

## Domestic Violence – Nature and Causes

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**ABSTRACT:** *Abusive behavior at home is a typical issue that may influence in excess of a fourth of ladies. It is an intricate zone in which to attempt look into. Concentrates regularly center around chosen populaces and display a decent variety of configuration, making examination troublesome. This audit centers around physical viciousness by men against ladies accomplices or ex-accomplices, and epitomizes vital issues for general specialists. Abusive behavior at home as often as possible goes undetected. This might be the consequence of specialist's feelings of dread of investigating a zone apparent as tedious, where information is missing and where they feel weak to 'fix' the circumstance. Ladies may not uncover that they are encountering viciousness, here and there in light of the fact that specialists are unsympathetic or threatening. All things considered, ladies wish to be gotten some information about physical maltreatment and need to get prompt guidance and data about their choices if vital. Ladies experience a scope of wellbeing and social issues in relationship with abusive behavior at home, including misery, tension, substance misuse and pregnancy confusions. Be that as it may, none of these highlights is sufficiently explicit to be valuable as a pointer of viciousness. In this way, specialists ought to routinely get some information about maltreatment. This suggestion can be fused into rules, which ought to be executed generally in the UK, to improve the consideration of ladies encountering aggressive behavior at home. In parallel with this, the instructive needs of general experts ought to be tended to. Further research is expected to set up the pervasiveness of aggressive behavior at home in ladies exhibiting to general practice and to examine how the issue is at present being tended to. On the off chance that advancement is to be made in handling aggressive behavior at home, activity inside essential consideration is only one piece of this: a central change in the frames of mind of men towards ladies is required.*

**Key Words:** *Domestic Violence, Abusive, Physical Viciousness, Women, Exploitation.*

### Introduction:

“From the cradle to the grave”, women are treated as an object of violence by the people nearest to them and it is never ending cycle, for there is various cases of domestic violence has been reported. As in a modern era, development means to protect the rights of all the population whether it is a male or female. In India people were continued to be marginalized on the basis of religion, caste, culture, colour, sex etc but discrimination and exploitation on the basis of gender is an serious issue of concern<sup>1</sup>, not only in India but a worldwide, which curtailed half of the population to enjoy the rights and to pay their contribution in the development of the nation.

Yet even after passing so many laws to protect the rights and dignity<sup>2</sup> of women they are treated as an object for men’s pleasure and many times it has been seen that they become the victims of men’s cruelty. Millions of women faces several harassment due to unfulfilment of dowry demands and so many of them become the victim of homicide and are even driven to suicide. Undoubtedly, domestic violence is one of the endemic form of violence against women throughout the world<sup>3</sup>. The only reason for less reporting of the cases of domestic violence is that most of the cases were sorted out within the four walls of the house and some among to violence is considered as a part of normal “wear and tear of Marriage”.

Indian society is a tradition bound society where women have been exploited socially, economically, physically and sexually from the time immemorial on the name of religion and social sanction made by the male saints. Additionally, domestic violence is the violation of all basic rights that a women suffers in their on homes by their own family members and relatives. As per the report of the NCRB (National Crime Record

<sup>1</sup>Part-III The Constitution of India, 1950.

<sup>2</sup> The Preamble of Constitution of India, 1950.

<sup>3</sup> Domestic Violence Act, 2005

Bureau), in every six hours in India a young married women is being burnt alive, bitten to death or forced to suicide, has been a serious menace to our society<sup>4</sup>

#### DEFINITION:

According to Black's Law Dictionary: "Domestic Violence means violence between members of household, usually spouses, an assault or other act committed by one member of a household against another"<sup>5</sup>.

