

“The Unacknowledged Cruelty”

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“There is one universal truth, applicable to all countries, cultures and communities: violence against women is never acceptable, never excusable, never tolerable” – Ban Ki-moon¹

Introduction

As per the definition given by the United Nations, violence against women is “Any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”². In other words, the commission or omission of any act which happens to be wrong in nature by the male perpetrator over female victim which results in any type of harm i.e. mental, social, emotional, physical is called violence. Gender-based violence or sexual and gender-based violence is commonly known as Violence Against Women (VAW). Its impact is not limited to one country or community, this problem is universal. As per a report of United Nations Human Rights Office of the High Commissioner, more than 35% women globally face sexual or physical abuse or violence by an intimate partner and approximately 7% of women have experienced sexual violence by a non-partner³. As per a research⁴, it is seen that women who have been a victim of domestic violence have maximum chances of a low weight born baby, a high risk and rate of depression, and more likely to have abortion and may also get infected with a deadly infection i.e. HIV. Domestic violence is a serious infringement of fundamental right and is also considered to be a sizeable human rights violation. Women, who are majorly from the poverty-stricken areas are much prone compared to them who have a little better living

¹ Ban Ki-moon, 8th secretary general of the United Nations, Accessed from <https://www.azquotes.com/quotes/topics/domestic-violence.html>

² World Health Organization, Violence against women, WHO.INT, Accessed from <https://www.who.int/news-room/fact-sheets/detail/violence-against-women> (published on: November 29 2017)

³ United Nations Human Rights Office of the High Commissioner, Information series on sexual and reproductive health and rights- Violence against women, OHCHR.ORG, Accessed from https://www.ohchr.org/Documents/Issues/Women/WRGS/SexualHealth/INFO_VAW_WEB.pdf (Report published : 2013)

⁴ World Health Organization, London School of Hygiene and Tropical Medicine, and South African Medical Research Council, Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence (2013), OHCHR.ORG, pp.21-30 Accessed from: https://www.ohchr.org/Documents/Issues/Women/WRGS/SexualHealth/INFO_VAW_WEB.pdf

condition. Occurrence of domestic violence is not limited within four walls of the house but can also be witnessed on roads, workplace, houses, modes of transport, etc. ranging from a clement glance to extreme cases like murder and rapes. According to a report published by the NCRB⁵, approximately 32% of the cases for offences against women were registered as “Cruelty by husband or by the relatives of the husband” followed by approximately 28% of cases as “Assault on women to outrage the modesty” coupled with around 23% as “Kidnapping and Abduction” under the Indian Penal Code, 1860. Rape as an offence covered around 10% of the cases. Despite having modern technologies and stringent punishments in place for the offenders, the fact which is of paramount importance is that the rate at which the crime against women is committed saw an upsurge from 57.9 in 2017 to 58.8 in 2018. This clearly indicates the magnitude of the serious problem that our country as a developing nation is currently facing. This increase in rate of crime is a clear example of ill-implementation of laws. Any act of violence should be deeply investigated by competent authorities and the severest form of punishments should be awarded to the offenders. As we dive deep into the causes of crime we need to understand that it is not only the perpetrators of the crime who are solely responsible for any violence against the women but the society which surrounds the victim is also equally responsible for aggravating the after effects of the crime. The society where majority of the population does not feel safe need to acknowledge and reappraise their assertion of being an educated society.

The Concept of Gender Based Violence or Violence Against Women.

The basic necessity for survival and empowerment of women is freedom from violence. Women, being totally dependent on men were expected to follow a set of rules which were established by men, in a patriarchal society. Violence which is omnipresent in India, can be witnessed in various small forms. A situation where a man would be hitting a woman, or maybe rape or in extreme cases murder are clear examples of violence. But a slight divergence in a woman’s attitude from those already set in place can also become a cause of violence for her. Taking about specificity the various forms of violence against women include the violence in dowry case which in extreme cases also result in deaths, cases of witchcraft, the so-called cases of honor-killing, femicide, child and forced child marriage, female genital mutilation, sterilization, forced nudity, abortions which were done forcibly without the intention or the consent of the female, the violence in old age, incest, marital rape which is not even considered as rape in the Indian society due to the disinclined behavior of the people⁶. This violence generally takes place when the dominant status of the man is

