Introduction

Domestic Violence- Nature and Causes

"From the cradle to the grave, women are objects of violence from those nearest and dearest to them. And it is a never ending cycle for there is considerable evidence of intergenerational transmission of domestic violence". (Freeman, 1979, p 239)

Development is about protection of human rights of the concerned populations. It pre-supposes active participation of the population in the decision-making processes while social justice remains one of the most important and cherished goals of development. However, contradictions do remain as a result of various processes not only among nations at a global level, but also significantly within sections of population within a country. People continue to be marginalized on the basis of caste, class, religion, ethnicity, colour, and sex etc. in India. Discrimination and exploitation on the basis of gender constitutes a serious issue which effectively means that half the human race is unable to realize its potential and condemned to sub-optimal standards of existence. This problem has received worldwide attention and several efforts have been made to bridge the seemingly ever-widening gap. Yet even after years of efforts to integrate women into the mainstream development process the effectively of the same remains to be questioned owing to a multitude of factors which aid the continued marginalization of women. Women's access to education, health, employment and political spaces still remain distant goals in many nations of the world. One of the most serious impediments to women's development is the phenomenon of continuing and increasing violence against them. Needless to say, this constitutes a serious violation of women's human rights. Violence against women is one of the most significant, yet little understood and acknowledged factor instrumental in the phenomenon of marginalization of women in the development processes. Gender violence manifests itself in various forms female foeticide and infanticide, sexual abuse, incest, molestation, sexual harassment at work and on the streets, marital rape, domestic violence in the form of wife assault and
woman battering. In some places, there exist culture-specific forms of violence against women like female genital mutilation in some African countries and harassment/murder/beating for dowry in India. Of all the forms of violence that women face, domestic violence remains the least reported and largely suppressed.

For women, violence is a phenomenon which starts at conception and carries on through their entire life span. In India, pre-birth selection and consequent infanticide is a common occurrence and the preference for a male offspring widespread. Discrimination continues by way of access to adequate food, prompt medical facilities, burden of household work, care of siblings and so on leading to lack of education and consequent lack of awareness and empowerment and imparting of skills. Adolescence brings with it the complete withdrawal of the little freedom of mobility, fear of and occurrence of sexual assaults; both within and outside of the family. Vulnerability is further compounded by early marriages and early child bearing and the disastrous consequences of the same on the health of women. In India, specifically, child marriages further accentuate the girl's vulnerability. The reproductive age is, for a lot of women, punctuated with physical, mental and emotional abuse by their husbands. Millions of Indian women face severe harassment due to unfulfilled dowry demands and many are victims of homicide and are even driven to suicide. All these foster a deep and inescapable sense of dependency in women who are left with no alternative but to continue to live with and depend on abusive partners for want of any other choice. Additionally, women constantly need to negotiate their space and contend with abuse at the workplace too. An important aspect is that a woman may experience violence either once in one of her life-cycle phases or be continually exposed to multiple instances of violence at various points in time. It has, however been established beyond doubt that domestic violence is probably one of the most endemic forms of violence against women throughout the world.

What sets out domestic violence from other forms of violence against women is that it occurs within the framework of intimate relationships in a situation of dependency, making reporting and access to legal aid and other support services difficult. Moreover that domestic violence exists is not even recognized by the law.
Domestic violence is still an issue that 'can be sorted out within the four walls of the house' and some amount of violence is considered part of the normal 'wear and tear of marriage'. However, change comes in society, may not for better. Cases on atrocities against women are showing rising trend so much so that every day the columns in newspapers are full of reports of abuse of children and women and deaths of women or suicide committed for not fulfilling the greedy demands of the husbands and/or their near relatives.

Women constitutes about one-half of the global population, but they are placed at various disadvantageous positions due to gender difference and bias. They have been the victims of violence and exploitation by the male dominated society all over the world. Indian society is a tradition bound society where women have been socially, economically, physically, psychologically and sexually exploited from time immemorial, sometimes in the name of religion, sometimes on the pretext of writing in the scriptures and sometimes by the social sanctions. The concept of equality between male and female was almost unknown to us before enactment of the Constitution of India. Of course, the Constitution, which is the supreme law of the land, seeks to secure to its citizens including women folk, justice-social, economic and political, liberty of thought, expression, belief, faith and worship, equality of status and opportunity and promote fraternity assuring dignity of the individual. The difference in treatment between men and women by the state is totally prohibited by the Constitution of India. But the equality of status guaranteed by the Constitution is only a myth to millions of women for whom life is stalked by various kinds of violence within their homes.

Domestic violence is the most serious violation of all basic rights that a woman suffers in her own home at the hands of members within her own family. The manifold problems associated with domestic violence have been systematically exposed by data and in depth work undertaken by several people in the women's movement. Indeed, a number of recent studies such as the National Family Health Survey and National Crimes Records Bureau have identified the home as the site of violence against women and girl children. Almost every six hours, some where in India, a young married woman is being burnt alive, beaten to death, or forced to
commit suicide. At least 20 percent of married women between the ages of 15 and 49 have experienced domestic violence at some point in their lives, domestic violence has not only serious consequences for the health and well-being of the individual women, but it also serves to maintain their subjugation as a class.  

With independence, women were granted equal status with men. The government made an all out effort to raise the status of women in the various fields through legislation. Compulsory Education, the Hindu Marriage Act, 1955, raising of marriageable age, the Adoption Act, 1956, Dowry Prohibition Act, 1961 and legalizing of abortion are all in favour of women. But the law alone is not enough to bring about a radical change.  

Notwithstanding the multiplication of legislation on various fields, with a view to improve the social, political and economic conditions and status of women, even the ancient forms of victimization, child marriage and premature consummation resulting in early and dangerous pregnancies sati, female infanticide, illegal abortions, dowry deaths, rape, eve-teasing and various other forms of molestation of women still continue. In fact, since the passing of the Dowry Prohibition Act and even after several amendments to the I.P.C., Cr. P. C. and the Evidence Act, dowry deaths are on the increase. The Hindu Marriage Act of 1955 and the Hindu Succession Act, 1956 securing for women the right to divorce and property have not automatically given women rights. Under the Hindu Succession Act, parents are depriving daughters even from ancestral property. Though, bigamy is an offence, the rate of desertion by Hindu husbands and illegal second marriage is higher than "Talaq" rate of the Muslims.  

Women's health is given consideration only in terms of maternity, leaving women beyond the reproductive age, young, unmarried girls and widows outside health and nutrition schemes. The government's family planning programmes have a heavy gender bias.  

The condition of elderly women is also not satisfactory especially those of widows. She has to earn and run the house to raise her children. If she does not earn,
her condition is even worse. If the widow has no issues, she has to work hard as a maid servant in her husband's joint family or relations who might have taken her in and is totally dependent, for all her needs, on others. She has neither economic security nor a say in decisions concerning her and her children. Families still believe that once a daughter is given away in marriage, she can not be given away again to another person. Hence, widow remarriage, though sanctioned by Hindu Widows Remarriage Act of 1856, seldom takes place and is discouraged.7

Thus, we see that the condition of Indian woman is very much unhappy. Woman in India is still surrounded by violence, neglect and exploitation. What is the price fixed for a woman's services day and night within the household? Love is the reward, but where is the reward of the husband and the in-laws don't appreciate the bride's services? Perhaps nowhere, except the fire on her clothes and her body. This is happening everywhere in our country these days and the number is increasing alarmingly. Even the educated urban and well informed women are exposed to such events. The Committee on the Status of Women in India (1974) rightly concludes that "the entire exercise of our committees has indicated that in certain important areas and for certain sections of the female population there has been repression from the normative attitudes developed during the freedom movement. Large section of women have suffered a decline of economic status. Even after the promulgation of these laws (legal measures), the protection enjoyed by the large masses of women from exploitation and injustice is negligible. Though women don't numerically constitute a minority, they are beginning to acquire the features of a minority community by the recognized dimensions of inequality of class, economic situation, status (social position) and political power. The chasm between the values of a new social order proclaimed by the constitution and the realities of contemporary Indian society as far as women's rights are concerned remains as great as at the time of independence."8
DOMESTIC VIOLENCE: CONCEPTUAL CLARIFICATION

In Indian society, violence is bursting. It is present almost everywhere and nowhere is this eruption more intense than right behind the doors of our homes. Behind closed doors of homes all across the country, women are being tortured, beaten and killed. It is happening in rural areas, towns, cities and in metropolitans as well. It is crossing all social classes, genders, racial lines and age groups. It is becoming a legacy being passed on from one generation to another.

