

CAUSES OF DOMESTIC VIOLENCE AGAINST WOMAN IN INDIA

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Abstract *A women who has been foundation stone of family and society in general who gives birth to life ,nurtures life, shapes it, and strengthen it, who is spreader of tradition and an instrument through which culture is preserved and conveyed from generation to generation, the greatest disaster in our country is that severe injustice is done to her. She is subjected to domestic violence regardless of her age, race, and caste, social and economic and political status. Her vulnerability in numerous forms is the common phenomenon in Indian society. The quiet sufferings of a women is making her easy prey to the male dominion which is supported by prevalent patriarchy. The authoritative, autocratic nature of male member in society and persecution of female makes the situation worst. Almost every home in India must be suffering from some kind of domestic violence where women either as a daughter, daughter-in-law, or as a wife are mistreated physically, mentally, verbally economically. Men and women both are equivalent in human right. Women are discriminated in this male dominating society. As a outcome most of women are incompetent to understand their own right and freedom. Thus domestic violence not only hinders women but also impedes the country growing. This paper deals with domestic violence against women in India, its various forms, its causes and solution for domestic violence are also deliberated in this paper.*

I INTRODUCTION

domestic violence is as old as recorded history which has been reported in absolutely every society, each civilization. Discrimination and oppression leading to physical, intellectual or emotional violence had been accepted as part of each patriarchal society. except latest reference is found, domestic violence has been both socially and legally acceptable. some vital event, laws, codes, provide ancient context, within which conceptualization of domestic violence becomes crystal clear. two principal elements combined to seal the reputation of women are male dominance and projecting girls as ‘property’ an item belonging to guys and secondly expectations from ladies as a great ‘role version’ healthy every different, in the sort

of way as to make her inclined and situation to discrimination, oppression and all types of victimization and resultantly compel their subordination.

“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...” Domestic violence is physical, sexual or psychological abuse directed towards one’s spouse, partner or other family member with in the household. Domestic violence occurs when a family member, partner or ex-partner attempts to physically or psychologically dominate or harm the other. It occurs in all cultures, people of all races ethnicities and religions can be perpetrators of domestic violence. Violence against women is particularly intimate partner violence and sexual violence against women is the major public health problems and violations of women’s human right. According to 2013 a global review of available data, 35 per cent of women worldwide have experienced either physical and or sexual intimate partner violence or non-partner sexual violence. However, some national violence studies show that up to 70 per cent of women have experienced physical and or sexual violence in their lifetime from an intimate partner.

II Review of Literature

According to Suresh Goel in his book ‘*Psychological Aspects of Domestic Violence*’¹, states that DV is a coercive attitude towards another person through the using of various ways like intimidation, threatening, harassment of the victim. He also states that DV constitutes various other kinds of abuses like physical, sexual and emotional, even psychological. Assault, sexual abuse and staking are also some other mentions by the author.

In a book ‘*Battered Women: Implications for Social Change*’, the author uses the word ‘battered’, this word is used to express the state of women who were the victims of domestic violence. The author in his book expresses his concern over the issue while stating that ‘*cases under domestic violence, battering of women occurs in intimate relations especially within the household*’. Explaining further, he states that acts like marital rape, threat for murder,

¹ Suresh Goel, ‘*Psychological Aspects of Domestic Violence*’, MD Publication Pvt. Ltd., New Delhi, pg- 1-301(2009).

torture and harassment, slapping, biting, hitting, poking are some of the forms he mentions that constitute women battering²

In the book '*Behind Closed Doors- Domestic Violence in India*'³. The author states that '*to be assaulted, used and raped by someone as intimate as husband is the most degrading experience*

for a woman'. Women who face such offences do not even realise that DV is a real offence and

such kind of abuses are experienced on a regular basis by countless women in every culture in India. The author brings up that behind the closed doors of a woman's culture, family, values and traditions their voices remain unheard. They are taken for granted and since they never question or protest their muffled voices of terror and trauma remain within the four walls of the house and fail to attract the attention of the law-makers or the protection officers.

Research Questions

The researcher intends to do an exploratory investigation on the following research topic after evaluating the gaps in the existing literature review. The research questions are as follows:

- What are the causes of Violence against Women in India?
- What benefits are provided by The Protection of Women From domestic Violence Act, 2005 ?

III Research Methodology

MEANING OF VIOLENCE

The term violence refers to any physical force for or any damage or injury to person or property.

'Domestic violence is violent victimization of women within the boundaries of family, usually by men. Domestic violence is in a majority of cases violence against women by the members of house where she resides. It can be the husband, his parents, or siblings or any

² Nanette J. Davis, '*Battered Women: Implications for Social Control*', Contemporary Cries 12: 345-372, Department of Sociology, Portland State University, Kluwer Academic Publisher, Netherlands, pg- 346 (1988).

