

Domestic Violence: A Detestable Peril Prevailing In India And Abroad

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Introduction

The life of the woman is always surrounded with violence. From her cradle to her last breath, she is subjected to endless and incessant numbers of violence. Violence against her is boundary less. It not only happens in under developed and developing countries but innumerable number of women even in developed countries are entrapped and ensnared in this menace.

The UN Declaration on the Elimination of Violence Against Women states that:

"violence against women is a manifestation of historically unequal power relations between men and women" and that "violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men. (1)

During her life, women are subjected to violence's like female, foeticide, female infanticide, rape, sexual harassment, acid attacks, human trafficking and forced prostitution, labelling her as witch etc, to name a few. Of all violence's mentioned above, domestic violence is the most abysmal, most direr and most awful violence committed on her not by strangers but her own very people whom she could not even think of committing atrocities on her or on whom she had confided and unburdened her heart to.

It is rightly said "Statistically it is safer to be on streets after dark with a stranger than at home in the bosom of ones family, for it is there that

accident, murder and violence are likely to occur."

(2)

Domestic violence continues to be worldwide scourge that exterminates, slays and persecutes women- physically, emotionally, sexually, fiscally and the nastiest part is women are still loathed to report this evil, as a result, most cases go unreported. It is a soundless and unspoken crime where woman every day and night suffers at the hands of her husband and his relatives with no succour to ask for as these cases go unnoticed. Dowry deaths, physical torture, mental torture, marital rape, wife battering, bride burning etc are the various manifestations of domestic violence.

Meaning

Domestic violence can be described as the power exploited and mistreated by one person to control and subjugate another who stands in relation to this person. Power used could be physical, mental, sexual, economic, emotional and verbal.

"Domestic violence is not simply an argument. It is a pattern of coercive controls 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) (3)

Causal Factors (4)

Male domineering society: It has always been a male dominated and male dictated society. This is engrossed and imbibed in the minds of the person when a child and this continues and persists throughout. The moment woman tries to raise her head and voice, even for a rightful and apt cause, she is snubbed and rebuffed down through domestic violence. In a patriarchal society, women are not shielded and safeguarded when their partners inflicts and metes out brutal and spiteful methods. Husbands often feel that by battering their wives, they are exercising their right and punishing their wives misbehaviour and wrongdoings. They feel that by exercising such right, they are maintaining good order in the family. (5)

Stress and tensions: Another causal factor for domestic violence. Stress and tensions play a pivotal role and a person suffering from this lashes and spans out for obvious reasons. Stress could be job related, wife a successful woman and husband an under achiever, disagreements and spats, neglecting in-laws, inferiority feelings, refusal and denial of sex without any reason, financial crunch and unable to meet both ends etc, to name a few...

Fiscal Reliance: Financial dependence on husbands forces most of the women to continue to stay in the same household where the abusive and obnoxious husbands stay. Since they are economically dependent on the husbands and the husbands very well know the fact that these women do not have any place to go even if they are tormented, undue advantage is taken of their vulnerable, susceptible and deplorable position and hence domestic violence....

Fiscal Non Reliance: The converse of the above is by the same token applicable in cases where women are financially independent and are not reliable on their husbands. In these cases also, women are punched and thumped by their husbands because it brings a sense of inferiority

complex and in order to satisfy this, women are smacked out.

Childhood Memories: There is a general belief that men may become violent, offensive and abusive in their lives if they have witnessed and seen their fathers thrashing and beating their mothers during their childhood. Straus, Steinmetz and Gelles observed, for example, that “the more punishment one experienced as a child, the greater the rate of violence in marriage fifteen or more years later. One out of four or five of those who were punished the most hit his or her spouse during the year of this survey.” (6)

Drunkenness: One of the major causes of domestic violence is the excessive drinking habit of the husband, which if refuted ultimately leads to violence between the couple.

