

Domestic Violence on Women in India

Abstract

Domestic violence is a big social evil done to gain and maintain control over the victim. Differential treatment, abusive behavior, torture or neglect toward girls and women are means of violence. This may include any behaviors that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure or wound someone. Domestic violence can happen to anyone of any race, age, sexual orientation, religion or gender. Anyone can be a victim and a victimizer whether it is daughter, sister, mother or in-laws. Patriarchal power structure, gender norms and values prevailing in Indian society along with social custom place women in second position after men. Though our constitution marks that equality of sexes is a fundamental right, but still situation of women is not so encouraging. Women were always considered weak, vulnerable and in a position to be exploited. If their family's member especially spouse become violent, they are not mentally and physically strong enough to protect themselves. Despite efforts made by various sections of society and the Government to curb the menace of domestic violence against women, there is day by day rise in domestic violence. This can be curbed by joint efforts of individual, society and government.

Keywords: Violence, Abuse, Personality Traits, Stress, Constitutional Provisions.

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Introduction

Domestic violence is a big social evil having drastic and devastating effects on its victims. It is done to gain and maintain control over the victim. It refers to any act of violence in the house like differential treatment, abusive behavior, torture or neglect toward girls and women. This includes any behaviors that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure or wound someone. Domestic violence can happen to anyone of any race, age, sexual orientation, religion or gender. Anyone can be a victim and a victimizer whether it is daughter, sister, mother or in-laws. Today also, gender norms and values prevailing in Indian society (patriarchal power structure) along with social custom place women in second position after men. Though our constitution marks that equality of sexes is a fundamental right, but still situation of women is not so encouraging. Women were always considered weak, vulnerable and in a position to be exploited. If their family's member especially spouse become violent, they are not mentally and physically strong enough to protect themselves. Website www.washingtonpost.com states in its article "UN finds deadliest place for women is their home" that domestic homicides are "the tragic end of a cycle of abuse and violence, when a female loses her life, it is not without predictions - you see incidences of verbal and other forms of violence. The pattern is established long before the homicide".

World Health Organization reports (2010) that globally 29% to 62% of women have experienced physical or sexual violence by an intimate partner. Gender based violence such as rape, domestic violence; female feticides, sexual abuse etc. are becoming biggest problems of public concern. This violence has a tendency to explode in various forms such as physical, sexual or emotional and still considered as "family matters". Along with this other ways of violence includes rape within marriage, overwork, lack of rest, dowry related violence, prostitution, trafficking, neglect of health care, etc. Economic deprivation, Alcohol consumption and mental illness can be additional provoking elements of domestic violence.

In 1993, The World Human Right Conference held at Vienna, gender based violence was first recognized as Human right violence. In the same year United Nation declaration 1993, defined violence against women as "any act of gender based violence that result in or likely to result in physical, sexual or psychological harm or suffering to a women including threats of such acts, whether occurring in public or private life". Domestic

violence is wide spread, deeply ingrained and has serious impacts on women's health and well-being. Violence not only causes physical injury, it also undermines the social, economic, psychological, spiritual and emotional well being of the victim, the perpetrator and the society as a whole. Domestic violence is a major contributor to the ill health of women.

In a study on Emotional Profile of Women Victims of Domestic Violence in 2017, it was reported that women victims of domestic violence had higher results in the dimensions of deprivation or depression and aggression or destruction, while women who did not experience domestic violence had higher results in dimensions of reproduction and incorporation. Aggression was in significant negative correlation with reproduction, incorporation and self protection, whereas it was significant positive correlation with deprivation and opposition. There were significant and positive correlation between the dimensions of aggression and deprivation and frequency of all three forms of domestic violence and age of women.

Studies support that it has serious consequences on women's mental and physical health, including their reproductive and sexual health. These include injuries, gynecological problems, temporary or permanent disabilities, depression and suicide, amongst others. Also working women are affected. A survey on The Impact of Domestic Violence in the workplace (2015) showed that the vast majority, who had experienced violence, negatively affected their work performance, for example, due to being distracted, tired, or unwell.

