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DOMESTIC VIOLENCE IN INDIA: AN OVERVIEW

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Abstract:

Violence against women can occur either within their households or outside. Family is considered the safest place or its members, but this illusion has been proved wrong by the experiences of women who face the threat of violence in their own homes. Term 'domestic violence' refers to destructive acts which cause physical injury or harm to a woman in her household. The term domestic violence is generally used to refer to physical abuse, but it should also include deprivations, which members of a family may experience, through not necessarily physical abuse.

INTRODUCTION

Domestic violence includes such acts as wife battering, subjecting daughters to physical abuse, harassment for dowry, which may result in dowry death and forcibly confining women to the house. Domestic violence is surrounded by a culture of silence because, what goes on inside the home is generally considered 'private'. Even when women are being assaulted or tortured in their homes, the neighborhood's attitude is generally one of disinterestedness or, non-interference in someone else's personal life.

INTERNATIONAL PERSPECTIVE OF DOMESTIC VIOLENCE

Despite having equal rights and status in most countries, violence against women is still rampant and homes become torture chambers for women.¹ Domestic violence is one of the most common forms of torture in women² and is a major international social and public health problem in both developed and developing countries. The United Nations defines "domestic violence" as violence that occurs within the private sphere, mainly between individuals who are

related through intimacy, blood, or law.³ According to a report by the UN International Children's Fund (UNICEF), up to half of the world's female population has suffered abuse at the hands of those closest to them at some point in their lives.⁴ Domestic violence is a pervasive violence of women's human rights and has been resistant to social advances because of its "hidden" nature. Such violence is a problem in every country of the world and almost universally under-reported. It has no relation with race, class or educational status.⁵

Women in India have been facing violence in all spheres of life for thousands of years. They face domestic, political and social violence also, making it a multi-faceted and complicated issue. Before the advent of the Aryans, women had a high status in the family and in society under the matriarchal system that was then practiced. With the patriarchal system, men were given a god like status which led to the subordination of women and the beginning of domestic violence.⁶

A woman enters the ties of matrimony with stars in her eyes but her dreams are soon shattered. She is assaulted, abused and raped by someone as intimate as her husband. Society is hesitant to recognize domestic violence as 'real' violence, because it happens behind closed doors of the home and justified in the name of family, custom, values, traditions that are taken for granted and never questioned. Innumerable women silently suffer assaults and abuse every day, inside their homes, across the country. This phenomenon of domestic violence is widely prevalent but has remained largely unseen. Far from being a haven of safety and security, sometimes the family can become a 'cradle of violence'. Much of the violence within a home is directed against female members.

Domestic violence can be described as when one adult in a relationship misuses power to control another. It is the establishment of control and fear in a relationship through violence and other forms of abuse. The violence may involve physical abuse, sexual assault and threats. Sometimes it is more subtle, like making someone feel worthless, not letting them have money, or not allowing them to leave the house. Social isolation and emotional abuse can have long lasting effects as well as physical violence. Domestic violence is not just hitting or fighting or an occasional argument. It is an abuse of power. The abuser tortures and controls the victim by calculated threats, intimidation and physical violence.⁷

Domestic violence is usually perpetrated on young married women in their final homes. It takes many forms beating, torture, verbal abuse, starving, locking-up, imposing excessive work burden, denying money for basic household expenses, sexual abuse, etc. Quite often, it results in murder, but equally or more often in driving the woman to suicide. Many cases of murder are camouflaged as suicide. In a majority of the cases, husbands and in-laws are implicated. The reasons are many — suspicion about the wife's fidelity, her childlessness or not bearing a son, disputes about household matters, wife's protests about husband's alcoholism, husband's infatuation with another woman, etc. Complaints in these cases are rarely registered; if registered, the culprits are rarely apprehended; if apprehended, they are rarely brought to court; and if brought to court, they are rarely convicted. The rare cases of the culprits being brought to trial are the result of social action groups and women's groups publicizing the case so that public pressure is exerted.⁸

NATURE AND FORMS OF DOMESTIC VIOLENCE

The domestic violence against women may be classified as under –

- (a) Physical Violence
- (b) Emotional Abuse
- (c) Economic Abuse

Each of the above may take different forms and only the most common forms which are frequently used by the perpetrators may be described as under –

(a) Physical Violence:

The physical violence that women experience comprises many types of physical attack and injury.

The most common and frequently used forms of physical violence used Against women are-

- (i) Slaps (ii) beating (iii) pulsing (iv) Kicking (v) throwing objects (vi) beating with cane (vii) Burning with rod (viii) holding with rope (ix) Sexual coercion or assault. It can be life threatening, resulting in internal injuries, permanent handicaps, and disabilities or death. Attempted strangling seem to be particularly common.⁹

(b) Emotional Abuse:

The mental or emotional abuse of a woman may take the following forms – (i) Using abusive language (ii) Insulting her in the presence of children, other member of the family and relatives (iii) Blaming her for everything that goes wrong in the family (iv) Charging her frequently on small and negligible issues (v) Making her feel guilty for no fault of her (vi) Calling her names (vii) Giving her threat of divorce (viii) Treating her like a servant (ix) Keeping a strict watch on her movements (x) Prohibiting her from meeting her friends and relatives (xi) Prohibiting her from expression of her view on family matters (xii) Suspecting her for extramarital relations (xiv) Using ugly and insulting language for her parents (xv) Insulting her for house-keeping (xvi) Demeaning her family background (xvii) Criticizing her for lacking intelligence (xviii) Threatening her to commit suicide (xvii) Giving her verbal threats to use physical force

(xv) Threats to kill or burn.