⁵ National Crime Records Bureau, Crime in India 2018, Statistics volume 1, Crime Against women, NCRB.GOV.IN Accessed from <https://www.google.com/url?sa=t&source=web&rct=j&url=https://ncrb.gov.in/sites/default/files/Crime%2520in%2520India%25202018%2520-%2520Volume%25201.pdf&ved=2ahUKEwirqIqL6cLqAhXTmeYKHacBz4QFjAAegQIARAB&usg=AOvVaw2Mop2BzQ4-P3vqfA2x0FJw> (Last accessed : July 10, 2020)

⁶ United nations human rights office of the high commissioner, Information series on sexual and reproductive health and rights- Violence against women, OHCHR.ORG, Accessed from

challenged by the woman of the house. We might hesitate to admit the fact that we all have witnessed some form of violence in our own houses, but the reluctance to admit won't change the harsh reality. Woman is expected to be polite and respectful but also a fighter at the same time, not to speak much but be vocal enough about the wrongs in the society except her own house. This hypocritical mentality of the patriarchal society is the biggest problem and the major cause of violence against women. The women have no other option but to suffer silently because they are expected to remain silent and not be vocal about the wrongs in their own house as this would destroy the image of the whole family. This colossal issue needs to be addressed as it is a serious human rights violation and a menace to the public health system.

The Indian Legal Perspective

Domestic Violence in India is covered by the Protection of Women from Domestic Violence Act of 2005. Section 3 of this Act i.e. Protection of Women from Domestic Violence Act, 2005 defines domestic violence as any omission or commission or conduct of the respondent-

- a) Harms or injures or endangers the health, safety, limb or well-being, whether mental or physical, of the female victim, including physical abuse, sexual, including any verbal or emotional abuse.
- b) Harasses, harms, injures or endangers, the victim with a view to coerce, or compel the victim to complete any unlawful wish like any demand of dowry, or any other valuable property.
- c) Has any effect of threatening the victim or any other person related to her by any act mentioned in clause (a) and (b).
- d) or else causes any injury, harm, whether it be physical or mental, to the victim.

For the purpose of finding out domestic violence, we first need to understand the meaning of the term domestic relationship. Section 2(f) of the Protection of Women from Domestic Violence Act of 2005 states the interpretation of "domestic relationship" which says that it is a relationship between two people who live or have lived together, in any place or any shared household, by any relation of consanguinity or marriage, or a relationship in the nature of marriage or members of the family living together as joint family.

Causes of Violence against women and their prevention.

The UN General Assembly in its 85th plenary meeting on 20 December 1993 in its Resolution 48/104 of Declaration on the Elimination of Violence Against Women as a serious human rights violation⁷. Since time immemorial, it also reflects the apparent unequal distribution of

https://www.ohchr.org/Documents/Issues/Women/WRGS/SexualHealth/INFO_VAW_WEB.pdf (Report published : 2013)

⁷ United Nations General Assembly, Declaration on Elimination of Violence Against Women, Resolution 48/104, UN.ORG, Accessed from https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.21_declaration%20elimination%20vaw.pdf (published: February 23, 1994)

power between man and woman signifying discrimination on every other ground. Prevention programmes are there to help bridge this gap but it requires interventions starting from individual relationships to global negotiations. To end violence against women, change has to be done at all levels of socio-political system. Below is an ecological model⁸ of public health-based analyses, focused on understanding the complex and contributing factors at various levels which are the causes of violence against women.

- **The Societal Level:** This is the most important level where on a broad social level, the policies and practices from the state, the customary practices of the people in the society, their traditional beliefs, come into picture as these can be the major contributors to violence against women. Where there are less economic, social and political differences between men and women in a society, and the society values the participation and focusses on women representation, the cases of violence against woman are minimal. Other factors contributing to violence can be the woman's access to land rights, economic superiority, dependency on man etc. Prevention programs to promote the economic autonomy of the women and to protect their rights in all the fields whether it be marriage, having children or education, are the protective factors of violence against women.
- **The Community Level:** Women have been always considered to not step out of the house and work or make friends or any social activity. This seclusion from the outside world have also added to the societal level of violence against women. Any submissive behavior of a female victim granting control to men just to resolve the conflict, makes the woman believe that her submissive behavior is the key to a happy life, which in reality just makes her condition from bad to worse. The irrational belief of the society that dominance, honour, aggression is an attribute of men, also adds up to the violence against women. Moreover, the adaptive behavior of the society towards such actions also adds fuel to fire because it justifies the acts done by the perpetrator over the victim, such as the society has adapted to a behavior that it should not intervene in a physical fight of husband and wife as it is their private matter or that if a daughter is raped, then the woman needs to keep her mouth shut, as the news going out of the house would be a disgrace for the whole family. It has been become an ingrained practice in our society, that normalized use of violence against woman is viewed as a way to resolve any conflict. Corrective programmes needs to be done on a large scale by making the woman aware that violence is always violence, no matter if it is a slight wrong gesture or an extreme physical abuse. This is the need of the hour as it is seen that women have conditioned themselves in such a way that they report the violence against them as justified.