³ Rinki Bhattacharya (ed.), '*Behind Closed Doors- Domestic Violence in India*', Sage Publishers, New Delhi, pg-1-244 (2013).

other resident who has the overt or covert latitude for actions that can cause physical or mental agonies to women...it happens behind closed doors and is most often denied by the very women who has been victim of violence.’⁴

FORMS OF DOMESTIC VIOLENCE

Physical Abuse:

- Pushed or shoved you.
- Held you to keep you from leaving.
- Slapped or beaten you.
- Kicked or choked you.
- Hit or punched you.
- Thrown objects at you.
- Locked you out of the house.
- Abandoned you in dangerous places.
- Refused to help you when you were sick, injured or pregnant.
- Forced you off the road or driven recklessly.
- Threatened to hurt you with a weapon.⁵

b) Sexual Abuse:

- Minimized the importance of your feelings about sex.
- Criticized you sexually.
- Insisted on unwanted or uncomfortable touching.
- Withheld sex and affection.
- Forced sex after physical abuse or when you were sick.

⁴ Jaising Indira, *law of Domestic Violence*, 9-10, (Universal Law Pub. Co. Pvt. Ltd. Delhi, 2001).

⁵ Newton C. J. “Domestic Violence: An Overview” FindCounseling.com, Mental Health Journal. February, 2001. Available at <http://www.aets.org/article145.htm> (Visited on 21 March, 2019).

- Raped you.
- Been jealously angry, assuming you would have sex with.
- Anyone insisted that you dress in a more sexual way than you wanted.⁶

c) Psychological Abuse: Psychological abuse which includes behaviour that is intended to intimidate and persecute, and takes the form of threats of abandonment or abuse, confinement to the home, surveillance, threats to take away custody of the children, destruction of objects, isolation, verbal aggression and constant humiliation.⁷

d) Economic Abuse: Economic abuse includes acts such as the denial of funds, refusal to contribute financially, denial of food and basic needs, and controlling access to health care, employment, etc.⁸

e) Emotional Abuse:

- Continually criticized you called you names or shouted at.
- You insulted or driven away your friends or family
- Humiliated you in private or public.
- Kept you from working,controlled your money or made all.
- The decisions refused to work or to share money.
- Taken car keys or money from you.
- Regularly threatened to leave or told you to leave.
- Threatened to kidnap the children when the abuser was angry.
- With youabused pets to hurt you.
- Manipulated you with lies and contradictions.

⁶ ibid

⁷ Ibid

⁸ Ibid

f) Individual based Violence: It is found that aged women and girl child particularly vulnerable to domestic violence. The condition of women in the families is undoubtedly still quite precarious. Unmarried girls, unwanted in their father's homes could also experience violence. a) Violence against Girl Child, (Unmarried Women) b) Violence Against Married Women c) Violence Against Aged Women.

CAUSES OF DOMESTIC VIOLENCE

There is no one single factor to account for violence perpetrated against women. Increasingly, research has focused on the inter-relatedness of various factors that should improve our understanding of the problem within different cultural contexts. Several complex and interconnected institutionalized social and cultural factors have kept women particularly vulnerable to the violence directed at them, all of them manifestations of historically unequal power relations between men and women. Factors contributing to these unequal power relations include: socioeconomic forces, the family institution where power relations are enforced, fear of and control over female sexuality, belief in the inherent superiority of males, and legislation and cultural sanctions that have traditionally denied women and children an independent legal and social status. Following are the causes which carry on domestic violence: a) Cultural b) Economic c) Legal d) Political.⁹

THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

An Act to provide for more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matters related with or incidental to. The incident of domestic violence is commonly prevalent but has remained largely invisible in the public domain. At present, where a woman is subjected to cruelty by her husband or his relatives, it is a crime under Section 498A of the Indian Penal Code, 1860. As a result of that, a law is proposed keeping in view the rights guaranteed under Articles 14, 15 and 21 of the Constitution to grant for a remedy under the civil law which is intended to protect the women from being sufferers of domestic violence and to prevent the incidence of domestic violence in the society.¹⁰

⁹UNICEF (2000), Domestic Violence against Women and Girls, Innocenti Digest N0. 6, available at <http://www.unicef-irc.org/publications/pdf/digest6e.pdf>

¹⁰ The Protection of Women from Domestic Violence Act, 2005.

“Any act, omission or commission or conduct of the respondent shall constitute domestic violence when it harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or has the effect of threatening the aggrieved person or any person related to her by any conduct; or otherwise injures or causes harm, whether physical or mental, to the aggrieved person.”¹¹

The salient features of the Protection from Domestic Violence Act, 2005 are as follows:

It seeks to cover women who are or have been in a relationship with the abuser where both parties have lived together in a shared household and are related by consanguinity, marriage or a relationship in the nature of marriage, or adoption; in addition relationship with family members living together as a joint family are also included. Even those women who are sisters, widows, mothers, single women, or living with are entitled to get legal protection under the proposed Act.