The term used to describe this exploding problem of violence within our homes is Domestic Violence. This violence is towards someone who we are in a relationship with, be it a wife, husband, son, daughter, mother, father, grandparent or any other family member. It can be a male’s or a female’s atrocities towards another male or a female. Anyone can be a victim and a victimizer. This violence has a tendency to explode in various forms such as physical, economic, sexual or emotional.

Domestic violence may be perpetrated by spouses, lineal ascendants and descendants and the lateral branch of the family up to the IV degree whether they are related by blood, marriage, fosterage or adoption, or by intimate partners or legal guardians. Violence within families, right from the denigration of honour, is considered to be domestic violence and is covered under the general provisions of penal codes even if it not explicitly mentioned therein. Moreover, the laws themselves have been amended and harmonised so as to remove obstacles in tackling the issue of domestic violence. For example, earlier definitions of rape exclusively spoke of extra-marital rape, and marital rape did not expressly constitute an offence (in most cases).

The spectrum of domestic violence (which, incidentally, has a high level of recidivism) may include psychological, physical, sexual, financial and emotional abuse which may manifest itself as physical injury, the deprivation of food, money or other resources, intimidation, humiliation and degradation, and may result in an hedonism, pain, exhaustion, isolation, alienation, depression, fear, and decreased levels of self-esteem, productivity and attentiveness.
LEXICON MEANING OF VIOLENCE

The lexicon meaning of the violence refers to any physical force or any damage or injury to person or property. According to Webster's New Collegiate Dictionary⁹ violence means "exertion of any physical force for instance: (a) violent treatment or procedure, (b) profanation infringement, outrage, assault, (c) strength, energy, activity displayed or exerted, vehement, forcible or destructive action or force, (d) vehemence in feeling, passion, order, furry, fervor.

The Chamber's twentieth century dictionary describes violence as excessive unrestrained or unjustifiable use of force. Violence also means outrage, profanation injury or rape. Infliction of injury on other people is the essence of violence. It may be either physical or mental. On the legal level, it is illegal employment of methods of physical coercion for personal or group ends. The infliction of injury by police is exercise of state's force as long as it is legal. But as soon as it crosses the boundary of legality and inflicts injury for lust or for personal gain, it becomes violence and is more dangerous than the violence by ill armed and ill organized collectivity people¹⁰.

According to Encyclopaedia of Crime and Justice¹¹ in a broad sense, "violence is a general term referring to all types of behaviour either threatened or actual, that result in the damage or destruction of property or the injury or death of an individual". In a limited sense, violence means "all types of illegal behaviour, either threatened or actual that results in damage or destruction of property, or in the injury or death of an individual". In general; the definition covers that behaviour, generally considered as violent including such crimes as criminal homicide, forcible rape, child abuse, aggravated assault and most kinds of collective violence.

According to Black's Law Dictionary, "violence means unjust or unwarranted use of force usually accompanied by fury, vehemence, or outrage, physical force unlawfully exercised with the intent to harm".¹²

The Encyclopaedia of Social Sciences¹³ defines violence in the social context as "the illegal employment of methods of physical coercion for personal or group ends ... which is distinct from force or power" ... a purely physical concept. It goes beyond the dictionary meaning of the term 'violence' as merely the exercise of physical force so -as to inflict injury or damage to persons or property both spiritual
and non-spiritual. The "illegality" and "illegitimacy" of social violence will differ on situational norms and social context. There has been overlapping between "force" and "violence", "legitimate" and "illegal violence", between "violence" on the one hand and "discrimination" and "oppressions" perpetuated on the female folks as a group. For all these reasons, 'social violence' is roughly defined as the illegal use of physical, mental and social concern or use of threats for personal or group ends reflected broadly in our traditional social structure and present day developmental processes. Here, the 'coercive' aspects (physical, psychological and social), 'threats' for harm (battering, killing, insulting, isolating, molestation and rape, eve teasing) and the 'discriminating' and 'oppressive' aspects (subjugation in different walks of life i.e. child rearing and child bearing, employment, low wages, education, health, denial of opportunities for dissent, etc.) are included.

Thus, the social violence means illegal use of force or threats for use of such force by the patriarchal social order and their agents (e.g. men) against women folks in general for perpetuating the goals of that group (e.g. men) for subjugating women physically, socially and psychologically.14

According to Elise Boulding15(1981) structural violence refers to the structural patterning of the family, cultural norms and values and also political and economic system of a particular society that determine who will injure and who will endure. Some individuals are deprived of society's benefits and are rendered more vulnerable to sufferings than others. Structural violence establishes physical violence. Women experience both structural and behavioural violence. In all societies, where patriarchal family structure prevails, women are protected by the patriarch from other men, but they become victims of men in their own families. In many societies, women are not allowed to born even (foeticide) or female children are killed for fear of financial burden in their marriages. Pregnant and lactating women are ill fed and may face risks of death in child birth in many societies. Most pitiable conditions are of single women like unmarried, widowed, deserted or divorced.

Thus, sociologists have explained the "why" aspect of violence and not what the term violence in itself means. No doubt, many manifestations of violence against women (foeticide, female infanticide, bride burning, wife battering, deprivations and
discriminations in child rearing practices) have their causes in the social structure and systems.\textsuperscript{16}

The social psychologist Moyer\textsuperscript{17}(1976) defines violence as a form of human aggression that \textit{involves} inflicting physical damage persons or property. For psychologists, violence and aggression are twin terms but with certain differences between them. Allen\textsuperscript{18} uses the term aggression in both constructive and destructive senses, whereas violence is used only in destructive senses. Aggression can be sublimated in intrinsic, assertive or domineering behaviour such as humour sports, scientific research etc., but violence can not be sublimated. It can only be redirected or substituted. Social psychologists have dealt with inter-personal behavioural violence. They have tried to define violence in terms of human aggression which inflicts physical injury. In violence against women, cases of female infanticide, bride burning, dowry murder, rape, women battering, etc. may be included which involve physical injury.

A definition of aggression, acceptable to most social psychologists says" Aggression in any form of behaviour directed towards the goal of harming or injuring another living being who is motivated to avoid such treatment.\textsuperscript{19} However, the concept of intentionality is important in separating aggressive behaviour from other forms of behaviour that might lead to some harm. Wrightsman and Deaux (1981)\textsuperscript{20} argue that the definition of aggression does not limit aggression to physical harm. Verbal insults and even the refusal to give a person something that he or she needs can be considered a form of aggression.

As per Niroj Sinha(1987)\textsuperscript{21} 'violence' may include specially in relation to females both the physical violence against women and exploitation of all kinds. But she is not satisfied with such a definition, to her any group of persons may be identified as "victims" of violence if they are shown the threat of use of force against them if they do not act as per the desires of the group of persons, identified as oppressors. It not only includes all kinds of physical violence against women but will also include the context and particular situations under which such "threats of use of force" are indicated. This definition also suffers from a few limitations i.e. it does not operationally define the context and situations under which the use of force
becomes violence.