Dowry related issues: Bringing of fewer dowries or no dowry has mostly resulted in violence within home. There are catenae of cases which approve and give backing to this. It has either resulted in domestic violence and in some extreme cases women have also succumbed to the injuries inflicted

Going Outside Wedlock: Of late it is seen that extra marital affairs are mounting up like anything. The slip up or blunder could be of either parties but it often ends up with beating and thrashing of the wives in most of the cases.

Servile Mentality: In some cases, women are themselves to be blamed. They are fault finding and keep on finding fault in themselves even if it is the imperfection of their husbands. They believe themselves to be slaves of their husbands and suffer all melancholies and glums whether at fault or no fault.

Effects

Domestic violence is the most unpleasant and the pits thing committed on women. The effects of this last till her last breadth. She suffers both physically and psychologically with no succour to ask for as most cases go unreported. Domestic

violence leads to physical injuries, nausea, vomiting, anxiety, negative feelings about themselves, feeling of abandonment, depression and seclusion, arthritis, bleedings, miscarriage if pregnant, gynae problems, menstrual problems, various diseases like sexual transmitted diseases (STD), irritable bowel syndrome, various agonies, insomnia, suicides and deaths in extreme cases etc, to name a few.... Children who are born and brought up in such houses are also not free from such miseries, woes and anguishes. They may either become very quiet and forlorn in their lives or there are very high chances of them becoming aggressive and obnoxious in their lives and exercising similar things they have witnessed during their childhood (7). All this may lead to despondency and quandaries associated with it. There are very high chances of them becoming drug addicts, brutal and vicious in their behaviour. They are the ones who are more likely to commit crimes and also suicides in their lives (8)

In spite of the fact that the effects of domestic violence are very pathetic, yet the reality is it is mounting up and swelling in not only under developed and developing countries but also developed countries.

It is recognized both nationally and internationally that women are routinely raped, beaten up, assaulted and stalked by current and former husbands and boy friends. (9)

It will not be out of place to mention the position in different countries.

United States of America

Domestic violence is very much prevalent in United States. It is an old age phenomenon and is not a new concept as far as United States is concerned. In United States also, Criminal Administrative functionaries have a very callous and nonchalant approach as they consider it to be a private matter with no outside intrusion and intervention. According to them, in cases on domestic violence, it really becomes difficult to gather and collect evidence because the victim woman can at any time back out and pull out her

case against her husband. So, it really becomes an uphill task to administer justice to such browbeaten and subjugated woman. If we see it from the angle of the women, they are averse to file cases against their offensive and odious husbands for their own reasons behind and even if cases are filed, they are at the one stage or the other withdrawn as has been mentioned. It is a matter of jolt and kick in the teeth that women everywhere be it under developed, developing or developed countries have same psyche and are hesitant to file cases against their boorish and violent husbands. Reasons could be-----Domestic violence is a common feature which is all pervading and it need not be addressed. Her economically dependence on husband and the trepidation of future of kids doesn't allow her to leave her matrimonial home. Another factor is her servile mentality where she keeps on blaming herself even if her husband is at fault. She believes that she will be successful wife, once she is able to control violence of her husband. On her failure to do this, it is she who is to be blamed (10). Her affection and fondness for her husband is another reason which doesn't allow her to leave her home even if there is lot of turbulence and hurly-burly in her relation. In spite of the fact that legal succours are available, the condition of the women at home front is really dismal and pitiable.