As stated in fact sheet of National Family Health Survey NFHS-III 2005-06, Ministry of Health and Family Welfare Govt. of India; India's National Family Health Survey-III, was carried out in 29 states during 2005-06, and has found that a substantial proportion of married women have been physically or sexually abused by their husbands at some time in their lives. The survey indicated that, nationwide, 37.2% of women "experienced violence" after marriage. Bihar was found to be the most violent, with the abuse rate against married women being as high as 59%. Strangely, 63% of these incidents were reported from urban families rather than the state's most backward villages. It was followed by Madhya Pradesh (45.8%), Rajasthan (46.3%), Manipur (43.9%), Uttar Pradesh (42.4%), Tamil Nadu (41.9%) and West Bengal (40.3%).

Not only women but children who witness domestic violence may develop serious emotional, behavioral, developmental or academic problems and a loss of faith and trust in the institution of the family. They are more likely to use violence at school or community in response to perceived threats, commit crimes, especially sexual assault. Children who grow up with domestic violence may use drugs, attempt suicide or become abusers in later life.

Every third women, since the age of 15, has faced domestic violence of various forms in the country, reported the National Family Health Survey (NFHS-4) released by the Union health ministry. According to the survey, 27% of women have

experienced physical violence since the age of 15 in India. This experience of physical violence among women is more common in rural areas than among women in urban areas. According to a news channel "Domestic violence cases, where women reported physical abuse in rural and urban areas, were at 29% and 23%, respectively". (www.news18.com).

In a study conducted in 2016 by Nair, et.al, out of 310 study participants, 56.7% of them reported some form of domestic violence, 51.3% reported psychological violence, 40% reported physical violence, and 13.5% reported sexual violence. A statistically significant association was found between illiteracy of women and domestic violence. Government data shows reported cases of crime against women rose by 83 percent between 2007 and 2016, when there were four cases of rape reported every hour.

The Thomson Reuters Foundation survey of about 550 experts on women's issues, asked the respondents which five of the 193 United Nations member states they thought were most dangerous for women and which country was worst in terms of healthcare, economic resources, cultural or traditional practices, sexual violence and harassment, non-sexual violence and human trafficking. Respondents ranked India the most dangerous country for women in terms of human trafficking, including sex slavery and domestic servitude, and for customary practices such as forced marriage, stoning and female infanticide. (<https://in.reuters.com>)

Types of Domestic Violence

Physical Abuse

This causes pain, injury, or other physical suffering or bodily harm to the victim. Sometimes this includes harm to other targets so as to disturb the victim to whom she is attached. It includes hitting, slapping, punching, choking, pushing, burning and other types of contact that result in physical injury along with denying medical care when needed, depriving rest or sleep, forcing to use drug/alcohol etc. Some of the acute effects of a domestic violence incident that require medical attention and hospitalization are bruises, broken bones, head injuries, lacerations, and internal bleeding. Some chronic health conditions that have been linked to victims of domestic violence are arthritis, irritable bowel syndrome, chronic pain, pelvic pain, ulcers, and migraines. Victims who are pregnant during a domestic violence relationship experience greater risk of miscarriage, pre-term labor, and injury to or death of the fetus.

Sexual Abuse and Marital Rape

Sexual abuse is any situation in which force or threat is used to obtain participation in unwanted sexual activity. It includes sexual activity against their will, even if that person is a spouse or intimate partner. The 2012 Delhi gang rape case involved a rape and fatal physical assault, which occurred on 16th December 2012, in South Delhi. Victim died from injuries and infections. The victim was named and quoted as "Nirbhaya", which means "fearless". The protests in December 2012 led to setting up a judicial committee to study and take public suggestions for

the best ways to amend laws to provide quicker investigation. In 2013, the Criminal Law (Amendment) Ordinance, 2013 was promulgated by Hon' President Pranab Mukherjee, several new laws were passed, and six new fast-track courts were created to hear rape cases.