Niroj Sinha (1989) is probably correct when she indicates that "threat of use of force against female forcing her unwillingly to do a thing in a particular situation that she would not do is an indicator of violence against her. This may be a sensitive definition if all the indicators of situational oppressions, are clarified. The "illegitimate use of force" in critical areas of choice for female e.g. vocation, selection of life partner (marriage), sex behaviour, search for self-identity, participation in public life, etc. as customarily revealed in social customs, traditions and laws is considered as violence. Gelles\(^{20}\) categorized family violence into three varieties e.g., (a) normal violence (routine, normative and necessary), (b) secondary violence (when the use of violence to resolve a conflict is contrary to family norms, it creates additional conflict over violence which produces further violence), and (c) volcanic violence occurs when the offender has reached the end of line, has run out of patience, it is illegitimate violence that is explained as arising out of the building of stress and frustration the stress builds up to the point where the offender "erupts" into violence.

A narrow concept of violence may suggest an act of illegal, criminal use of physical force, but it also includes exploitation, discrimination, upholding of an unequal economic and social structure, the creation of an atmosphere of terror a situation of threat, reprisal and other forms of violence.

While these concepts of violence are interrelated, the specificity of violence related to the situation of women demands a closed and critical look of the aspects of structural violence, i.e. acts of violence that are exercised on the part of the family and society. The state not only tends to overlook these forms of violence but perpetuates them in the name of the cultural legitimacy and the maintenance of 'law and order'.

**OPERATIONAL DEFINITION OF VIOLENCE**

An operational definition\(^{22}\) of violence is still lacking which can include all cases of violence against women.

Besides cases which involve physical injury, cases of verbal abuse, rebuke, threats, eve teasing, deprivations, discriminations and obstructions in attaining goal responses of women are all violence against women. Even if they do not involve physical injury, they lead to psychological injury and destruction of the personality
Even in cases of physical injury, it is justified to say that there is no psychological hurting. In every case of inter-personal violence, the element of psychological injury is present except in the case of murder where the person does not exist to experience the psychological torture at all.

An operational definition of violence can include all cases of violence against women:

"Any aggressive behaviour of a person or persons hurting body or positive regard or both of another person or persons is human violence". When analyzed:

1. Aggressive behaviour means vigorous behaviour or action.
2. A person means a victimizer either male or female. 'Hurting body' means inflicting physical injury (in destructive sense).
3. Positive regard means need to be loved or accepted by others as a person.
4. Another person means the victim.

CONCEPT OF DOMESTIC VIOLENCE

Domestic violence is an extremely complex and vicious form of abuse, committed most often within the four walls of the family house and/or within a particular deep-rooted power dynamic and socio-economic structure, which do not allow even the acknowledgement or recognition of this abuse. Meaning and detection of domestic violence itself is the most demanding task. Violence against women in any form is a violation of the right of equality. State inaction in the field of preventing violence would itself be a violation of fundamental right to equality.

United Nations General Assembly adopted the Declaration on the Elimination of All forms of violence against women on 20th December 1993 which recognized that 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 the prevention of the full advancement of women. Article 1 of the Declaration defined violence against women as follows-"Violence against women means any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to
women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. 23

According to Black's Law Dictionary, "domestic violence means violence between members of a household, usually spouses, an assault or other violent act committed by one member of a household against another". 24 The meaning of domestic violence and the range of acts which amount to domestic violence will become clear from a look at the general laws, criminal and civil, which address acts which could constitute domestic violence.

CRIMINAL LAW PERSPECTIVE

The Criminal law in India is contained primarily in the Indian Penal Code, 1860 (IPC). The IPC is supplemented by special laws, which define and punish specific offences.

The Indian Penal Code

Under the IPC, there is no direct definition of the term domestic violence but its meaning can be inferred from various provision such as 'culpable homicide' 25, murder 26, dowry death 27, Abetment of suicide 28, cruelty by the husband or relatives 29, Female infanticide, or forcing the wife to terminate her pregnancy 30, misappropriation of the spouse's property, 31 hurt 32, grievous hurt, 33 grievous hurt by dangerous weapons 34 and voluntarily causing hurt to extort property, 35 wrongful restraint 36 or confinement 37 of the spouse within her matrimonial home, use of force 38 and assault 39 on the spouse, are also forms of domestic violence recognized as offences under the IPC. Marital rape is yet another common form of domestic violence 40.

In 1983, matrimonial cruelty was introduced as an offence in the IPC. 41 Cruelty was defined as "any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life or limb or health (whether mental or physical) of the woman". It includes harassment of the woman in connection with demands for property and the like.

This is a grey area of law and evidence. While many progressive nations have legislated on marital rape, our law has so far only conferred a limited recognition. Non-consensual sexual intercourse by a man with his own wife may be an offence if she is living separately under a decree of separation or any custom. 42 In many a
violent marriage, the spouse subjects the wife to acts of sexual humiliation. Interestingly the IPC even addresses such forms of violence—the provision for 'unnatural offences'. However, this provision has rarely been used in the matrimonial context.

CONCEPT UNDER SPECIAL LAWS

Under some special legislation the domestic violence has been recognized in various forms such as the Dowry Prohibition Act, 1961, criminalizes the giving and taking of dowry. There is another form of domestic violence which was rampant in our past but ebbed in the last century, i.e. Sati which means the burning or burying alive of widow along with the body of her deceased husband or any other relative, or with any article, object or thing associated with the husband or relative. The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 recognizes that domestic violence is also perpetrated in the form of forced termination of female fetuses.

CIVIL LAW ON DOMESTIC VIOLENCE

Civil law too follows criminal law, inasmuch as it addresses facets of domestic violence without specifically defining domestic violence. 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.

The Dissolution of Muslim Marriages Act, 1939 (DMMA), stipulates cruelty as a ground for divorce.

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. The Special Marriage Act, 1954 (SMA), the Indian Divorce Act (IDA), and the Parsi Marriage and Divorce Act (PMDA), 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.

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.\textsuperscript{53} This Act defines the expression "domestic violence" to include actual abuse or threat of abuse-physical, sexual, verbal, emotional or economic violence.\textsuperscript{54}

The core of a definition of domestic 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. 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 498A 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.\textsuperscript{55}

**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.\textsuperscript{56} 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 social violence.\textsuperscript{57}

Domestic violence is violent victimization of women, within the boundaries of
family, usually by men (or his family).

A woman may of any age, she may be a girl child, unmarried, married 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 behaviour towards her not only to her physical being, but towards her self-respect and self-confidence.

Domestic violence against women may be psychological, physical or sexual. Psychological violence is carried out with psychological weapons (threats, insults, humiliating treatment, denial of human existence) rather than physical attack. Physical violence includes all types of aggressive physical behaviour towards the woman's body (victim). Sexual violence could include both passive (denial) or active violence. It will also include cases of perversity. Victimiser of domestic violence may be husband or his family members. Domestic violence could occasionally be seen in other relations also (i.e. by parents, brothers or others in parents family).

Domestic Violence knows no age, socio-economic, religious, racial, gender or educational barriers. It is a myth that only the poor or uneducated are victims of domestic abuse. Most studies indicate that there is also a high incidence of spousal abuse in the more affluent neighbourhoods. Although a poor victim has the terrible problem of not having resources available, the more affluent spouse may also be in an equally desperate trap due to social stigmas, greater economic pressures and the increased societal position and power that the partner may have at his or her disposal.

Family and friends are indirect victims of abuse. The isolation and terror that victim lives with deprives those closest to him or her from meaningful and fulfilling relationships. Often the abuser will harm others close to the victim in an effort to hurt or control the victim. An abuser may harm children, other family members, friends, pets, personal belongings and the family home. Isolation keeps a victim trapped. 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.
RECOGNIZING THE VIOLENCE

**Forms of Physical Abuse Physical Abuse Indicators**

The following is a list of Physical Abuse Indicators in the order of less to more severe on a lethality or injury scale. Most ongoing abuse escalates in more or less this order, so that the presence of an action identified below is indicative of probable past abuse, even if there have been no serious physical injuries or prior police or court involvement. In addition, even if the abuse has not reached a certain danger level, it does not mean that the situation is not dangerous or physically abusive. A person can be severely injured as a result of "minor abuse".

