



SPECIFIC UNDERSTANDING AGAINST VIOLENCE & DOMESTIC VIOLENCE AND ITS EFFECT ON WOMEN

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ABSTRACT

Domestic violence is a gender based violation of human rights having multi- dimensional repercussions in the well- being of individuals in family and society. The Indian legislation to protect the women from domestic violence is significant in providing a mechanism for enforcing positive civil rights of protection and injunction orders to the victims of domestic violence along with the existing remedies of criminal sanctions. However the Act was brought in the backdrop of an established tradition of cohesive and stable family setting. This, in turn, results in the emergence of new issues and challenges which necessitates deeper understandings of indigenous sociocultural institutions in India i.e., marriage and family.

KEYWORDS:-Domestic Violence, Women, Human Rights.

I. INTRODUCTION

Violence against women is a manifestation of historically unequal power relations between men and women, which has led to domination over and discrimination against women by men and to the prevention of the full advancement of women. Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men. Violence against women is always legitimized by arguments of 'culture' as no society is devoid of culture. The patriarchal culture inevitably validates violence as an acceptable, even desirable, attribute of masculinity tends to de-values women and all attributes considered feminine and thereby intervening into relationships. The age old philosophical perceptions on the role of women permeate in all man-woman relationships within the four walls of the home which is considered as the repository of love, warmth and affection.

II. DOMESTIC VIOLENCE

Domestic violence can be described as the power misused by one adult in a relationship to control another. It is the establishment of control and fear in a relationship through violence and other forms of abuse. This violence can take the form of physical assault, psychological abuse, social abuse, financial abuse, or sexual assault. The frequency of the violence can be on and off, occasional or chronic.



“Domestic violence is not simply an argument. It is a pattern of coercive control that one person exercises over another. Abusers use physical and sexual violence, threats, emotional insults and economic deprivation as a way to dominate their victims and get their way”. (Susan Scheter, Visionary leader in the movement to end family violence)

The Protection of Women from Domestic Violence Act, 2005 says that any act, conduct, omission or commission that harms or injures or has the potential to harm or injure will be considered domestic violence by the law. Even a single act of omission or commission may constitute domestic violence - in other words, women do not have to suffer a prolonged period of abuse before taking recourse to law. The law covers children also. Domestic violence is perpetrated by, and on, both men and women. However, most commonly, the victims are women, especially in our country. Even in the United States, it has been reported that 85% of all violent crime experienced by women are cases of intimate partner violence, compared to 3% of violent crimes experienced by men. Thus, domestic violence in Indian context mostly refers to domestic violence against women.

III. GENERAL UNDERSTANDINGS OF VIOLENCE AND DOMESTIC VIOLENCE

Questions of how family violence is defined, how commonly it occurs, and how gendered are its origins and its expressions, go to the heart of our understanding of and our responses to this phenomenon. Though considerable progress has been made, none of these questions are settled. Therefore legislative definitions continue to vary, as do definitions employed by the social sciences and health and welfare service providers. Differing definitions also reflect differing assumptions and differing emphases regarding the broad nature of violence, particularly family violence.

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In contemporary legal definitions, the issues of power, domination, and control are also explored to discover the intent behind domestic violence.⁵ The World Health Organization has defined partner violence as any behavior within an intimate relationship that causes physical, psychological or sexual harm, including:

- Acts of physical aggression, such as slapping, hitting, kicking and beating;
- Psychological abuse such as intimidation, constant belittling and humiliation;
- Forced intercourse and other forms of sexual coercion; and

Various controlling behaviors such as isolating a person from their family and friends, monitoring their movements, and restricting their access to information or assistance



Domestic violence, as the Office on Violence against Women of the US Department of Justice defines it, is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, coerce, threaten, blame, hurt, injure, or wound someone.

IV. SPECIFIC UNDERSTANDING OF DOMESTIC VIOLENCE

The terms, ‘domestic violence’ and ‘abuse’, will be used to refer to the physical, emotional and/or sexual abuse of a woman by a male with whom she has or has had an intimate relationship. The women victims are considered irrespective of their status they hold within the household like sister, mother, daughter in law etc. The violence addressed against the women is envisaged as violence in a man and woman relationship within the domestic precincts of family. The family includes both natal and matrimonial family system. Domestic violence is what happens among persons in domestic relationships and generates within the privacy of the four walls of a home. It encompasses abuse of all kinds of physical, psychological, sexual, economic, emotional and verbal. Domestic violence is all about power relations and the abuse of power in a household. It is perpetrated by one member or members collectively on another to gain control. It leads to the violation of series of human rights guaranteed to her by virtue of various international, national and regional human rights instruments.

As opposed to the general construction, domestic violence in the study refers to violence occurring within a man-women relationship. While recognizing that other forms of violence are equally worthy of attention, this study does not cover the violence inflicted on women by strangers outside the home – in public places such as streets, workplaces or in custody, or in situations of civil conflict or war and violence against immigrant women.