⁸ FOKUS- Forum for Woman and Development; What Causes Violence Against Women, Lara Fergus, FOKUSKVINNER.NO/EN/ , Accessed from [https://www.fokuskvinner.no/aktuelt/saker/what-causes-violence-against-women/#:~:text=Community%20\(or%20social\)%20norms%20such,risk%20of%20violence%20against%20women.](https://www.fokuskvinner.no/aktuelt/saker/what-causes-violence-against-women/#:~:text=Community%20(or%20social)%20norms%20such,risk%20of%20violence%20against%20women.) (published: January 23, 2013 Edited April 16, 2018)

- **The Relationship Level:** When we talk about family or relationships, we witness that mostly or maybe all the decisions regarding the financial or social behavior is taken by the man of the house. This is an area where the men have all the dominance over the women and have monopoly to which the woman submits without any insurgent behavior. A yet another example which is seen very frequently, is the use of physical force against wives and daughters or sisters of the family to keep them disciplined and in doing so, the men keep the family honour and privacy much above the individual safety and well-being of the woman and girl, which is an utter human rights violation. This problem in matrimonial cases needs to be addressed by mediation centers and rigorous punishments should be drawn upon the perpetrators.
- **The Individual Level:** Last but not the least, at this level, the persistent and prevalent use of violence by men over women can be acknowledged by their adaptive or agreeing behavior with the sexist, patriarchal or sexually hostile notion. Age, their anti-socialistic behavior, the educational level, the background they come from, also aggravate the situation of violence against women. Many other factors such as alcohol, drug abuse, dowry related issues also are contributors to gender-based violence. There have been reports that alcohol is the most dangerous contributor as it results in sexual assault in maximum cases. This is mainly done by an intimate partner or can also be done by a non-partner which also takes into consideration multiple factors such as age, education qualification, the societal level, etc. The problem at this level should be addressed by each male member of the family and the government along with all the competent authorities should create an atmosphere that anything done against women will be taken very seriously and the offenders will not be left without being punished.

Conclusion

In the end when we try to sum up the factors which are responsible for violence against women or gender-based violence, we find that until the common thread⁹ i.e. unequal distribution of power between men and women is negated, any contributing factor is of no significance. The special rapporteur has also noted on the causes and consequences of the violence against women that “no form of interpersonal violence is without any structural violence- as in all places, such abuse is underpinned by beliefs about the perpetrators right to harm the other, based specially and specifically on the gender-based notions of the society¹⁰”.

⁹ FOKUS- Forum for Woman and Development; What Causes Violence Against Women, Lara Fergus, FOKUSKVINNER.NO/EN/ , Accessed from [https://www.fokuskvinner.no/aktuelt/saker/what-causes-violence-against-women/#:~:text=Community%20\(or%20social\)%20norms%20such,risk%20of%20violence%20against%20women.\(published:January23,2013EditedApril16,2018\)](https://www.fokuskvinner.no/aktuelt/saker/what-causes-violence-against-women/#:~:text=Community%20(or%20social)%20norms%20such,risk%20of%20violence%20against%20women.(published:January23,2013EditedApril16,2018))

¹⁰ FOKUS- Forum for Woman and Development; What Causes Violence Against Women, Lara Fergus, FOKUSKVINNER.NO/EN/ , Accessed from [https://www.fokuskvinner.no/aktuelt/saker/what-causes-violence-against-women/#:~:text=Community%20\(or%20social\)%20norms%20such,risk%20of%20violence%20against%20women.\(published:January23,2013EditedApril16,2018\)](https://www.fokuskvinner.no/aktuelt/saker/what-causes-violence-against-women/#:~:text=Community%20(or%20social)%20norms%20such,risk%20of%20violence%20against%20women.(published:January23,2013EditedApril16,2018))

So, the men need to be taught, they need to be educated, they need to be made aware about the rights and wrongs, they need to be taught to change their views towards woman. Small change in the attitude of each man can bring a huge change that we expect to see in the society.

To the Women,

The Voice

There is a voice inside of you, that whispers all day long,

I feel that this is right for me, I know that this is wrong,

No teacher, preacher, parent, friend or wise man can decide,

What's right for you- Just listen to the voice that speaks inside.

- Shel Silverstein