Verbal abuse, humiliation, isolation from family and friends. Throwing things, punching walls, hurting pets, not letting the victim leave, demanding sex. Pushing, shoving, grabbing, shaking, throwing things at the victim. Slapping with open or back of hand, twisting arms, legs and fingers. Kicking, biting, hair pulling, banging or shaking head. Choking, attempted strangulation, smothering. Beating up (pinned to the wall/floor, repeated kicks and punches). Threatening with weapons, knives, guns, autos, poisons. Assault with a weapon.

**Forced sex.**

Research has found that there are certain factors that are important in assessing the lethality potential in a particular situation. However, predicting lethality is difficult, as all serious battering relationships can be unpredictable and have the potential to flare up quickly. Nonetheless, the reported presence of some of these factors can be used to assist in making judgments about the level of protection necessary at any particular moment.62

**Forms of Emotional Abuse Insults**

Constant or extreme criticisms that injure the personal, emotional sexual and professional image. Insults can greatly undermine a person's self-confidence and eventually render the victim emotionally incapacitated.

**Rejection**

Direct or indirect statements that create feelings of unworthiness. Constant rejection teaches a victim that he or she is unworthy of receiving loving behaviour. Rejection can be used as punishment for not cooperating with an abusive partner.
Abusers may also employ rejection in an attempt to justify their anger towards the victim.

**Emotional Threats and Accusations**

Direct or indirect statements made in an attempt to cause emotional or physical harm to the victim. This includes lying about the victim's behaviour, attitude or emotional state.

**Emotional Blackmail**

A statement or behavior that uses fear, guilt, insecurity or confusion to trap a victim into giving the abuser power over him or her.

**Possessive and Punitive Behaviour**

Perceiving another person as physical property or an emotional extension of himself or herself. Behaviour includes jealousy, limiting freedom, creating isolation, denying a person's capabilities or opportunities to develop. Many times it includes using shame and guilt to prevent a victim from getting the deserved support and protection.

**Basing Relationships on Unrealistic Expectations**

This includes an assumption by the abuser that he or she knows what is best for the victim. Denying someone the opportunity to discover and define himself or herself prevents the possibility of a mutually beneficial and realistic relationship.

**Threats to Harm or Take Away Children**

One of the most common reasons given for resuming an abusive relationship is the fear that the abuser will act on the threats of taking the children from the victim.63

**Other Forms of Domestic Violence**

**Sexual Abuse**

Sexual abuse is often present along with physical and emotional abuse. It is very difficult for the victim to describe sexual abuse that may be coerced by threats of further harm or actually accompanied by physical force. Most often a victim is bullied into complying with the abuser's demands to engage in sexual acts, or at a time when she is not physically fit for sexual activity, such as immediately after childbirth,
surgery or during illness. The shame a victim feels afterwards further ties her to the batterer.

**Child Abuse**

Studies suggest that in approximately one-half of those abusive families where children are present, some form of physical and/ or sexual abuse of children exists. The abusive partner usually is the one who may abuse the children. In most cases, where children witness domestic violence, they can be expected to have emotional effects and are at a higher risk for violence themselves. Additionally studies show that violence affects children before birth. Assaults during pregnancy may lead to miscarriage, fetal injury and pre-term labour. The presence of child abuse makes a dangerous situation more lethal especially when there is intervention by social services without an understanding of the dynamics of violent relationships. Removing the abusive partner or a child from the home may escalate the violence rather than stop it.

**Elder Abuse**

In Asia, studies by researchers in China (Hong Kong SAR), India, Japan and the Republic of Korea have drawn attention to the problem of elder abuse, but no official action, in terms of policies or programme development, has followed so far.

The definition developed by Action on Elder Abuse in the United Kingdom and adopted by the International Network for the Prevention of Elder Abuse states that: ‘‘Elder abuse is a single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person.’’ Such abuse is generally divided into the following categories:

- Physical abuse – the infliction of pain or injury, physical coercion, or physical or drug induced restraint.
- Psychological or emotional abuse – the infliction of mental anguish.
- Financial or material abuse – the illegal or improper exploitation or use of funds or resources of the older person.
- Sexual abuse – non-consensual sexual contact of any kind with the older person.
• Neglect – the refusal or failure to fulfil a care giving obligation. This may or may not involve a conscious and intentional attempt to inflict physical or emotional distress on the older person.

A workshop on elder abuse held in South Africa in 1992 drew a distinction between mistreatment (such as verbal abuse, passive and active neglect, financial exploitation and overmedication) and abuse (including physical, psychological and sexual violence, and theft) \(^6^5\). Since then, focus groups have been held with older people recruited from three historically “black” townships in South Africa to determine the level of knowledge and understanding of elder abuse within these communities.

In addition to the typical Western schema that comprises physical, verbal, financial and sexual abuse, and neglect, the participants wished to add to the definition:

- loss of respect for elders, which was equated with neglect;
- accusations of witchcraft;
- abuse by systems (mistreatment at health clinics and by bureaucratic bodies).

The focus groups produced the following definitions\(^6^6\):

- Physical abuse – beating and physical manhandling.
- Emotional and verbal abuse – discrimination on the basis of age, insults and hurtful words, denigration, intimidation, false accusations, psychological pain and distress.
- Financial abuse – extortion and control of pension money, theft of property, and exploitation of older people to force them to care for grandchildren.
- Sexual abuse – incest, rape and other types of sexual coercion.
- Neglect – loss of respect for elders, withholding of affection, and lack of interest in the older person’s well-being.
- Accusations of witchcraft – stigmatization and ostracization.
- Abuse by systems – the dehumanizing treatment older people are liable to suffer at health clinics and pension offices, and marginalization by the government.
In India research suggests that an elderly victim is abused more often by an aging partner and caretaking children than those who are harmed by non-family caretakers. Family violence does not usually stop on its own. Family violence is a public health problem.

*Mutual Violence*

*Dating Violence*

Dating violence refers to verbal, physical, psychological or economic violence. Victim is frequently denied opportunities or capabilities to develop and work. There may be discrimination, deprivation and obstruction in goal achievement. Victim may be denied opportunities to go to school or work outside the home, they may have little or no access to or control over finances.

A victim of domestic violence may act in ways that seem incomprehensible to people not aware of the dynamics of abuse. The victim may not understand his or her actions, denying the abuse in a desperate attempt for self-preservation.

The abuser's control of a victim may affect the simplest decision a victim may need to make. Domestic Violence is a crime by perpetrator, not the victim. A batterer must take full responsibility for his or her violent behaviour. Sexual abuse that occurs in relationships before partners marry or begin cohabiting. The term does not imply anything about the length or stability of the relationship. An act is classified as dating violence whether it occurred within the context of a single date or over a long period of time. Although popular attention has focused on sexual violence within dating relationships (date rape), researchers have noted that the full gamut of aggressive behaviour, including murder, occurs within violent dating relationships.

**ABUSE ESCALATES IN FREQUENCY AND SEVERITY OVER TIME**

A victim of domestic violence will often lose the ability to view other people's behaviour in an objective or neutral light. Victim loses the ability to trust other people. Thus, he or she often feels isolated.

Many people believe that the victim of violence must somehow have invited it, encouraged it, or even found some kind satisfaction from it. No victim likes to be abused. Victims have the same expectations of love, trust and a fulfilling relationship as
we all do. Thus, we see that even in present Indian society, position of the woman is not better. While she is held in high esteem, worshipped, considered as an embodiment of tolerance and virtue, she has also been the victim of untold miseries, hardships, atrocities and violence caused and perpetrated by the male dominated society, in her most sacred and safe place—the home.