Emotional Abuse

Also known as psychological abuse and covers repeated verbal abuse, harassment, confinement and deprivation of physical, financial and personal resources. Self-worth/self-esteem and freedom of abused is threatened. It can include humiliating the victim privately or publicly, deliberately doing something to make the victim feel diminished or embarrassed, isolating the victim from friends and family, blackmailing or denying for money or other necessities. Depression, increased risk for suicide, eating disorders, consuming drug and alcohol are the effects of emotional violence. It is reported that 60% of victims meet the diagnostic criteria for depression, either during or after termination of the relationship, and have a greatly increased risk of suicidal tendencies. In addition to depression, victims of domestic violence also commonly experience long-term anxiety and panic, and are likely to meet the diagnostic criteria for Generalized Anxiety Disorder and Panic Disorder. The most commonly referenced psychological effect of domestic violence is Post-Traumatic Stress Disorder characterized by flashbacks, intrusive images, exaggerated startle response, nightmares etc. These symptoms are generally experienced for a long span of time after the victim has left the dangerous situation. High amounts of stress, fear, and anxiety are commonly reported.

Economic Abuse

To diminish victim's capacity to support her so that she may depend financially on others, one partner has control over the other partner's access to economic resources. It may involve preventing a spouse from resource acquisition, limiting the amount of resources to use by the victim, or by exploiting her economic resources. It also includes preventing the victim from obtaining education, finding employment, maintaining or advancing their careers, and acquiring assets.

Causes of Violence

Psychological

Violence is due to personality traits and mental characteristics of the offender. Personality disorders include sudden bursts of anger, poor impulse control, and poor self esteem. Person may become more violent if juvenile delinquency is related to him.

Jealousy

If a partner is suspected of being unfaithful or is planning to leave the relationship, domestic violence against women may occur due to jealousy of another partner.

Social Stress

Violence is not always caused by stress, but may be one way that some people respond to stress. Stress may be increased when a person is living in a family situation, with increased pressures. Tensions

may further increase due to inadequate finances or other such problems in a family.

Mental Illness

Bipolar disorder, schizophrenia, drug abuse, alcoholism and poor impulse control along with many psychiatric disorders are factors for causing domestic violence, including several personality disorders.

Consequences of Domestic Violence and its Management

A cross-sectional study of gender-based violence against men in the rural area of Haryana, (2019) reported that - less family income, education up to middle class, nuclear family setup, and perpetrator under the influence of alcohol were identified as risk factors.

Awareness about gender equality and women's rights should be instilled in boys and girls from a very early age in order to bring about a change in the mindset of the future generation. The consequences of the domestic violence can be categorized as:

1. Effect on the victim himself/herself and the family.
2. Effect on the society.
3. Effect on nation's growth and productivity.

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.

Law enforcement, social services, and health care are the only productive way to manage domestic violence. Earlier it was considered as private family matter which does not require the involvement of the government or judiciary. Police officers were often reluctant to intervene by making an arrest, and often chose instead to simply counsel the couple and/or ask one of the parties to leave the residence for a period of time. In 1983, Domestic Violence was recognized as a specific criminal offence by the introduction of section 498-A into the IPC. This section deals with cruelty by a husband or his family towards a married woman. Four types of cruelty are dealt with by this law:

1. Conduct that is likely to drive a woman to suicide,
2. Conduct which is likely to cause grave injury to the life, limb or health of the woman,
3. Harassment with the purpose of forcing the woman or her relatives to give some property,
4. Harassment because the woman or her relatives is unable to yield to demands for more money or does not give some property.