- The Lexican meaning of violence: It denotes to any physical force or any damage or injury to person or property.
- According to Webster's collegiate dictionary: Violence is uncontrolled or unjustifiable use of force which causes some physical or mental injury to the person against whom such force is asserted.<sup>6</sup>
- As per Niroj Sinha: Violence includes both the physical violence against the women and exploitation of all kinds. It also includes the context and all the particulars situation under which such threats, or force are indicated.<sup>7</sup>

#### CONCEPT OF DOMESTIC VIOLENCE:

Domestic Violence is an extremely complex and vicious form of abuse, oftenly committed within the four walls of their house by their family members. Domestic Violence is one of the central issues for the contemporary women's moment in whole over the world. At various moment it has been understood that domestic violence is a violence related to dowry, cruelty or human rights, against women. These different concepts co-exist in everyday activity, inspiring diverse modes of activism. To control these kinds of activities domestic violence laws supposed to be implemented in a effective manner. Whenever law has lagged behind social change, it has become a drag, generating its wake violence and violations of laws. In short, life and law have marched together in history and must do so hereafter also. Domestic Violence is the violence inflicted by the male member towards female member and female member towards male member and a female member toward female member of the family. The concept of Domestic Violence has been defined under the following laws:

- **Concept under Indian Penal Code:** Under the IPC, there is no direct definition of domestic violence but its meaning can be inferred from various provisions such as culpable homicide<sup>8</sup>, murder<sup>9</sup>, hurt, grievous hurt, dowry death<sup>10</sup>, abatement to suicide<sup>11</sup>, cruelty by husband, relatives, female infanticide or forcing the wife to terminate her pregnancy, misappropriation of spouse's property, confinement of spouse on her matrimonial home, use of force and assault on the spouse are also forms of domestic violence which are recognized as an offence under the Indian Penal Code, marital rape is yet another common form of Domestic Violence, matrimonial cruelty was introduced as an offence under IPC in 1983. It defines cruelty as any willful conduct which is of such a nature as it is likely to drive the women to commit suicide or to cause grave injury or damage to life or to limb or health, (whether physical or mental) of the women, it also includes the harassment of the women in connection with demand or property and the like.
- **Concept under Special Laws:** Under some special legislation the domestic violence has been recognized in various forms such as Dowry Prohibition Act, 1961, criminalizes the giving and taking of dowry<sup>12</sup>. There is another form of domestic violence which was in use in the past but fade away in the last century i.e. Sati which means the burning alive of widow along with the body of her deceased husband or any other relative, or with any article, object or thing associating with the husband or relatives. The pre-natal diagnosis techniques (Prohibition of Sex Selection) Act, 1994 recognises that Domestic Violence also committed in the form of forced termination of female infanticide<sup>13</sup>.

<sup>4</sup> NCRB, MHA, Crimes in India, 2002

<sup>5</sup> Black's Law Dictionary, 7<sup>th</sup> ed., 1999, P. 1564.

<sup>6</sup> Webster's New Collegiate Dictionary, 1961, P. 952.

<sup>7</sup> Sinha, Niroj, Women and Violence, 1989, P. 32.

<sup>8</sup> Section 299, IPC

<sup>9</sup> Section 300, IPC

<sup>10</sup> Section 304B, IPC

<sup>11</sup> Section 306, IPC

<sup>12</sup> Dowry Prohibition Act, 1961.

<sup>13</sup> PNDT Act, 1994.

- **Concept under Civil Laws:** Civil law too follows criminal law, in as much as it addresses facets of domestic violence without specifically defining domestic violence<sup>14</sup>. Even references in the statutes to aspects of domestic violence are generic and it is only through judicial decisions that such provisions have been given life and meaning.
- **Concept under the Dissolution of Muslim Marriages Act, 1939(DMMA):** stipulates cruelty as a ground of divorce<sup>15</sup>.
- **Concept under The Hindu Marriage Act, 1955 (HMA):** term cruelty has been understood to mean acts of physical as well as mental cruelty and is a ground for divorce as well as judicial separation<sup>16</sup>. The Special Marriage Act, 1954(SMA), the Indian Divorce Act, and the Parsi Marriage and Divorce Act, all allow 'cruelty' as a ground for divorce. However, none of the Acts elaborate or detail the nature of cruelty. Domestic Violence would certainly qualify as cruelty under these statutes.
- **Concept under the Protection of Women from Domestic Violence Act, 2005:** To be honest, before 2005, there was no definition of domestic violence in Indian Law. A frequent perception of domestic violence against women is that it is limited to physical harm perpetrated on adult women within a marital relationship. But the definition of domestic violence has been made broad by the Act of 2005 which acknowledges the multiple possibilities would lead to domestic violence that are more inclusive of the experiences of all women. This Act defines the expression domestic violence to include actual abuse or threat of abuse physical, sexual, verbal. Emotional or economic violence<sup>17</sup>. The core of a definition violence consists of all the acts that constitute violence. Some definitions are narrow and focus on a specific act of violence and others are broader and incorporate the full range of acts. In India, public discourse and the media equate domestic violence with dowry violence. This incomplete representation undermines awareness of the widespread, daily psychological, physical and sexual abuse women confront that is often unrelated to dowry<sup>18</sup>. As a result, newspapers may fail to report the less sensational stories that do not involve bride burning and unnatural death. Indian legislation on marital violence perpetuates this narrow definition. For example, both Section 498-A of the Indian Penal Code and the Dowry Prohibition Act emphasize violence within the context of dowry harassment. However, informal discussions with women by researchers and activists have underlined the need for greater study of other factors and characteristics associated with abuse.