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 foeticide, female infanticide, bride burning and sati. The incidence of violence of all forms within family has also gone up. Even today, various forms 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 (killing and eating) 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.69

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 interpersonal relationships. The cruelty, the hate that exists in ourselves is expressed in the exploitation of the weak by the powerful and the cunning.70

The worst part of the problem is that women today, are not 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 behaviour.71

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:

1. Differences between the husband and wife and increasing divorce is becoming common.
2. Men are marrying more than once, partly because they can get a new girl and partly because of the dowry.
3. 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.
4. 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-
5. Women are ignored in house work and outside home. They are suffering innumerable tortures from their in-laws and husbands. They are frequently beaten up and denied food and shelter.

All these cases reveal the true nature of the system of marriage and family in our society. The stereotypes rules of men and women are rigidly defined. While the material gains brought by the men are for everyone to see the inputs provided by the women being distant are often invisible. The amount of time, energy and labour spent by women in performing her duties go unnoticed. 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 woman. 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.72

FORMS OF DOMESTIC VIOLENCE IN INDIA

Violence against women is not a myth, but a reality. It exists and exists everywhere. The problem of violence against women is as old as the world in cosmologies, mythologies or legends. The type, frequency, intensity and control of violence against women may vary from time-to-time or place-to-place.

In India, we have unique situation of co-existence of all forms of violence specially of elimination of women, e.g. selective female foeticide, female infanticide, bride burning and sati. The incidence of violence of all forms within family has also gone up. Even today, various forms 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 Domestic violence may take many forms. The main categories are usually identified-physical, sexual and emotional or psychological; but this classification is fairly crude and there are endless variations within each category.

Domestic Violence Against Women

This form of domestic violence is most common of all. One of the reasons for it being so prevalent is the orthodox and idiotic mindset of the society that women are physically and emotionally weaker than the males. Though women today have proved themselves in almost every field of life affirming that they are no less than men, the reports of violence against them are much larger in number than against men. The possible reasons are many and are diversified over the length and breadth of the country. According to United Nation Population Fund Report, around two-third of married Indian women are victims of domestic violence and as many as 70 per cent of married women in India between the age of 15 and 49 are victims of beating, rape or forced sex. In India, more than 55 percent of the women suffer from domestic violence, especially in the states of Bihar, U.P., M.P. and other northern states.
The most common causes for women stalking and battering include dissatisfaction with the dowry and exploiting women for more of it, arguing with the partner, refusing to have sex with him, neglecting children, going out of home without telling the partner, not cooking properly or on time, indulging in extra marital affairs, not looking after in-laws etc. In some cases infertility in females also leads to their assault by the family members. The greed for dowry, desire for a male child and alcoholism of the spouse are major factors of domestic violence against women in rural areas. There have been gruesome reports of young bride being burnt alive or subjected to continuous harassment for not bringing home the amount of demanded dowry. Women in India also admit to hitting or beating because of their suspicion about the husband’s sexual involvement with other women. The Tandoor Murder Case of Naina Sahni in New Delhi in the year 1995 is one such dreadful incident of a woman being killed and then burnt in a Tandoor by his husband. This incidenec was an outcome of suspicion of extra marital affairs of Naina Sahni which led to marital discord and domestic violence against her.

In urban areas there are many more factors which lead to differences in the beginning and later take the shape of domestic violence. These include – more income of a working woman than her partner, her absence in the house till late night, abusing and neglecting in-laws, being more forward socially etc. Working women are quite often subjected to assaults and coercion sex by employees of the organization. At times, it could be voluntary for a better pay and designation in the office.

Violence against young widows has also been on a rise in India. Most often they are cursed for their husband’s death and are deprived of proper food and clothing. They are not allowed or encouraged for remarriage in most of the homes, especially in rural areas. There have been cases of molestation and rape attempts of women by other family members in nuclear families or someone in the neighbourhood. At times, women are even sexually coerced by their partner themselves against their will. They are brutally beaten and tortured for not conceiving a male child. Incidents like, ripping off a woman’s womb for killing the female foetus when she disagrees for abortion have also come to light especially in rural areas. Female foeticide and female infanticide continue to be a rising concern.
Also as expressed by Rebecca J. Burns in the following lines, “When I am asked why a woman doesn’t leave abuser I say: Women stay because the fear of leaving is greater than the fear of staying. They will leave when the fear of staying is greater than the fear of leaving.” A common Indian house wife has a tendency to bear the harassment she is subjected to by her husband and the family. One reason could be to prevent the children from undergoing the hardships if she separates from the spouse. Also the traditional and orthodox mindset makes them bear the sufferings without any protest.

Other forms of physical abuse against women include slapping, punching, grabbing, burdening them with drudgery, public humiliation and the neglect of their health problems. Some of the other forms of psychological torment against them could be curtailment of their rights to self-expression and curbing the freedom to associate with the natal family and friends.

DOMESTIC VIOLENCE AGAINST MEN

There is no question that domestic violence directed against women is a serious and bigger problem, but domestic violence against men is also increasing gradually in India. The supremacy of men in the society makes one believe that they are not vulnerable to domestic violence. Battering of men by their spouse and family members has become a concerned issue and is another form of domestic violence under purview of judiciary. In India, compared to violence against women, violence against men is less frequent but it has already taken a deadly shape in many of the western countries by now.

Males have reported incidences of assault against them like pushing, shoving, slapping, grabbing, hitting which are intended to harm them and also take their lives on many occasions. Recently, hundreds of husbands gathered in Chandigarh and Shimla to voice their opinion for men’s rights and protection against domestic violence subjected to them by their wives and other family members. It reflects the need for a special law for curbing domestic violence against men in present times.

If we contemplate over the reasons behind this form of domestic violence we would find some of the possible causes such as not abiding by the instructions of the wives’, inadequate earning of men, infidelity towards wives, not helping the partner in
household activities, not taking a proper care of children, abusing the spouse’s family, infertility of men, spying the activities of partner, doubting the partner all the time and not trusting her, revolt by the wife when asked to look after in-laws etc. On many occasions the spat between men and women becomes public thereby influencing the society around especially in the villages. In urban areas such forms of violence may go unreported because of greater privacy. Also the families find their reputation at stake in urban areas.

DOMESTIC VIOLENCE AGAINST CHILDREN/TEENS

Children and teenagers in our society are not spared from the evil of domestic violence. In fact, this form of violence is second in terms of number of reported cases after the ‘violence against women’. There is a lot of variation in the form of its occurrence in urban and rural areas and in upper/middle class and lower class families in India. In urban regions, it is more private and concealed within the four walls of homes. The possible reasons could be disobeying parental advises and orders, poor performance in academics or not being at par with other children in neighbourhood, debating with parents and other family members etc. In addition to this, factors like not being socially intelligent or as active as the parents expect them to be, abusing the parents or speaking ill about other family members, not returning home on time are some other factors.

In rural areas it could be harassment for child labour, physical abuse or harm for not following family traditions, forcing them to stay at home and not allowing them to go to school etc. Domestic violence against girls is in fact more severe at homes. As the common mob mentality of India prefers to have at least one male child after marriage, the girls in most of the occasions are cursed and assaulted for having taken birth in the home. This kind abuse is prevalent both in cities and villages but is more common in latter case. Then there are cases of paedophilia causing sexual harassment of children in homes by family member themselves. In fact the number of rape cases of pre-matured girls has been rising since last few years. A survey of teens and college students found that rape accounted for 67 percent of sexual assaults in
girls. Apart from sexual abuse and rape, pushing, slapping, punching, stalking and emotional abuse are other forms of domestic violence against children.

Adding to the above mentioned causes, there are also instances of abuse against children who are physically and/or mentally challenged. Instead of providing them proper health care and treating them politely, these children are beaten and harassed for not cooperating and attending to what family members ask them to do. They are even emotionally abused by cursing them having been in such retarded or handicapped state. In fact in poor families, there have been reports of selling body organs of the retarded children for getting money in return. It reflects the height of cruelness and violence against innocent children.