(C) Economic Abuse

Following are the most frequently used forms of economic abuse against women –

(i) Preventing her from taking a job (ii) Forcing her to leave present job (iii) Not allowing her to purchase things of her liking and choice (iv) Stopping her from access to resources or money (v) Pressurizing her to bring money from her parents and so on.

CAUSES OF DOMESTIC VIOLENCE

There are a number of causes of domestic violence against women. These causes range from the trivial to bizarre and include mainly the following

1. Not doing house-work properly
2. Dressing fashionably
3. Jealousy of husband
4. Husband's alcoholism
5. Dowry Demands
6. Husband's mistress
7. Laughing without reason
8. Combing hairs a number of times during day
9. High tone during dialogue
10. Free and Social nature
11. Close relations with friends
12. Boy friends
13. Disrespectful behaviour with elders in the family
14. Refusal to bring money from parent's house
15. Partial fulfillment or non-fulfillment of promises made at the time of marriage.
16. Doubt of love affairs before marriage.
17. Doubt of extra-marital relations
18. Resistance for abnormal sexual behaviour of the husband
19. No child bearing capability
20. Birth of girl child repeatedly
21. Husband economically dependent on parents
22. Husband has problems at work place.
23. Sexual difficulties
24. Low job satisfaction
25. Single personality factor
26. Antisocial personality disorders

In addition to the reasons listed above there may also be a long list of reasons which are not identified or reported by the victims of domestic violence. In conclusion it can be said that anything can serve as an excuse for inflicting violence against a woman. No single factor explains the phenomenon of domestic violence against Women.¹⁰

DOMESTIC VIOLENCE ACT, 2005

Though the phenomena of domestic violence are widely prevalent, it remained largely invisible in the public domain. The Act is to provide for more effective protection of the rights of women guaranteed under the constitution who are victims of violence of any kind within the family. It exploded the myth that Indian family is a safe haven for all its members. It included child sexual abuse, violence against divorced or widowed women.

The Protection of Women from Domestic Violence Act, 2005 (Act for short) which is a facet of the above resolution which came into force on 14th September, 2005 after receiving the assent of his Excellency the President of India on 13.9.07. The main thrust of the Act is to provide for more effective protection of the Rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matter connected therewith or incidental thereto.

The farmers for the above law, in the definition of “Domestic Violence” have included all the ingredients of cruelty for leading a better life for the aggrieved person guaranteed under Art. 21 of the Constitution of India. Physical, sexual, verbal, emotional and economic harassment by way of unlawful dowry demands to the women or her relatives would also be covered under this definition. The law delinks domestic violence from the confinements of dowry harassment and dowry murder. It provides civil laws relief for domestic violence which is recognized as occurring for all sorts of reasons.

This Act provides for the rights of women to secure housing. It also provides for the right of a woman to reside in her matrimonial house or shared household, whether or not she has any title or rights in such home or household. This right is secured by a residence order, which is passed by the Magistrate.

This Act empowers the Magistrate to pass protection orders in favour of the aggrieved person or to prevent the respondent from aiding or committing an act of domestic violence or any other specified act, entering a work place or any other place frequented by the aggrieved person, attempting to communicate with her, isolating any assets, used by both the parties and causing violence to the aggrieved person, her relatives or others who violence. The Act also provides for appointment of protection officers and registration of non-government organization as service providers for providing assistance to the aggrieved person, with respect to her medical examination obtaining legal aid, safe shelter, etc.

Though the Act is a milestone in providing women better legal protection, it suffers from certain intrinsic defects.

It uses the term 'habitual assaults', in defining the term domestic violence, by which it accepts that occasional assaults are acceptable.

It fails to specify the nature of relief or compensation monetary or material to be granted to a victim of domestic violence.

It does not address the common problem on non-compliance with a court order.

It does not provide for a transparent system for the appointment of the violence 'Protection Officers' who are meant to assist victims of domestic violence. Nor does it contain any provision to ensure that the person concerned has the requisite qualifications, experience, knowledge and sensitivity for the post.

Thus the la is not full proof and does not seem help women to a great extent.¹¹

It is in such a context that The Protection of Women from Domestic Violence Act, 2005 (PWDVA) has been added to the existing laws in recent times. Although from the feminist's point of view, the law's treatment of women in relation to men has not always been equal and fair, many stakeholders have hoped that the new law would be constructive in providing relief to women from violence. Given that the law has traditionally worked from a patriarchal perspective, attempts were made to draft the new law from a new perspective within, however, the same framework. The objective of this paper is to examine the extent to which the PWDVA has been able until now to achieve its objectives.¹²

CONCLUSION

The focus on women as an exploited. Victimized and marginalized group is a recent development in the world. It has been now recognized that despite all their rights being violated. Women have been suffering in silence. In India, the concept of Seeta / Savitri dutiful wives is imbibed in a girl's mind from the early stages of her life. For women, domestic violence may result in physical injury and permanent physical damage, in homelessness, in loss of employment, in loss of family, friends and even children, and importantly, in depression, attempted suicide and mental illness. Women may experience high levels of anxiety and panic attacks, or may develop disturbed patterns of eating and sleeping, problems in concentrating and a feeling of hopelessness.

To conclude, we must say that the society must have concern about the position, prestige, status, safety and security of women. Concern creates commitment and commitment brings competence. Special Acts and exclusive provisions are essential for persecution and punishment to the perpetrators of violence against women to maintain gender justice and to bring women to a level of equal safety and security with men. Simultaneously, there should be change in the attitude and mindset particularly among men. Mental education and mutual love and tolerance can only bring peace, happiness and prosperity in a family. Marriage should treat as union of two souls, not of two bodies. The question is not money or formal education but the bringing up of children which is more important. If children are properly brought up they can change their families and ultimately the society, not Parliament's Act.

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