental illness among women such as post traumatic stress syndrome, depression and low self-esteem. These mental health problems have a higher risk for suicide and suicide attempts. Violence during pregnancy is an important cause of maternal deaths in India. Recent evidence from India suggests that violence may also directly or

indirectly affect child mortality. Numerous studies have revealed how a women's sexual and reproductive autonomy may be comprised by fear or experience of violence. Domestic violence not only makes women feel insecure at home, but also endangers their independence, self-development, and humanrights. Domestic violence results in a large economic loss to the nation. In India, unfortunately, there is hardly any study conducted in this field to estimate the economic loss to the nation due to domestic violence. But one such study conducted in United States is published by the Centre for Disease Control, which estimated that Domestic assaults account for no less than 21,000 hospitalizations, 99,800 hospital days, 28,700 emergency room visits, and 39,900 physician visits each year. In 1980 an estimated 175,500 days were lost from paid work as a result of domestic assaults. The total health-care costs of family violence were estimated at more than \$ 44 million each year. This clearly shows that family violence not only constitutes a significant public health problem, but also amounts to economic loss to the nation. It can be said that domestic violence perpetuates the economic, social and psychological dependency, which, in turn, contributes to women's vulnerability to violence. All these short term and long term health consequences of violence clearly indicate that right to health can not be fully realized without providing adequate protection against domestic violence. The Domestic Violence Act 2005 enacted by the Indian Parliament is a landmark law principally meant to provide protection to the wife or female live in partner from violence at hands of the husband or male live in partner or his relatives. The law also covers protection to women who are sisters, widows or mother. Domestic violence under the act includes actual abuse or threats of abuse whether physical, sexual verbal, emotional or economic. Harassment by way of unlawful dowry demands to the women or her relatives would also be covered under this definition.

Remedy of Domestic Violence

The Protection of Women from Domestic Violence Act 2005 is there to protect the women in distress. It is “ an Act to provide for more effective protection of the Rights of women guaranteed under the Indian constitution who are victims of violence of any kind occurring within the family and for matter connected therewith or incidental thereto”. The Act is in the nature of a civil law, which is intended to protect the women from being victims of domestic violence and to prevent the occurrence of domestic violence in the society. The Act entrusts the duty upon the state to give publicity, sensitization and awareness training on the issue addressed in the Act

to police officers, members of the judicial services etc. The Act has been welcomed by women's rights organisations as a law, which, for the first time, clearly defines Domestic violence as a human rights violation that need not necessarily be associated only with marriage and dowry demands. The remedies provided in the Act enshrine layers of protection for victims who stay in abusive relationship simply because they have no place to go or have no independent source of income. They give a victim of domestic violence the rights to obtain protection orders and residence orders against the perpetrators. Aggrieved or affected women has the right to be informed about available services and free legal services, from the protection offers, etc. She can be provided with the shelter home and medical services. In case of economic burden, interim compensation can be made available to the aggrieved women.

Suggestions: There are some humble suggestions which can help to prevent violence against women and protect them:

- 1. Awareness, Generation and Sensitization:** Promoting gender equality through Empowerment, Information and Education to women with the knowledge of their Rights, Providing women with information about the various government welfare programmes and helping them to access them, Provide vocational training, entrepreneurship skills, technological know-how, and managerial efficiency for running their self-employment enterprises, Increasing women's access to justice by passing and implementing laws and policies that discourage violence and impose consequences on offenders, Accountability of public and private institutions, NGOs, community organizations to promote, protect and fulfil women's rights.
- 2. Health care support:** Domestic violence should be recognized as a health issue, the prevalence and the health consequences of domestic violence should be documented.
- 3. Counseling:** There must be a creation of 'Family counseling centers' and Special Family courts dealing exclusively with the cases of spousal violence, torture, harassment, dowry death, suicides and bride burning must be created in each and every district. These courts dealing with familial violence would contribute to the speedy and efficient disposal of cases.

4. **Police:** Police should be trained to be respectful and courteous to women in distress. A separate wing of police may be opened for dealing with women's issues, in all police stations and personnel of this wing should be exempted from other duties.
5. **Judiciary:** The proceeding of the court must be expeditious and time bound. There should be a special court with a women judge and magistrate in each district to handle domestic violence.
6. **Government:** Government should ensure proper enforcement of existing laws related to women's rights. A law must be enacted for compulsory registration of all marriage and any violation of the proposed law should be made a cognizable, offence. Moreover at the time of marriage the inheritance share or its part given by the bride's parents to their daughter or to their son-in-law be properly executed, preferably be registered
7. **Media:** The Media should play a pivotal role in influencing and changing social norms and behavior. Media should be used to sensitize the officials and the public about domestic violence so as to develop a positive attitude towards women in general, and women victims, in particular; censoring of the programmes should be implemented effectively, so that violence and negative impact programmes do not get undue attention of the public.
8. Although Protection of women from Domestic Violence Act, 2005 is landmark legislation, there has to be a proper and an effective implementation of its provisions and for that there is a direct need of will power of the implementing authorities.
9. The educational institutions should raise awareness about domestic violence, help to improve social response to domestic violence and change those attitudes and behaviours that tolerate domestic violence in all sections of students. They must develop educational materials for schools and universities that provide the knowledge and skills required to build relationships based on respect and a commitment to non-violence.

Conclusion: Men and women are two indispensable halves of humanity. Throughout the ages, the problem of gender inequality has been introducing in the basic pillars of the society. There is a need to change this attitude of not only men and women but also the judiciary and the police personnel who are involved in implementing the law against domestic violence. Across cultures, the family is often associated with love, support and

bounding among members. The Act cannot eliminate the discrimination against women. We must change the attitude and behavior of men; this has to start early, in boyhood. Enlightened fathers, husband, and brothers are more likely to respect daughters, wife and sisters. In the end I would like to conclude with the following words, “Women as the motherhood of the nation should be strong, aware and alert”.

“Violence Free Home Make Violence Free Communities.

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