**DOMESTIC VIOLENCE AGAINST OLDS**

This form of domestic violence refers to the violence which old people at home are subjected to by their children and other family members. This category of domestic violence largely goes under-reported in India. It is because of the dependency of olds on their children and having a fear of not being looked after or even ousted if the violence is revealed in public. The main causes of violence against aged people are – children being hesitant in bearing the expenses of the old parents, emotionally victimising the olds and beating them to death to get rid of them. On various occasions, they are beaten for doing something against the desire of family members. One of the very common reasons includes torture for property grabbing.

A perturbing trend is the vulnerability of ageing women to domestic violence in various forms. Given existing structures of gender discrimination, old women are prone to a greater risk than men of becoming victims of material exploitation, financial deprivation, property grabbing, abandonment, verbal humiliation, emotional and psychological torment. When they fall seriously ill, it is more likely that it is the elderly women in the family who will be denied proper health care. There is also a widespread understanding that the neglect, deprivation and marginalisation of older women are the normal consequences of ageing. In fact the plight of young widows in homes as discussed above now becomes more serious as a result of the ageing of those women. They are cut off from the society they are living in, ignored, abused, cursed, and considered as bad omens. The atrocities of sons, daughter-in-laws,
daughters and husbands could be another cause of domestic violence specifically against older women. They are restrained from cooking, housekeeping, or participating in activities outside the home.

While it is difficult to accurately measure the extent of the problem on a national scale, given the fact that most families deny that such abuse but we do know that the number of old people in our midst is growing. A current estimate puts the 60-plus population at around 90 million in India and is projected to have a population of 142 million older people by 2020. Given this demographic reality an important concern is the kind of action the country can take at the individual and societal level to alleviate abuse and neglect of elderly class.

**OTHER FORMS OF DOMESTIC VIOLENCE IN INDIA**

There are some more possible forms of domestic violence prevalent in India other than the ones listed above. On a serious note, family wars or clan wars are deadly forms of domestic violence across the country. The reason of such type of violence include dispute over property, physically or emotionally abusing any member of other family or clan, any religious cause or conflict arising during a religious ceremony, jealousy because of progress and financial status of other family, inter-caste marriage etc. This form of violence is common in many states like Haryana, Punjab, Andhra Pradesh etc.

One of the other forms of domestic violence is ill-treatment of servants and maids in households. In many of the affluent homes, servants are deprived of their salary and basic necessities. They are harassed and beaten and to work without even taking adequate rest. Similarly maids are molested by males in the family. Atrocities against small children working as servants are common and increasing.

**CAUSES OF DOMESTIC VIOLENCE**

Violence against married women is also a manifestation of class oppression. The specificity of violence on women involves as analysis of gender and its centrality to the family which has gender inequalities in day-to-day life. Domestic violence, battering, dowry, rape, suicide are the manifestations of gender inequalities within the family system. Women's exclusion from the ownership of land is largely the basis of their subordination and dependence on men.
Women activists regard specificity of violence against women as a part of general violence against oppressed classes. The forms of control and coercion exercised in the case of women are gender specific and arise out of a hierarchical gender relationship, where men are dominant and women are subordinate. Women are instruments through which the social system reproduces itself and through which systematic inequality is maintained. This inequality is further strengthened and maintained overtime by the socialization process. She believes it to be true. She accepts whatever is given to her as her fate.73

The causes of domestic violence are not known to date. The research carried out in different parts of the world indicates that any social structure which treats women as fundamentally of less value than men is conducive to violence against women. Victims of violence are predominantly women while perpetrators are overwhelmingly males, which give credence to the theory that violence is an outcome of gender inequality.74

Violence against women in marital situation has more to do with the relationship of husband and wife in the social matrix. The 'cultural factors relating to marriage, status of women and power structure relationship between man and woman in the society are important while describing violence against women in the family context. It may also have its origin in psychological factors like irrational, pathological behaviour of abuser and the victim, which subsequently affect the interpersonal relationship of both the parties. It has also been considered as the condition of learned helplessness. Absence of viable alternatives of survival and lack of proper support group also forces a woman to continue tolerating violent behaviour. It has been seen that men feel relieved after seeing the battered faces of their wives. It boosts and nurtures their egoistic superiority complex. On the other hand, woman's acceptance of beating as a common phenomenon and as a way of interaction with their husband further perpetuates violence. It has been noticed that lack of awareness of their own rights and a general social belief in women's subordination perpetuates a low self-image in women and her inferior status, especially in a country like India. She is taught that marriage is the ultimate goal she has to achieve; 'only her dead body will come out of her in-law's house'. All this conditioning gradually becomes
the nature of an Indian woman.\textsuperscript{75}

Poverty, alcoholism, unemployment, frustration and poor role modeling also contribute to violent behaviour. But alcohol or drug abuse, depression, lack of money or lack of a job do not directly cause domestic violence. These may be factors which may put women at greater risk of violence because of the stresses created by financial hardship and relationship crises.

Many abusers blame the victim or other things for their violent acts and do not take responsibility for the abusive behaviour. But in reality, domestic violence is not caused or provoked by the actions or inactions of the woman.

The major factor behind the violent behaviour of men as explained by a group of researchers is the patriarchal attitude of the Indian society which perceives woman as an 'object' rather than a 'subject' and gives her a low status in the society. Patriarchy legitimizes violence in man-woman relationship.

Violence arises from patriarchal notions of ownership over women's bodies, sexuality, labour, reproductive rights, mobility, and level of autonomy. Deep-rooted ideas about male superiority enable men to freely exercise unlimited power over women's lives and 'effectively legitimizes it too'. Violence is thus a tool that men use constantly to control women as a result of highly internalized patriarchal conditioning which accords men the right to beat their wives and thus ostensibly perform the duty of chastising them. The unequal and hierarchical gender relation manifests itself clearly in the familial setup and is accentuated by clear demarcation of sex roles and sexual division of labour.

There is enough data to suggest that the family is the most physically violent group or institution that the individual is likely to encounter, "The perception that the family is the most loving and supportive group or institution has blinded us from seeing the violent side of family life".\textsuperscript{76} The family has been described as "the cradle of violence"\textsuperscript{77} and the marriage license as "the hitting license".\textsuperscript{78}

Traditional sex role socialization reinforced the idea that the women's needs were fulfilled and their identities derived only directly through men. Cultural norms encouraged the belief that the failure of the marriage represented the women's failure as individuals. Thus, it is in the process of trying to save the marriage at all costs, that
women suffer from intense feelings of shame and guilt, and this keep them trapped in their relationships. Victimization also occurs through a process called "brain washing" in which not only are the victims merely psychologically exploited or physically injured, but the abusers use their power and the sanctity of family relations to control and manipulate the victim's perception of reality.

Many cultures, including Indian, consider the integrity of the group or community to be of greater importance in sustaining the quality of life, rather than the needs of the individual. The Indian woman is directly or indirectly encouraged to sacrifice her own needs, feelings or interests constantly for the needs, feelings and interests of some other person or community: be it children, husband, family or community.  

This social conditioning results in the basic difference between how men and women view themselves and the reasons for their violent interactions. There is a tendency in the wives of violent husbands to perceive their husband's violence as caused by factors internal to them. The husbands on the other hand, externalizes the causes of his behaviour. He blames his violence on circumstances such as stress, his partner's behaviour, a "bad day," alcohol or other factors.

Studies have shown that adults who were abused or neglected as children were more likely to be involved in delinquency and adult criminal behaviour. Likewise, parents who were abused when they were children were approximately six times more likely to abuse their own children. There are also reports available of women who succumb to the abuse and continue staying on with the perpetrator despite repeated victimization. Repeated violent victimization rendered women less skilled at self-protection, less sure of themselves and their own worth, and more apt to accept victimization as a part of being female.

Other factors indicated that abused women were more likely to stay if:

(a) the abuse was less severe and less frequent;
(b) they had experienced violence as children; and
(c) they had fewer resources and less power in terms of education or employment.

In short, the more entrapped a woman was in her marriage; the more she suffered at the hands of her husband, without calling for help outside the home. There is
another perspective, which surmises that women themselves are to a large extent responsible for their abusive status. This behaviour has been referred to as "learned helplessness" and serves as an explanation as to why some women who even after separation from their abusive husbands, tended to re-marry similar kind of men.  