The punishment is imprisonment for up to 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. The Indian Penal Code also addresses dowry deaths in section 304-B. If a woman dies of "unnatural causes" within seven years of marriage and has been harassed for dowry before her death, the Courts will assume that it is a case of dowry death. The husband or in-laws will then have to prove that their harassment was not the cause of her death. A dowry

death is punishable by imprisonment of at least seven years. (www.editorialexpress.com)

Women should be also made aware of Women's Commission; offices of the Women's Commission should be opened at the district and lower levels. There should be strict laws for the prevention of alcoholism and drug addiction and social evils such as the dowry system. Medical professionals also can make a difference in the lives of those who experience abuse. They are in position to empower people, give advice, and refer them to appropriate services. Counselors and therapists should assess every client for domestic violence. Without disclosing the identity assessment should be conducted with each individual privately, in order to increase the victim's sense of safety. They should also treat offenders by emphasizing minimum risk to the victim. Counseling may be modified depending on the offender's history, risk of reoffending, and criminological needs.

Constitutional Provisions for women are as under

1. Article 14, confers on men and women equal rights and opportunities in political, economic and social sphere.
2. Article 15, prohibits, discrimination against any citizen on grounds of religion, race, caste, sex etc.
3. Article 16, provides for equality of opportunities matters relating to employment or appointment to any office under the state.
4. Article 39(a) (d) mentions policy security of state, equality for both men and women the right to a means of livelihood and equal pay for equal work for both men and women.
5. Article 42, direct the state to make provision for ensuring just and human conditions of work and maternity relief.

Legal Provisions for women are as under:

Factories Act 1948

Under this Act, a woman cannot be forced to work beyond 8 hours and prohibits employment of women except between 6 am and 7 pm.

Maternity Benefit Act 1961: A Woman is entitled 12 weeks maternity leave with full wages.

The Dowry Prohibition Act, 1961

Under the provisions of this Act demand of dowry either before marriage, during marriage and or after the marriage is an offence.

The Equal Remuneration Act of 1976

This act provides equal wages for equal work: It provides for the payment of equal wages to both men and women workers for the same work or work of similar nature. It also prohibits discrimination against women in the matter of recruitment.

The Child Marriage Restrain Act of 1976

This act rises the age for marriage of a girl to 18 years from 15 years and that of a boy to 21 years. Indian Penal Code: Section 354 and 509 safeguards the interests of women.

The Medical Termination of Pregnancy Act of 1971

The Act safeguards women from unnecessary and compulsory abortions.

Amendments in Criminal Law 1983 which provides punishment of 7 years in ordinary cases and 10 years for custodial rape cases.

The National Commission for Women Act, 1990: The Commission was set up in January, 1992 to review the Constitutional and legal safeguards for women.

The Protection of Human Rights Act, 1993 Protection of Women from Domestic Violence Act, 2005: This Act protects women from any act/conduct/ omission/commission that harms, injures or potential to harm is to be considered as domestic violence. It protects the women from physical, sexual, emotional, verbal, psychological, economic abuse.

Protection of Women against Sexual Harassment at Workplace Bill, 2010: on November 4, 2010, the Government introduced protection of Women against Sexual Harassment at Workplace Bill, 2010, which aims at protecting the women at workplace not only to women employee but also to female clients, customer, students, and research scholars in colleges and universities patients in hospitals.

Conclusion

Though love, support and bonding among members are often present, home is also frequently the site of violent human relationships. Violence related to alcoholism, dowry, financial crisis, extra-marital affairs, rape, personality disorders, intrusion of in-laws, marital maladjustment, property disputes, drug addiction and divorce against women persists in all regions of the world. Despite efforts made by various sections of society and the Government to curb the menace of domestic violence against women, there is day by day rise in domestic violence. This can be curbed by joint efforts of society and government. For this legal literacy camps should be conducted on a regular and systematic basis at the local community level. Public should know about NGOs and governmental organizations dealing with women's issues. Health care providers such as doctors, nurses, and other Para-medical staff should be properly sensitized to treat women experiencing violence. It is necessary to educate women about her rights. Adequate assistance should be provided to the victim by offering safe shelters, crisis intervention, advocacy, and education and prevention programs. To conclude it is therefore necessary that every strata of society must contribute to ensure a violence free life for every woman and that will ensure safe and happy surrounding to all.

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