“Domestic violence” includes actual abuse or the threat of abuse that is corporeal, sexual, spoken, emotional and financial. Pestering by way of dowry demands to the woman or her relatives would also be covered under the definition. One of the most significant characteristics of the Act is the woman’s right to secure accommodation.

The Act provides for the woman’s right to live in the marital or joint household, whether or not she has any rights in the household. This right is secured by a residence order, which is passed by a court. These residence orders cannot be passed against anyone who is a woman.

The other relief envisaged under the Act is that of the power of the court to pass protection orders that stop the abuser from assisting or performing an act of domestic violence or any other specific act, entering a workplace or any other place frequented by the abused, attempting to communicate with the sufferer, dividing any assets used by both the parties and causing violence to the victim, her relatives and others who provide her assistance from the domestic violence.

The Act provides appointment of Protection Officers and NGOs to provide help to the woman with respect to medical check-up, legal aid, safe asylum, etc.

¹¹ ibid

The Act provides for violation of protection order or temporary protection order by the respondent as a cognizable and non-bailable offence punishable with sentence for a term which may extend to one year or with fine which may extend to twenty thousand rupees or with both. Similarly, non-compliance or discharge of duties by the Protection Officer is also sought to be made an offence under the Act with similar punishment.

SUGGESTIONS

- i. Women's vulnerability is the Root Cause; the problem of domestic violence in India is required to be understood in the real sense. To understand the reason behind why women become vulnerable and positioned themselves to be exploited. Most of the women's are illiterate and face a silent violence and they are also under the pressure of tradition in society.
- ii. Attitudinal Change is needed among men and women; the basic social structure from long time in India is Patriarchal structure where we can see a male dominated society. There is unequal distribution of power relationship is the root cause of violent attacks. There should also be change in the attitudes between men and women to overcome the victimization of violence.
- iii. Internalization of Legal Norms with Public Consensus Domestic violence in our country is yet held to be "interfamilial affair" and disallow the intervention of the close relatives and outsiders and the state. The real effective implementation of any legislation has to undergo a security of strong public consensus and acceptance in democratic processes.
- iv. The strong legal mandate prescribed for officers and stake holders; the officers and institution is responsible for the more effective implementation of Act. It is needed to wipe out the gender discrimination, traditional relation of patriarchal society and male dominance.
- v. Gender Perspective training is necessary Gender perspective training should be mandatory by the law and is crucial for changing the crucial mind set of patriarchal society, police, service providers, medical practitioners, protection officers, and especially of magistrates, who often advise women to put up with the violence and "stop complaining".
- vi. Counselling by Expertise At the pre litigation stage, counselling to the aggrieved person for the restoring self-esteem, providing emotional support and assist her in making decision as to the initiation of legal proceedings.

IV CONCLUSION

Domestic violence is not only visible but it is a part and parcel of life of women in India. Violence starts with her from the day her mother conceives her existence in the womb and since then in every phase of her life span she has to fight for her survival in this rude society. Most of the women in our country are illiterate and they are not aware of the basic law provision and also about their rights, due to which most of the time they do not register the cases against those person who violate their rights and commit crimes against them. Lack of awareness about the law and rights guaranteed under that legislation for them but most serious problem is that the women's are not aware about their rights which are due to traditional customs. Victims are unable to get the legal remedies which are guaranteed by the government for the protection of women. In our society which is said to be tradition bound and a male dominated, women are still treated as secondary sex which makes her to suffer the violence silently. The fact in India women is made to suffer human right abuses in a gender specific way. She is often ignored and underestimated. The Protection of Women from Domestic Violence Act (PWDVA), 2005 is passed by the Parliament in response to worldwide demand for such legislation and also the outcomes of the continuous efforts of Women Organizations working for women. The Act gives right and Protection to the women's. The remedies available to the victim prior to the PWDVA 2005 were in the form of punishment of the offender under IPC, the civil remedy of divorce and maintenance were not giving her ultimate relief, the remedies which were available that were related to matrimonial proceeding and also according with court proceeding. The statutory provision and constitutional provision were available to women but these provisions were insufficient and the most important problem about it was lack of awareness about their rights which constitution provide for the protection of women. Domestic Violence goes beyond the boundaries of race, caste, religion, and class. In 2013 according to the Global Review Data, 35% of women worldwide have experienced either physical and sexual intimate partner violence or non-partner sexual violence. However, some National Violence studies show that up to 70% of women have experienced physical or sexual violence in their lifetime from an intimate partner.¹⁵³ In New Delhi; a 2010 study found that 66 % of women reported experiencing sexual harassment between two and five times during the past year.

V References

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