The crime of wife battering and cruelty has received social, moral and religious sanction form our society. State in turn, seems to protect that culture of violence and battering by adopting the role of onlookers to the incidence of domestic violence.

Historically, violence against women has not been treated as a "real" crime. This is evident in the lack of severe consequences such as incarceration or economic penalties for men guilty of battering their partners. Rarely are batterers ostracized in their communities, even if they are known to have physically assaulted their partners. Batterers come from all groups and backgrounds, and from all personality profiles.

In the case of Kundalabala v. State of Andhra Pradesh, Dr. Anand, J. observed: "Of late there has been an alarming increase in cases relating to harassment, torture, abetted suicides and dowry deaths of young innocent brides. This growing cult of violence and exploitation of the young brides continues unabated. There is a constant erosion of the basic human values of tolerance and the spirit of "live and let live". Lack of education and economic dependence of women have encouraged the greedy perpetrators of the crime".

Understanding a complex phenomenon like violence against married women so deeply embedded in the socio-cultural context, is by no means an easy task. Though many women would prefer to opt out of the abusive situations, it is important to understand why it becomes difficult for most of them to do so. Religious philosophy, customs and rituals serve to reinforce the phenomenon of Sati-Savitri and Pati-vrata and keep alive the tradition of male dominance and female oppression.

The Indian culture which glorifies the image of a woman who is tolerant and receptive of whatever is given to her by the husband, is another reason which prevents women from walking out of the violent relationship. At times, religion perpetuates a culture where a woman is supposed to be submissive, respecting her in-laws and considering their husbands like a lord or the master. Symbolic emotional
appeal has been used to confine the Indian woman into the vicious circle of subjugation and oppression.\(^83\)

In trying to leave her husband's abode the Indian woman would be defying cultural norms and would end up inviting society's wrath, ostracism and disrespect. It is the inability to face these frightening consequences that makes most women choose to cope within the boundaries of their tormented surroundings. Many women also express suicidal thoughts but do not attempt suicide. It has been found that one of the factors deterring abused women from suicide is their dependant young children, for whom these women visualized a bleak future.\(^84\)

Thus, there are several causes of violence against married women. More so, these are guises under which violence is inflicted. Important among them are the husband's personality traits like jealousy, suspicious domination and demanding his emotional disturbances and his low self-esteem. The precipitating characteristics of wives are: (a) irritative nature, (b) disobedience or questioning attitude, (c) petty issues of house management, (d) her refusing to act as an instrument for satisfying husband's ambition, (e) suspicion about sexual infidelity, (f) getting money from wives as a right, (g) just to exercise control over wife. Though alcoholism and unemployment or financial constraints appear as causes, even non-alcoholics as well as economically stable families have an equal number of incidents of violence. The former types of families have a dual problem of alcoholism as well as violence. Violence and cruelty due to dowry demands is one of the most common causal factors peculiar to Indian society.

Many theories have been developed to explain why some men use violence against their partners. These theories include family dysfunction, inadequate communication skills, provocation by women, stress, chemical dependency, lack of spirituality and economic hardship. The major ones are the "generational theory" (batterer's history of abuse as a child), the "social learning theory" (learning to use violence as a method of conflict resolution) and the "provocative wife theory" i.e., wife provoking misconduct. The wife's tolerance is explained in terms of "traditional socialization", or "learned helplessness" (Ahuja, 1988; Agnes, 1980; Sinha, 1989; and Mahajan, 1988). The Social Bond Theory of Ahuja (1988) attributes this to the social
structural conditions like family crisis, role frustrations, inappropriate upbringing and unfortunate incidents in life.\textsuperscript{85}

All these issues may be associated with battering of women, but they are not the causes. Removing these associated factors will not end men’s violence against women. The batterer begins and continues his behaviour because violence is an effective method for gaining and keeping control over another person and he usually does not suffer adverse consequences as a result of his behaviour.

**CONSEQUENCES OF VIOLENCE AGAINST WOMEN.**

**Physical and mental health consequences of violence and abuse**

Gender-based violence against women is a major public health problem, resulting in considerable avoidable morbidity and mortality. The global health burden because of violence among women in the reproductive age group is 9.5 million Disability Adjusted Life Years (DALYs), which is as high as some other major health concerns such as Tuberculosis (10.9 million DALYs), HIV (10.0 million DALYs) and sepsis during childbirth (10 million DALYs)\textsuperscript{86}.

Violence can in extreme cases also lead to death as in cases of suicides and homicides. Accidents and injuries, including self inflicted injuries and intentional injuries by others are also found to be associated with violence among women. Two studies from Bangladesh and India shed light on cases of deaths due to abuse of the women. The study from Bangladesh examined 270 cases of deaths due to abuse reported in newspapers in 1982-1985. 29 percent of the women had been beaten to death, 39 percent had been subjected to other forms of physical torture and 18 percent had been attacked with sharp weapons. In an Indian study of 120 dowry deaths, all the women were found to be below 25 years of age. 46 percent of the women had died because of burns, 34 percent had died because of drowning. In 86 percent of the cases homicide, the principal accused were the husbands.\textsuperscript{87} Three studies from India that have documented deaths by suicide have found that marital discord has been an important factor leading to suicides among women. For example, in a study in Delhi, there were 56 percent suicide cases among women, which were attributed to marital discord and ill treatment by the husband and the in-laws. In Madras and Daspur, women between the age groups of 15 to 24 years had committed suicide and the
reasons for these were quarrel or maladjustment with their husbands. Abuse can also lead to a number of physical ailments such as irritable bowel syndrome, gastrointestinal disorders, and other chronic pain syndromes\textsuperscript{88}.

In addition to immediate physical injury, violence can make women vulnerable to a number of immediate and long term effects such as infectious diseases, mental health problems, injuries, chronic pain syndromes, gastrointestinal problems, hypertension, diabetes and asthma\textsuperscript{89}.

Gender-based violence also affects women's mental health. It erodes women's self confidence and leads to problems such as depression, post traumatic stress disorders, suicides and alcohol and drug abuse, sleeping as well as eating disorders, anxieties and phobias\textsuperscript{90}.

In cases of Intimate Partner Violence (IPV), violence against women leads them to maintain a distance from their partner. Their sexual life is affected adversely. Many of them file for divorce and seek separation which again affects the life of children. Some continue to be exploited in lack of proper awareness of human rights and laws of the constitution.

\textbf{Impact on women's reproductive health}

A growing number of studies show that violence by partners and sexual abuse affects the sexual and reproductive health of women in numerous ways.

\textit{Forced sex is associated with trauma}

In many parts of the world, marriage is taken as granting men the right to have sexual relations with their wife and to use force and power to demand sex from the wife even if she does not want sex. Sexual coercion ranges from rape to different forms of pressure, force and fear that compel girls to have sex against their will. Studies such as those from India\textsuperscript{91} and Philippines found that women agree to have sex even if they do not want it because of fear of violence from their husbands. In a Philippines survey, it was found that 43 percent of married women from the reproductive age group said that they could not refuse sex with their husband because of fear of beatings from them\textsuperscript{92}.

Forced sexual initiation could be extremely traumatic for many young women. Studies in Africa, New Zealand and the US show that many women experience forced
sexual initiation at very young ages. Even within marriage, the first sexual experience is very traumatic for women, especially in those parts of the world where women are not given adequate information on sex. For example, a study on married women in a low-income community in India found that women found their first sexual experience extremely traumatic with 18 percent having only having a vague idea of what to expect on the wedding night. Child sexual abuse is a common form of violence in all societies that remains undetected to a great extent. Studies have shown that sexual abuse is much more common among girls than among boys (it is about 1.5 to 3 times more among girls than among boys). Sexual abuse can lead to a wide range of behavioural and psychological problems among children along with sexual dysfunction, low self esteem, depression, thoughts of suicide, alcohol and substance abuse and sexual risk taking.