United Kingdom: (4)

In United Kingdom, for centuries, husband had the right to reproach and admonish their wives. According to Hawkins, "man has got a right to exercise moderate correction as he has a right to correct his apprentices or children" (11). This thing prevailed for years thereafter. Even today, in spite of the fact, that various redressals are available to the destitute and desolate woman, still her position is very wretched and upsetting as far as cases on wife battering are concerned. The question that comes here is- why men pummel and strike their wives? Erin Pizzey in her evidence to the House of Commons she wrote: "In a democratic society laws are made for reasonable men.....These men

are outside the law; they have been imprinted with violence from childhood, so that violence is part of their normal behavior. All the legislating and punishment in the world will not change their methods of expressing their frustration. I believe that many of the children born into violence grow up to be aggressive psychopaths and it is the wives of such men we see at Chiswick. I feel that the remedies lie in the hands of the medical profession and not in the court of law, and because the men act instinctively, not rationally (12). Further more, in a discussion document, British Association of Social Workers laid down:

[E]conomic conditions, low wages, bad housing, overcrowding and isolation; unfavorable and frustrating work conditions for the man; lack of job opportunities for adolescent/school leavers and lack of facilities such as day care (e.g. nurseries), adequate transport, pleasant environment and play space and recreational facilities for mother and children were considered to cause personal desperation that might precipitate violence in the home.” (13)

If we talk about woman in England, she is again uncertain and diffident to report her spanking and smacking by the husband to the police. She believes that initiating an action against her husband would mean inviting more troubles in every aspect of her life, be it financial, be it social, be it marital etc. Even if the case is reported, it won't be of any use, rather it would further invite more quandaries. The attitude of police personnel is very callous and unmoved as far as cases on violence within home is concerned.

The Association of Chief Police Officers of England and Wales and Northern Ireland to the House of Commons Select Committee cited:

“Whilst such problems take up considerable police time.....in the majority of cases the role of the police is a negative one. We are, after all, dealing with persons “bound in marriage”,

and it is important, for the host of reasons, to maintain the unity of the spouses. Precipitated action by the police could aggravate the position

to such an extent as to create a worse situation than the one they were summoned to deal with” (14). Further, prosecution in such cases again fails because in most of the cases, wife withdraws and takes back her complaints for the reasons as mentioned. Thus, even in United Kingdom, the position of women in wife battering cases or to put it in another words domestic violence is not very good and in spite of the fact that laws are available, her position is more or less the same as is there in other countries.

India

The position of women in India has always been very defenceless and deplorable barring the Vedic period. She has been subjected to all kinds of tortures and torments during her life. Woman in Indian society has always been considered as devoid of personality. One of the most important factors which could be attributed to is the patriarchal society in which we live in, where the word “he” plays a very significant and noteworthy role. Indian society is essentially male dictated and male domineering. Woman is considered to be the shadow of the man who is considered to be her lord. Her life revolves around the word “he” which is engrossed and imbibed into the minds of girls and boys and which continues throughout their lives. The woman is taught that she is the person of second order and then she feels that society is like this only where every woman has to suffer at the hands of her husband who is her lord and his family. In cases, it is seen that the moment she steps into the house of her husband, all kinds of atrocities, degradations and tortures are inflicted on her. She is the one who is always at the beck and call of her husband. She is the one who is always at the disposal of her in laws. What is the price fixed for woman's services day and night within the household? Love and affection is the reward. Is it? Perhaps “No”. She is made to undergo all kinds of persecutions and hounding as mentioned. Domestic violence is the crudest violence inflicted on the women in our society and it is mounting up and escalating day and night.

In order to curb it, Protection of Women from Domestic Violence Act was passed in 2005. Although woman comrade legislation has been passed to combat this menacing evil, yet it is seen that most of the cases go unreported for the reasons already cited. Putting a law in black and white won't be of any use until and unless people avail it. Women have to change their psyche in order to ameliorate and upgrade their status and to get justice from the court.

