

Understanding Domestic Violence

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Gender discrimination and exploitation constitutes a serious issue which effectively means that half the human race is unable to realize its potential and maintain a decent standard of existence. This problem has received worldwide attention and several efforts have been made to bridge the seemingly ever-widening gap. Yet, even after years of efforts to integrate women into the mainstream development process, the effectivity of the same remains to be questioned owing to a multitude of factors which abet the continued marginalization of women. Women's access to education, health, employment and political spaces still remain distant goals in many countries of the world. One of the most serious impediments to women's development is the phenomenon of continuing and increasing violence against them. Needless to say, this constitutes a serious violation of woman's human rights. In our society, violence is bursting. It is present almost everywhere and nowhere is this eruption more intense than right behind the doors of our homes. Behind closed doors of homes all across our country, people are being tortured, beaten and killed. It is happening in rural areas, towns, cities and in metropolitans as well. It is crossing all social classes, genders, racial lines and age groups. It is becoming a legacy being passed on from one generation to another. Gender violence manifests itself in various forms – female foeticide and infanticide, sexual abuse, incest, molestation, sexual harassment at work and on

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the streets, marital rape, domestic violence in the form of wife assault and women battering, pornography, trafficking, sexual harassment at workplace, cyber crime and the like. Of all the forms of violence that women face, domestic violence remains the least reported and largely suppressed (Rao, 2011).

The right to be safe and live free from violence is a fundamental human right. But everyone is not lucky enough to enjoy this right. Home is considered as the safest place to dwell but not always and everywhere. There are situations where violence creeps into homes making life miserable. The term used to describe this exploding problem of violence within our homes is Domestic Violence. This violence is towards someone who we are in a relationship with, be it a wife, husband, son, daughter, mother, father, grandparent or any other family member. It can be a male's or a female's atrocities towards another male or a female. Anyone can be a victim and a victimizer. This violence has a tendency to explode in various forms such as physical, sexual or emotional.

With little ambiguity, it can be said, domestic violence is recurrent and universal. The contributing factors may range from the desire to gain control over another family member, the desire to exploit someone for personal benefits, the flare to be in a commanding position all the time showcasing one's supremacy so on and so forth. On various occasions, psychological problems and social influence also add to the vehemence. Violence against women, in its various forms, is endemic in communities and countries around the world, cutting across class, race, age, religious and national boundaries. According to the United Nations Declaration, violence against women includes "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 deprivations of liberty, whether occurring in public or private life (United Nations, 1993)”. The most common type of violence against women worldwide is “domestic violence” or the physical, emotional and/or sexual abuse of women by their intimate partners or ex-partners (Heise et al., 1999).

Violence against women is socially a very sensitive issue and more so in our country where we have a special place for ‘Family Honour’. Any act which affects the family honour is not tolerated and very strongly put down. Therefore the acts of violence are seldom talked-out of the family and its close confines (Rao, 2011).

Gender-Based Violence

Rico (1997) says over the past few decades, gender-based violence has increasingly come to be recognized as a serious problem at the international level, not only for women but also for the attainment of equality, development and peace (United Nations, 1986a). The issue has also become a priority for women’s organizations in the region and a subject for feminist thought during the United Nations Decade for Women: Equality, Development and Peace (1976-1985), and in recent years Governments in the region have also begun to devote attention to the issue.

Although in 1979 the United Nations General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women, which incorporated women into the sphere of human rights, that instrument did no more than to touch on the problem of violence against women. One of its defects is precisely the lack of a clear definition of gender-based violence. Specific concern for this problem began to manifest itself in 1980, when the World Conference of the United Nations Decade for Women: Equality, Development and Peace, held in