**Violence can lead to unwanted pregnancies**

Lack of autonomy and powerlessness can lead to unwanted pregnancies among the women as the women do not have the right to deny sex with their husbands nor can they use any form of contraception. For example, a study in Nicaragua found that abused women were twice as likely to have four or more children than those who were not abused. Another large-scale survey among married men in Uttar Pradesh, India found that forced sex could lead to unintended pregnancies. Men who admitted to having forced sex with their wives were found to be 2.6 times likely than other men to cause an unplanned pregnancy.

**Violence prevents the use of contraceptives and increases the risk of sexually transmitted infections**

Many studies have shown that women are afraid to bring up the issues of contraception with their husbands because of the fear of being beaten up. Husbands do not like their wives to use contraception in some cultures because of the fear that this might encourage their wives to be unfaithful. Having many children can be considered as a sign of virility by the husbands and the desire from the wife to use contraception as a challenge to his masculinity. Unprotected sex can also increase the risk of women who are unable to negotiate condom use with their partners to a
number of sexually transmitted diseases such as STIs and HIV, and to unwanted pregnancies.

**Violence can also lead to high-risk pregnancies among women**

It has been found that around the world, one woman in every four is sexually abused by her partner during pregnancy. Women experiencing violence before and during pregnancy are found to be more likely to delay check-ups and treatment during pregnancy, have less weight gain. They are also prone to infections such as sexually transmitted infections, unwanted or mistimed pregnancies, vaginal and cervical infections, kidney infections and bleeding during pregnancies. 

Violence is also linked with adverse pregnancy outcomes such as abortions, miscarriages, premature labour and foetal distress. Seven studies in developing countries have shown that violence during pregnancy leads to low birth weight. Violence can also indirectly affect the pregnancy by influencing the woman’s health behaviour such as alcoholism, smoking and substance abuse. Stress and anxiety because of violence can also affect a pregnant woman leading to preterm deliveries, decreased food intake.

**Violence may also lead to maternal deaths**

In the Indian subcontinent, it has been found that violence leads to a considerable amount of maternal deaths. A recent study of over 400 villages and seven hospitals in India in the three districts of Maharashtra found that 16 percent of all deaths during pregnancy were due to domestic violence. Another study in rural Bangladesh related to homicides and suicides found that forms of violence such as dowry related harassment, stigma because of rape or pregnancy outside marriage led to 6 percent of the maternal deaths between 1976 and 1986 and 31 percent of maternal deaths among women in the age group of 15-19.

**Violence increases the risk of gynaecological problems among women.**

Gynaecological disorders such as chronic pelvic pain which is associated with 10 percent of gynaecological visits in many countries and one quarter of hysterectomies. Various studies have found an association between chronic pelvic pain and history of sexual abuse, sexual assault and or physical or sexual abuse by partners. This may be due to injuries, stress or an expression of psychological distress
through physical symptoms. Sexual abuse during childhood has also been associated with increased sexual risk taking leading to sexually transmitted infections leading to chronic pelvic pain associated with pelvic inflammatory diseases. Sexual violence can also lead to irregular vaginal bleeding, vaginal discharge, painful menstruation, pre-menstrual distress, pelvic inflammatory diseases and sexual dysfunction with problems such as lack of desire, difficulty with orgasms etc.¹⁰¹

**Gender based violence and abuse hinders development**

Besides its direct impact on women's health, gender-based violence against women has other human costs. It also hinders development by undermining women's participation in development related activities, reduces their labour participation and earnings.

One of the most affected groups are children who witness violence. Such children have an increased risk for emotional and behavioural problems such as anxiety, depression, poor self-esteem, poor school performance, disobedience, nightmares, and physical health complaints. For example, in a study in rural Karnataka, it was found that children of mothers who were beaten received less food than other children did, which implies that these women probably could not bargain with their husbands on their children's behalf.¹⁰²

**Economic multiplier effects**

These take into consideration the economic impact of violence on the life of the woman as well as on economic productivity. Violence has been found to lead to decreased labour participation of the women, reduced productivity at work and lower earnings affecting the quality of life of the woman. For example, it has been found that about 30 percent of the women lost their jobs in the United States as a direct effect of abuse. Another study in Chile found that women who had undergone abuse were found to earn less than half of the earnings as compared to other women.

**EFFECTS ON CHILDREN**

One of the severe effects of domestic violence against women is its effect on her children. It is nature's phenomenon that a child generally has a greater attachment towards the mother for she is the one who gives birth. As long as the violence
subjected to the mother is hidden from the child, he/she may behave normally at home. The day when mother's grief and suffering is revealed, a child may become upset about the happening deeply. Children may not even comprehend the severity of the problem. They may turn silent, reserved and express solace to the mother. When the violence against women is openly done in front of them since their childhood, it may have a deeper and gruesome impact in their mindset. They get used to such happenings at home, and have a tendency to reciprocate the same in their lives. It's common in especially in rural homes in India which are victimised by the evil of domestic violence.

EFFECT OF DOMESTIC VIOLENCE ON THE SOCIETY

All the different forms of violence discussed in this essay adversely affect the society. Violence against women may keep them locked in homes succumbing to the torture they face. If they come out in open and reveal the wrong done to them for help and rescue, it influences the society both positively and negatively. At one hand where it acts as an inspiration and ray of hope for other suffering women, on the other hand it also spoils the atmosphere of the society. When something of this kind happens in the society, few families may witness the evil of domestic violence knocking their door steps. Some families try to imitate what others indulge in irrespective of it being good or bad for the family.

EFFECTS ON THE PRODUCTIVITY

As mentioned earlier, domestic violence affects the productivity level of the victim negatively. Men and women lose interest in household activities. If they are employed they fail to work with full capabilities in workplace. Children are found to concentrate less on studies. They drop out of school and do not get the education which otherwise they might have got if they were not tormented and thus the country loses a productive asset. Therefore, the nation's productivity altogether gets affected because of domestic violence in homes. When old people are tortured and physically abused, they separate themselves from family members and their daily activities are restricted to themselves. The guardianship they can provide out of their experience, the moral values which they can instill in the grandchildren are all not done as they
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25 Section 299, IPC.
26 Section 300 IPC.
27 Section 304B, IPC.
28 Section 306, IPC.
29 Section 498A, IPC.
30 Sections 313-316, IPC.
31 Section 405 read with section 406, IPC.
32 Section 321, IPC.
33 Section 322, IPC. Read with sec. Section 323, IPC.
34 Section 326, IPC.
35 Section 327, IPC.
36 Section 349, IPC.
37 Section 340, IPC.
38 Section 349, IPC. A person is said to use force to another if he causes, motion, change of motion, or cessation of motion to that other, or if he causes to any substance such motion as brings the substance into contact with any part of the other's body, or with anything which that other is wearing or carrying or with anything so situated that such contacts affect that other's sense of feeling.
39 Section 351, IPC. Whoever makes any gesture, or any preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.
40 Section 375 IPC.
41 Section 498A, IPC.
42 Section 376A, IPC.
43 Section 377, IPC.
44 Section 3, Dowry Prohibition Act, 1961.
47 Section 2(viii), DMMA.
48 Section 13(1 \(ia\)), HMA.
49 Section 10, HMA.
50 Section 27(1)(d), SMA.
51 Section 10, IDA.
52 Section 32(dd), PMDA.
Section 3 of the Act says that any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it-

(a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or

(b) harasses, harms, injures or endangers the aggrieved person with a view to coerce him or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or

(c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause(a) or clause (b); or

(d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person.

For the purpose of section 3:

(i) "physical abuse" means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force;

(ii) "sexual abuse" includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman;

(iii) "verbal and emotional abuse" includes-

(a) insults, ridicule, humiliation, name calling and insults or ridicule specially 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.

(iv) "economic abuse" includes-

(a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance;

(b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonable required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person; and
prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household.

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