#### **NATURE AND CHARACTERISTICS OF DOMESTIC VIOLENCE:**

Domestic Violence can also be seen as a violation of the fundamental right to live with dignity, and of the right to equality and equal protection of the law guaranteed under the Indian Constitution. Domestic Violence is in the majority of cases, violence against a woman by the members of the house where she resides. It can be the husband, his parents, or siblings or any other resident who has the overt or covert latitude for actions that can cause physical or mental agony to the woman. But, the most important aspect of this kind of violence is the fact that it happens behind the closed doors and is most often denied by the very woman who has been the victim of violence. It is this aspect of the crime that segregates itself from all other kinds of the social violence. Domestic violence is violent victimization of women, within the boundaries of family, usually by men. A woman may of any age, she may be a girl child, unmarried or elderly woman including a widow or such women with whom men have marriage like relationship. Violence can be both physical and psychological. It indicates threats or aggressive behavior towards her not only to her physical being, but towards her self-respect and self-confidence.

Frequently, a batterer isolates the victim from the family socially, emotionally and geographically. The victim is frequently forbidden to see trusted friends and family, and is denied the opportunity to go to school or work outside the home. There is little or no access to or control over finances, in the midst of this terrible isolation, the abuser employs brainwashing tactics and with no input to the contrary from anyone outside the relationship, there will be no way for the victim to test reality.

<sup>14</sup> Code of Civil Procedure, 1908

<sup>15</sup> Dissolution of Muslim Marriages Act, 1939.

<sup>16</sup> The Hindu Marriage Act, 1955.

<sup>17</sup> Domestic Violence Act, 2005.

<sup>18</sup> Section 5 of the Dowry Prohibition Act, 1961.

**DOMESTIC VIOLENCE IN INDIA:**

In India we have unique situation of co-existence of all forms of violence especially of elimination of women, e.g. selective female feticide, female infanticide, bride burning and sati. The incidence of violence against women are prevalent in our society, though many cases remain unreported due to cultural norms, apathy or ignorance. They may manifest themselves directly in wife battering, abduction, eve-teasing, verbal abuses or verbal rebukes. Women on many occasions are victimized by all sorts of discriminations, deprivations and obstructions in goal achieving and responses. These incidents may occur in the family, offices, agricultural fields, industries or even public places. It sounds surprising that on animal level predatory aggression occurs between the species and not within the species, but a human being the highest on the evolutionary level, kills another human being of his own species<sup>19</sup>.

Inflicting and experiencing violence in many subtle forms causing and suffering mental pain in day to day life has become ways of our world in inter personal relationships. The cruelty, the hate that exists in ourselves is expressed in the exploitation of the weak by the powerful and the cunning<sup>20</sup>.

The worst part of the problem is that women today are not being feeling safe and secured even in the family. The concept of home, sweet home is no more, so far many women, who suffer violence against themselves by the members of the family. Home is no safe place when it comes to aggressive behavior<sup>21</sup>.