Afghanistan: Afghanistan is another country which is plagued with honour killings, forced marriage and domestic violence and are very rampant. Women are not that educated. Most of the violence committed on her is within home by persons on whom she has trusted the most. (15)

Sri Lanka: Domestic violence is very much rampant in Sri Lanka. Before 2005, Domestic violence was considered to be a private affair, so no intervention and as a result, perpetrators of domestic violence were not punished and were completely immuned. However, after women's rights movement and efforts by NGOs and women's rights advocates Prevention of Domestic Violence, 2005 was passed. Even after the span of so many years, the Act is feeble and weedy as in this male dominated society less than 1% of domestic violence are actually reported under the said Act, which is niggardly. (16)

Iraq: The position of women again in Iraq is very deplorable and susceptible. Domestic violence is such thing which has been overlooked and not taken sight off. Between the years 2002 and 2009, a survey was conducted of adolescent girls and it was found that 57% were of the view that under certain circumstances husband is justified in spanking his wife. (15)

Pakistan: The position of Pakistan woman is very frail and flimsy and most of the women suffer from domestic violence. Though there are NGOs and other charitable organizations which are there to empower and ameliorate her status but due to fright of husbands, attracting not needed attention, injuring honour of their families or in cases they

are not even aware that these helps do exist, they do not avail their services and resources. Many cases go unreported due to apprehension and dreadfulness that if she dare speak up about her abuse, she would be soon seen as loosing hers and her family's dignity and poise. (17)

Yemen: In Yemen 71% of women are illiterate and not conversant. It doesn't provide any minimum age of marriage, so women as young as 12 years are forced to marry men who are much older than them (15)

International Efforts

At the International level, it is not that nothing has been done on this contentious, litigious and sombre issue.

Various international documents such as United Nation's Charter which declares international cooperation in promoting respect for human rights and freedom of people without any discrimination and disparity, Universal Declaration of Human Rights, 1948, under the declaration women are considered as part of humankind and civilization. Whatever rights are provided to men, same rights are provided to women with no discrimination; Convention on the Political Rights of Women, 1952, where equal political rights are given to women with no disparity; , Declaration on the Elimination of all forms of discrimination against women, 1967 where under the declaration all member states are required to submit the report providing status of women in their respective countries; Declaration on the Elimination of Violence Against women, 1993, the declaration was applicable to all the UN member states. Definition of gender based violence includes any gender based act that cause bodily, sexual or mental harm etc. Amongst them Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) also called as "Charter of the Human Rights of Women "is the most important and pivotal one consisting of six parts. Part IV is specifically dealing with equality before law and within the family, Under the

convention apart from rights like education, employment, health care facility, economic and social life, other rights like equality before law and marriage and family relations have also been enumerated. Marriage and family relations specifically requires mention because it deals with the same rights, privileges, responsibilities and liabilities and are provided to both men and women for entering and dissolving marriage. Both the spouses are also placed at par in respect of ownership, management, enjoyment and disposal of property. This is a very laudable provision as women have same rights as those of men with no kind of discrimination and favouritism. Additionally, the need was felt to address on this litigious and touchy issue. Various expert group meetings sponsored by United Nations took place. In 1992, United Nations Commission on the status of women, gave its directive to draw up a draft declaration on violence against women. As already stated, In December, 1993, The UN General Assembly adopted the Declaration on the Elimination of Violence against Women. It is the first and foremost international human rights instrument which has exclusively and unambiguously dealt with the issue on violence against women. In Article 2 of the declaration definition of gender based abuse is laid down. It identifies the areas in which violence takes place. One of such areas is physical, sexual and psychological violence that occurs in the family including wife beating, sexual abuse of female children in the household, dowry related atrocities, marital rape, female genital mutilation and other traditional practices harmful to women, non spousal violence and violence related to exploitation. On 4th March, 1994, UN Commission for Human Rights in resolution 1994/45, condemned and criticized all forms of violence and atrocities that are committed against women. Various international conferences have also been organised at international level to address and fight against this scourge. For ex. Mexico city conference, Conferences in Copenhagen, the world conference on women in

Nairobi and the Beijing Conference. Also, in June 1993, world conference on Human Rights that was held in Vienna, in the Vienna Declaration and Programme of Action, Governments declared that UN and all member states should come forward and strive hard and do to their utmost to wipe out and eradicate all kinds of violence against women in public and domestic life. (18)