V. MANIFESTATIONS OF DOMESTIC VIOLENCE:

Domestic Violence is an old age phenomenon. It may be caused in various forms directly or indirectly. Recent statistics by World Health Organization showed that one in every three women is vulnerable to physical and sexual violence. According to United Nation, violence against women may start prior their birth as aborted for being the female sex. The childhood of females is also full of discrimination and violation of human rights as they may be ignored in health and education aspects as compared to a male child and that followed by physical, psychological and sexual abuse by intimate partner when women enter in her marital life and continued in old age as homicide and forced-suicide[6]. Some forms of domestic violence are mentioned below-

Physical Violence:

It means any act or conduct which is of such a nature as to cause bodily pain, harm, danger to life, limb, or health or impair health or development of aggrieved person and includes assault, criminal intimidation



and criminal force. Some illustrations are; Over burdening with work, Beating, Pushing, kicking, pulling hair, Slapping, Choking, Strangling, Burning, Forced abortion etc.

Emotional Violence:

It includes (a) insults, ridicule, humiliation, name calling and insults or ridicule especially with regard to not having a child or a male child; and (b) repeated threats to cause physical pain to any person in whom the aggrieved person is interested. It may also be done by Taunting, threatening to end relationship and throw out of the house, threatening to kill and beat up, Humiliating, restricting freedom of choice (Education, Career, Friends, Marriage), Not giving equal opportunities, Indifferent/no communication, Deprivation of sexual relations.

Sexual Violence:

It includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman. For e.g., Pressure to go for prostitution, forced sexual relations with other family members, Forced sexual intercourse by spouse etc. Among married women who were victims of sexual violence, over 83% reported their present husband and 9% report a former husband as the perpetrators.

Economic Violence:

It includes Demanding dowry, taking away belongings, Not allowing to have control over one's income (if earning), Not providing sufficient financial resources, Not involving in financial decisions.

VI. EFFECTS OF VIOLENCE AGAINST WOMEN

Violence against women can cause long-term physical and mental health problems. Violence and abuse affect not just the women involved but also their children, families, and communities. These effects include harm to an individual's health, possibly long-term harm to children, and harm to communities such as lost work and homelessness.

- **The short-term physical effect of violence against women**

The short-term physical effects of violence can include minor injuries or serious conditions. They can include bruises, cuts, broken bones, or injuries to organs and other parts inside of your body. Some physical injuries are difficult or impossible to see without scans, x-rays, or other tests done by a doctor or nurse.

Short-term physical effects of sexual violence can include:

- Vaginal bleeding or pelvic pain
- Unwanted pregnancy



- Sexually transmitted infections (STIs), including HIV
- Trouble sleeping or nightmares

If you are pregnant, a physical injury can hurt you and the unborn child. This is also true in some cases of sexual assault.

If you are sexually assaulted by the person you live with, and you have children in the home, think about your children's safety also. Violence in the home often includes child abuse. Many children who witness violence in the home are also victims of physical abuse

- The long-term physical effect of violence against women

Violence against women, including sexual or physical violence, is linked to many long-term health problems. These can include:

- Arthritis
- Asthma
- Chronic pain
- Digestive problems such as stomach ulcers
- Heart problems
- Irritable bowel syndrome
- Nightmares and problems sleeping
- Migraine headaches
- Sexual problems such as pain during sex
- Stress
- Problems with the immune system

Many women also have mental health problems after violence.

To cope with the effects of the violence, some women start misusing alcohol or drugs or engage in risky behaviors, such as having unprotected sex. Sexual violence can also affect someone's perception of their own bodies, leading to unhealthy eating patterns or eating disorders. If you are experiencing these problems, know that you are not alone. There are resources that can help you cope with these challenges.



Violence against women has physical and mental health effects, but it can also affect the lives of women who are abused in other ways:

- **Work.** Experiencing a trauma like sexual violence may interfere with someone's ability to work. Half of women who experienced sexual assault had to quit or were forced to leave their jobs in the first year after the assault. Total lifetime income loss for these women is nearly \$250,000 each.⁸
- **Home.** Many women are forced to leave their homes to find safety because of violence. Research shows that half of all homeless women and children became homeless while trying to escape intimate partner violence.
- **School.** Women in college who are sexually assaulted may be afraid to report the assault and continue their education. But Title IX laws require schools to provide extra support for sexual assault victims in college. Schools can help enforce no-contact orders with an abuser and provide mental health counseling and school tutoring.
- **Children.** Women with children may stay with an abusive partner because they fear losing custody or contact with their children.

Sometimes, violence against women ends in death. More than half of women who are murdered each year are killed by an intimate partner.

VII. CONCLUSION

The extent to which domestic violence threat inhibits women from playing a decisive role in her own life and how it eventually impact adversely on her human rights are a matters of deep concern in a democratic society. Recognizing the importance of social costs of gendered directed violence, the international human rights instruments had taken up the cause as reflected through different Conventions and Treaties. The major challenge lies in the assimilation of those principles into the national/domestic context.

Historically, the violence against women or practices of gender inequality was in existence both in the western and Indian cultural background. The western philosophical thinking starting from the Greek philosophy to the feminist thinking reflected the development from the disadvantaged position to a highly empowered rights holder. The Indian philosophical underpinnings traced its origin from the western counterparts and woman's role within the family was highly curtailed.

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