Copenhagen, adopted the resolution on “Battered women and violence in the family”. Likewise, paragraph 288 of the Nairobi Forward-looking Strategies for the Advancement of Women (1985), issued by the Third World Conference, calls for specific measures to deal with violence against women. Since that time, the United Nations has organized meetings of groups of experts on violence against women and has taken steps to bring the issue to the attention of the Commission on the Status of Women, the Economic and Social Council, the Division for the Advancement of Women, the United Nations Statistical Office and the Committee on Crime Prevention and Control. In 1989, the Committee for the Elimination of Discrimination against Women recommended that member States report on violence against women and the measures adopted at the governmental level to eradicate it. At the Expert Group Meeting on Violence against Women held in 1991, it was determined that the existing instruments did not give due consideration to gender-based violence and that a specific definition of this crime was lacking. In the opinion of the group, the absence of a clear definition hindered the effective application of international human rights regulations aimed at solving this problem (United Nations, 1991a, b, and c). Accordingly, the expert group produced a draft declaration on the elimination of violence against women which was analysed in depth by the Commission on the Status of Women at its thirty-sixth session with a view to its adoption by the General Assembly.

At the region level, pursuant to the resolution entitled “Women and violence” adopted at the Fifth Regional Conference on the Integration of Women into the Economic and Social Development of Latin America and the Caribbean (ECLAC, 1991b) and General Assembly resolution 45/114 on domestic violence (United Nations, 1990), the documents and policy

recommendations issued by the Economic Commission for Latin America and the Caribbean (ECLAC) have characterized the problem of gender-based violence as one of the obstacles that must be overcome in order to improve the status of women in the countries of the region and achieve development with social equity.

Women's groups in the region have carried out a variety of activities to promote respect for women's human rights. This process intensified during the preparations for the United Nations World Conference on Human rights, held in Vienna in June 1993. At that Conference, the women's movement proposed that the Universal Declaration of Human Rights include specific references to gender-based violence and that the Declaration be reformulated from the gender perspective, which is not limited to the situation of women but rather encompasses all of society.

For their part, in the San José Declaration on Human Rights, which was adopted at the conclusion of the Regional Meeting for Latin America and the Caribbean of the World Conference on Human Rights held in January 1993 in Costa Rica, the Governments of Latin America and the Caribbean reiterated that the State should give priority to actions that promote respect for women's rights, their participation in national life under equal conditions, the eradication of all forms of hidden or open discrimination, and especially the elimination of gender-based violence. The resolutions adopted at the World Conference on Human Rights emphasize the importance of ensuring that women are able to enjoy the highest possible level of physical and mental health throughout their lives and, to that end, recognize their right to accessible and adequate health care, a broad range of family planning services, equal access to all educational levels on an equal footing, and to a life free of violence. One of the achievements made possible by the

proposals put forward by the women's movement of Latin America and the Caribbean was the inclusion in the final declaration issued by the Conference of a recommendation that a Special Rapporteur should be designated to report on the status of the situation as regards violence against women in all the countries of the world. In November 1993, the forty-eighth session of the United Nations General Assembly established that post.

Recently, two new international instruments have been proposed which would recognize that all forms of gender-based violence are human rights violations: declaration 48/104 of the United Nations General Assembly on the elimination of violence against women⁴ and an inter-American convention on the prevention, punishment and eradication of violence against women, which has been proposed by the Organization of American States through its Inter-American Commission of Women (IACW).

The Declaration recognizes the urgent need to extend to women the rights and principles concerning the equality, security, liberty, integrity and dignity of all human beings. Article 1 defines violence against women as "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". Article 2 states that "violence against women shall be understood to encompass, but not be limited to, the following: (a) 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; (b) 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; (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs” (United Nations, 1994).

According to Odisha police, ordinarily domestic violence refers to violence by one partner in an intimate relationship abusing the other. Thus, the act of domestic violence is mostly committed at home which is the safest place for all. Domestic violence being gender neutral in words, is frequently and privately inflicted on women. The phenomenon of domestic violence is widely prevalent but has remained largely invisible in the public domain.