The fourth world conference on women that took place in Beijing held in the year 1995 took into account elimination of all forms of violence against women as one of its twelve strategic objectives and also enumerated concrete actions to be taken by governments, the United Nations, international and non-governmental organizations. (19)

Beijing plus 5 was held in the year 2000, the report acknowledged the stumbling blocks in the way to eradicate violence against women. Further, it stated that domestic violence is still considered as a private affair in some countries, insufficient awareness of the consequences of domestic violence etc. The report also talked about the suggestions and advise to tackle issues relating to domestic violence, strengthening the redressals through criminal justice system. Similar reviews were held at Beijing plus 10 in the year 2005 and Beijing plus 15 in 2010. Additionally, UN Rapporteur on Violence Against Women plays a pivotal role in curbing domestic violence. The job of the Special Rapporteur is to visit different countries across the globe, collect and assemble information, make a report and give it to UN Human Rights Council and also to suggest and advise to governments and different agencies(20)

These are some of the international efforts that have been made to combat this rising and intensifying evil.

In spite of the fact that various efforts are made, it is seen that it goes unabated.

In Canada, 29% of women reported bodily assault by current or former partner since they were of the age of 16 years.(It was a nationally representative

sample of 12,300 women). In Japan, in 1993, 59% of 796 women suffered physical abuse. Switzerland recorded 20% of 1500 women being bodily assaulted according to 1997 survey. In New Zealand, 20% of 314 women were bodily abused. In UK-25% of women had been spanked or smacked by a partner or ex partner (random sampling in one district). In Korea, on the basis of random sampling, 38% wives were physically abused by their husbands. USA-28% of women reported at least one episode of physical violence from their partner. Columbia- 6097 women were surveyed and 19% of it were corporally assaulted by their partner. Kenya- 42% of women reported that they have been beaten and battered by their partner, (612 women surveyed in one district). In Zimbabwe, according to 1996 survey, 32% of 966 women reported bodily abuse by a family member since the age of 36 years in one of the provinces, Tajikistan- 23% of 550 women aged 18-40 years were physically and bodily abused. Estonia- 29% of women aged between 18-21 years are under the apprehension of domestic violence and it increases and augments with age affecting 52% of women who are of the age of 65 or older according to the survey conducted on 2315 women in 1994. (21).

Conclusion

Domestic violence is such a malevolence which is omnipresent and is boundary less. It is prevailing everywhere-be it underdeveloped, developing or developed countries alike and the nastiest and the most appalling part is, it is taken nonchalantly and unflappably. To top it all, throughout the globe, the psyche of most married ill-treated women are same everywhere. These women do not want to leave their husbands for their own reasons behind and are reluctant and loathed to report it as a crime even if they are mortified and disgraced day and night. Torture is not only physical torture but also mental torture whose blotch and splotch can last till the last breath of the women. The question which keeps on haunting and lingering is why does she suffer all this? Even educated women are

suffering at the hands of her husbands, not to talk of uneducated women. The need of the hour is to transform and revolutionize the mindset of people. Women are in no way less than her male counterparts. Undoubtedly, steps should be taken to reconcile and resolve issues, but if it is not possible than there is no point staying with such a person who doesn't allow his wife to live with dignity and poise. If the woman is educated and employed, why does she need a man to be with her who is always spanking and thrashing her? If she is uneducated, she needs to be educated and employed to become independent and self reliant. The woman has to believe in herself, she needs to be confident and fight against all oddities and idiosyncrasies. There is no iota of doubt that different countries have taken steps and have passed laws to curb this menacing evil, but it will not be of any use until and unless the person avails it and gets justice, otherwise they will just remain in black and white with no teeth to bite. The mindset of Criminal Justice Administration also requires a change. They need to comprehend that it is no more a private affair and it does require intervention and intrusion. Above all, it is the husband who from the mainstay of his heart believes that this would now no more be tolerated and endured. He must mend his ways so that his better half that is with him in all his thicks and thins can live a royal, demured and a decorous life.

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