In the last four decades there has been an alarming increase in the incidence of violence within and outside the family. Today we hear more about wife beating, dowry deaths, sexual crimes and even reversion to medieval practices like sati. Over the years, the nature of domestic violence has changed now it has assumed following characteristics:

- Differences between the husband and wife and increasing divorce is becoming common.
- Men are marrying more than once, partly because they can get a new girl and partly because of the dowry.
- Human feelings are gradually evaporating. A man resorts even to murder the wife if he does not get the expected dowry or if he is attracted to another girl.
- The growing dowry system is gradually making the baby girl unwanted. People are resorting to foeticide and sometimes, baby girls are even killed after birth. Besides this-

Often, she has to pay in terms of sacrificing her likings, interests, and skills while the society offers man many opportunities to go out of house and share with others his joys and sorrows, such opportunities are very less for a women. This mental violence, agony of losing life's most precious treasures and the lack of opportunities to share it with somebody also stems out of our societal structure. In such violence, there are no visible body marks, but the wounds inflicted on the mind are difficult to heal.

The woman right from the moment of stepping into the husband's home tries to forget her own identity and adjust everything according to the needs of the new place and the people living in it. In spite of it, she is under a constant watch and is often criticized for anything, e.g. for not bringing enough money from her parents, for not being trained properly, etc. She tends to overlook these facts, because she has been 'trained' to do so. The society, the religion, her parents and in-laws, everyone expects her to become her husband's shadow. The worst thing is that all these come as a rude shock to her after marriage, because the institution of marriage in our society is highly glamorized. Hence for a woman, 'the union of souls' turning into a nightmare is a truly horrifying and shattering experience. The mental violence may be committed in such a subtle manner that others will never come to know of it<sup>22</sup>.

**HISTORICAL BACKGROUND:**

The Indian ladies' development, from the 1920s until the 1970s, was intensely affected and coordinated by the outer financial and political powers of the country, such that ladies' issues were viably sidelined, failing to occupy focal worry in the brains of individuals. The period from the 1920s until Autonomy saw the imbue of the ladies' development with patriot legislative issues, its forms molded by the on-going battle for opportunity from English government. This period, from the 1920s to the 1970s, was portrayed by the beginning of different nearby ladies' affiliations, for example, the Bharat Stree Mahamandal and the Arya Mahila Samaj.

<sup>19</sup> Srivastava, Dr. Laxmi, Problem of Violence against Women- A multidisciplinary Conceptual Analysis.

<sup>20</sup> Krishnamurthy, J., Commentaries on Living, 3<sup>rd</sup> Series Edited by D. Rajgopal, 1977, P.166.

<sup>21</sup> Ibid

<sup>22</sup> Sood, Sushma, Violence Against Women, 1990, P. 227.

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According to early Roman law, a man could beat, divorce, or murder his wife for offenses committed by her, which besmirched his honor or threatened his property rights. These were considered private matters and were not publicly scrutinized under as in the Violence Against Women Act, 1994. The Catholic Church's endorsement of "The Rules of Marriage" in the 15th century exhorted the husband to stand as judge of his wife. He was to beat her with a stick upon her commission of an offense. According to the rules beating showed a concern for the wife's soul. The common law in England gave a man the right to beat his wife in the interest of maintaining family discipline. The phrase "rule of thumb" referred Domestic Abuse 3 to the English common law, which allowed a husband to beat his wife as long as he used a stick that was no bigger than his thumb under the Violence Against Women Act, 1994. Women were not the only ones subject to the abuse. In early America, English law greatly affected the decisions of the colonial courts. The Puritans openly banned family violence. The laws, however, lacked strict enforcement. It was not until the 1870's that the first states banned a man's right to beat his family. The laws were moderately enforced until the feminist movement of the 1960's started bringing the problems of domestic abuse to the attention of the media. By the 1980's most states had adopted legislation regarding domestic violence. Aggressive behavior at home in India represents a fascinating Catch 22 notwithstanding being the most omnipresent of fundamental human rights infringement, it is likewise the least announced and talked about. The firmly male centric standards and structure of conventional Indian culture, and the sharp qualification among open and private life, have made the topic of aggressive behavior at home a complex and nuanced one, bringing about a long and energetic battle for equity against the deplorable practice.

**CONCLUSION:**

As per hymn of the Vedas, it is considered that God only resides to those place where the women is being worshipped. The women who has been given so much respect in our scriptures, we consider that women to be inferior. "Women is not a female maid, she is a female partner". As per aptly and duly said by 'Swami Vivekananda' that there is no chance for welfare of the world unless the condition of the woman is improved or get progressed. It is not workable for a feathered creature to fly on just a single wing. By citing this he means to convey that to run the society in the smooth way both men and women are necessary.