Domestic violence may start when one partner feels the need to control and dominate the other. It may range from inflicting minor injuries to causing the death of the persons. Situation differs from place to place and circumstances leading to such occurrence may also not be the same for each incident. When such an incident takes place, the abuser may feel the need to control and dominate the other partner because of low self-esteem, extreme jealousy, difficulties in regulating anger and other strong emotions, or when they feel inferior to the other partner in education and socio-economic background. Domestic violence is a complex phenomenon which involves multiple aspects. It occurs in the families of every class, race or culture and is a worldwide phenomenon. Domestic violence is a special kind of violence directed against women particularly within the four walls of the house, which was considered to be in invisible form could not come under all the legislative measures and as such all the civil and penal remedies failed to address the issue. There was growing concern among the groups of women

regarding the domestic violence and it was thought to be more than a crime involving serious human rights issues. Domestic violence usually involves the infliction of bodily injury, accompanied by verbal threats and harassment, emotional abuse or the destruction of property as means of coercion, control, revenge or punishment, on a person with whom the abuser is involved in an intimate relationship. Thus, what makes the domestic violence different from any other form of violence against women is that the violence is committed by an intimate partner or the family member living together in a family. The implication of such violence for the woman is that she feels reluctant very often to complain against those whom she considers to be very near and dear and part of her family. According to the Domestic Violence Act 2005, any act/conduct /omission/commission that harms or injures or has the potential to harm or injure, will be considered as domestic violence. Under this, the law considers physical, sexual, emotional, verbal, psychological and economic abuse or threats of the same. Even a single act of commission or omission may constitute domestic violence, in other words, women do not have to suffer a prolonged period of abuse before taking resources to the law.

According to the Merriam-Webster dictionary definition, domestic violence is: “the inflicting of physical injury by one family or household member on another; also - a repeated / habitual pattern of such behavior” (Subramani, 2012).

Meaning of domestic violence

Domestic violence, also known as domestic abuse, spousal abuse, battering, family violence, and intimate partner violence (IPV), is defined as a pattern of abusive behavior by one partner against another in an intimate relationship such as marriage, dating, family, or cohabitation. Domestic violence, so defined, has many forms, including physical aggression or

assault (hitting, kicking, biting, shoving, restraining, slapping, throwing objects), or threats thereof; sexual abuse emotional abuse; controlling or domineering; intimidation; stalking; passive/covert abuse (e.g., neglect); and economic deprivation Alcohol consumption and mental illness can be co-morbid with abuse, and present additional challenges in eliminating domestic violence. Awareness, perception, definition and documentation of domestic violence differ widely from country to country, and from era to era (Acharya, 2012).

Domestic violence and abuse is not limited to obvious physical violence. Domestic violence can also mean endangerment, criminal coercion, kidnapping, unlawful imprisonment, trespassing, harassment, and stalking (Acharya, 2012).

Domestic Violence against Women

This form of domestic violence is most common of all. One of the reasons for it being so prevalent is the orthodox and idiotic mindset of the society that women are physically and emotionally weaker than the males. Though women today have proved themselves in almost every field of life affirming that they are no less than men, the reports of violence against them are much larger in number than against men. According to United Nation Population Fund Report, around two-third of married Indian women are victims of domestic violence and as many as 70 per cent of married women in India between the age of 15 and 49 are victims of beating, rape or forced sex. In India, more than 55 percent of women suffer from domestic violence, especially in the states of Bihar, U.P., M.P. and other northern states (Acharya, 2012).

Acharya, (2012) says that Domestic violence can be physical, mental or verbal abuse, deprivation of basic rights or amenities, economic injury etc.

Mediums of domestic violence:

- v Parents on their children.
- v Within spouses.
- v In-laws on their daughters-in law.
- v Step mother / step father on their step children.

Victims of domestic violence and the manifestations

Gender bias: Parents pay special attention to boys at home and dictate girls to carry out all domestic chores in favour of the males in the house. This leads the girl child to withdraw herself from the world, they may fall in depression or try to run away from home in dream of a better future ignorant of the fact that the outside world is waiting to swallow them with its evil mouth (Subramani, 2012).

On women: In case of married woman, the in-laws and husband invariably commit domestic violence in one form or another. Women put up with the violence due to various reasons. Either she experiences the torture without making much noise about it, or she seeks extreme measures like suicide for not able to put up with the violence. There are instances where she is killed by the in-laws / husband but the story is manipulated at the boy's end, and the truth never comes to the light. In case of working woman, though they are economically secure, they are unable to enjoy it as she & her finances are ruled by the man of the family. She has to keep proving her both in family and in her workplace. This theory holds good in women from all sects of the society. She faces emotional, financial, and at times physical injury too. There is another kind of domestic violence prevalent among married women for not producing baby in the first or second year of marriage. In any childless couple, the blame is invariably given to the wife only and not to her male partner (Subramani, 2012).

Yet another agony awaits if the woman delivers a female child or a child with disability. Without scientifically approaching the issue, the woman is blamed, and the husband deserts her too. The so called marriage institution does not ask the people concerned. Invariably, the single mother without support has to rear the child much against odds and struggles. If a woman falls terminally ill after the marriage, she is sent to her mother's place permanently. This is the biggest violence against women. Whereas, if a man loses his hand/leg in accident after marriage, the same woman serves him for life time. This is the basis of gender discrimination where women are taken for granted (Subramani, 2012).

The UN Declaration on the Elimination of Violence against Women (1993) recognizes that 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... (Subramani, 2012)

Shameful Statistics

Modern India continues to be plagued by social and health ills like child marriage, early motherhood and domestic violence. Latest data in the State of the World's Children Report 2012 released by UNICEF shows that almost 22% women in India now aged between 20 and 24 years, gave birth to a child before they turned 18. Almost 45 among every 1,000 children are born to mothers in the 15-19 age brackets. Shockingly, around 57% of male adolescents (aged 15-19) and 53% of female adolescents thought a husband was justified in beating up their wives under certain circumstances (Subramani, 2012).

Causes of domestic violence

There are different theories as to the causes of domestic violence. These include psychological theories that consider personality traits and mental characteristics of the perpetrator,

as well as social theories which consider external factors in the perpetrator's environment, such as family structure, stress, social learning. As with many phenomena regarding human experience, no single approach appears to cover all cases (Subramani, 2012).

The most common causes include the following:

- Dissatisfaction with the dowry.
- Alcoholism
- Drug abuse
- Arguing with the partner.
- Refusing to have sex.
- Unemployment
- The media
- Religious beliefs
- A low level of education
- The way power is shared between sexes
- The way women are viewed by men
- Neglecting children.
- Poverty / social exclusion
- Going out of home without telling the partner.
- Not cooking properly or on time.
- Extra marital affairs.
- Being genetically predisposed to violent behaviour
- Not looking after in-laws etc.

Consequences of Domestic Violence

There are varied consequences of domestic violence depending on the victim, the age group, the intensity of the violence and frequency of the torment they are subjected to. Living under a constant fear, threat and humiliation are some of the feelings developed in the minds of the victims as a consequence of an atrocious violence. The consequences of the

domestic violence in detail can be broadly categorized under the Effect on the victim himself/herself and the family, Effect on the society and the Effect on nation's growth and productivity. The Effect on the victim has been further subcategorized for women, men, children and olds.

Fighting the 'Domestic Violence' Evil

According to a latest report prepared by India's National Crime Records Bureau (NCRB), a crime has been recorded against women in every three minutes in India. Every 60 minutes, two women are raped in this country. Every six hours, a young married woman is found beaten to death, burnt or driven to suicide (Acharya, 2012).

The response to the phenomenon of domestic violence is a typical combination of effort between law enforcement agencies, social service agencies, the courts and corrections/probation agencies. The role of all these has progressed over last few decades, and brought their activities in public view. Domestic violence is now being viewed as a public health problem of epidemic proportion all over the world – and many public, private and governmental agencies are seen making huge efforts to control it in India. There are several organizations all over the world – government and non government – actively working to fight the problems generated by domestic violence to the human community (Acharya, 2012).

A. Need for Stringent Laws

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 main legislative measures at the national level for the children who become a victim of child labor include The Child Labor Prohibition and Regulation Act -1986 and The Factories Act -1948. The first act

was categorical in prohibiting the employment of children below fourteen years of age, and identified 57 processes and 13 occupations which were considered dangerous to the health and lives of children. The factories act again prohibits the employment of children less than fourteen years of age (Acharya, 2012).

The Government of India passed a Domestic Violence Bill, 2001 to protect the rights of women who are victims of violence of any kind occurring within the family and to provide for matters connected therewith or incidental thereto (Acharya, 2012).

An act called Protection of Women from Domestic Violence Act, 2005 [DVA, 2005] has been passed. This Act ensures the reporting of cases of domestic violence against women to a Protection Officer who then prepares a Domestic Incident Report to the Magistrate and forward copies thereof to the police officer in charge of the police station within the local limits of jurisdiction (Acharya, 2012).

Unfortunately, at present there is no single law in the Indian Constitution which can strictly deal with all the different forms of Domestic Violence as discussed in this essay. There is an urgent need for such a law in the country. In fact, there has also been misuse of section 498-A and DVA, 2005 because of restricted definition of cruelty subjected to married women (Acharya, 2012).

B. Role of Non-Governmental Organizations (NGOs)

The role of non-governmental organizations in controlling the domestic violence and curbing its worse consequences is crucial. Sakshi – a violence intervention agency for women and children in Delhi works on cases of sexual assault, sexual harassment, child sexual abuse and domestic abuse and focuses on equality education for judges and

implementation of the 1997 Supreme Court's sexual harassment guidelines. Women's Rights Initiative – another organization in the same city runs a legal aid cell for cases of domestic abuse and works in collaboration with law enforcers in the area of domestic violence (Acharya, 2012).

In Odisha, Bhadrak district bodies like Fellowship and Asiana are doing meaningful works in this field. Sneha in Chennai and Vimochana in Bangalore are working on many women's issues arising from domestic abuse. They are also doing active work in issues related to labour. Services ranging from counseling, education and outreach, giving provisions, and mobilizing them for gaining self-confidence are provided to them. Anweshi is a women's counseling centre in Kozhikode providing meditation, resource and counseling for battered women. All the above bodies have their own registered offices, contact numbers and websites for those who want to seek help. There are at present only few NGOs for welfare of men like Social Welfare Association for Men (SWAM) in Chennai. Few more such organizations need to be opened for the help of abused men (Acharya, 2012).

These NGOs continue to spread awareness amongst people regarding the legal rights they have in hand for fighting against the atrocities they are subjected to. They are encouraging more and more people to report any case of domestic violence so that proper action may be taken against the culprits (Acharya, 2012).

C. Police and Healthcare

Police plays a major role in tackling the domestic violence cases. They 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. They should be provided with information regarding support network of judiciary, government agencies/departments.

Gender training should be made mandatory in the trainings of the police officers. There should be a separate wing of police dealing with women's issues, attached to all police stations and should be excluded from any other duty (Acharya, 2012).

Authorities should take steps to recognize domestic violence as a public health issue. A crisis support cell needs to be established in all major Government and Private Hospitals with a trained medical social worker for provide appropriate services. Training programmes must be organized for health professionals in order to develop their skills to provide basic support for abused people (Acharya, 2012).

Documentation on the prevalence and the health consequences of domestic violence should be undertaken by the concerned government departments, health care institutions, NGOs and counseling centers. A nodal agency should also be set up for the annual consolidation of the documented work and publish the same for wider publicity among the masses for increasing awareness (Acharya, 2012).

Conclusion

Having looked at a sensitive topic of Domestic Violence in India, we can sense the importance of discussion of such a topic. The varying causes which can spark the violence within the four walls of homes need to be analyzed carefully and a wise study of the factors causing the violence may prevent a family to suffer from the menace of domestic violence. The domestic violence may have a far wider and deeper impact in real life than what has been covered in this essay. What is required is to see closely the association of the factors provoking a particular form of domestic violence. If these factors can be controlled then more than one form of violence can be prevented from harming an individual or our society and India would be a much better place to live in.

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