

VIOLATIONS OF WOMEN RIGHTS THROUGH DOMESTIC VIOLENCE AND REMEDIES IN INDIA

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Abstract

Domestic Violence refers not only inter spousal violence but also violence perpetrated by other family members. It includes harassment, maltreatment, brutality or cruelty and even the threat of assault and intimidation. It includes physical injury, as well as willfully or knowingly placing or attempting to place a spouse in fear of injury and compelling the spouse by force or threat to engage in any conduct or act, sexual or otherwise, from which the spouse has a right to abstain. Confining or detaining the spouse against ones will or damaging property is also considered as acts of violence. This paper analyses about the violation of rights of women in the form of domestic violence against women. Firstly the problem of domestic violence has been elucidated with apt illustrations from the past scenario of society as well as from the present scenario of the society. Thereafter various forms of domestic violence against women in India and their causes have been discussed. After this, consequence of domestic violence against women has been discussed. In the last segment of this paper various remedies for domestic violence have been mentioned which varies from societal remedies to legal remedies.

Key Words: Domestic Violence, Human Rights, Violations & Female Abuse

Violence against women is a universal phenomenon if not curbed within appropriate time it can bring disastrous consequences. It is more intense right behind the doors of our homes. Behind closed doors of homes all across our country, women are being tortured, beaten and killed. To prove this phenomenon the news of various channels can be cited. It is happening in rural areas, towns, cities and in metropolitans as well. The term used to describe this exploding problem of violence within our homes is Domestic Violence against women. This violence against women has a tendency to explode in various forms such as physical, sexual or emotional. Since times immemorial, domestic violence has been an intrinsic part of the society we are living in. The contributing factors could be the desire to gain control over women in the family, the desire to exploit women for personal benefits, the flare to be in a commanding position by men all the time showcasing one's supremacy so on and so forth.

DIFFERENT FORMS OF DOMESTIC VIOLENCE AGAINST WOMEN IN INDIA AND THEIR CAUSES

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. 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 Tan door 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 incidence was an outcome of suspicion of extra marital affairs of Naina Sahni which led to marital discord and domestic violence against her.

More income of a working woman than her partner: 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: 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 neighborhood. 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.

Physical Abuse: other forms of physical abuse against women include slapping, punching, grabbing, and 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.

Female child abuse: In rural areas the reasons 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 pedophilia 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 cruelty and violence against innocent children.

CONSEQUENCES OF VIOLENCE AGAINST WOMEN

Battered women have tendency to remain quiet, agonized and emotionally disturbed after the occurrence of the torment. A psychological set back and trauma because of domestic violence affects women's productivity in all forms of life. The suicide case of such victimized women is also a deadly consequence and the number of such cases is increasing. A working Indian woman may drop out from work place because of the ill-treatment at home or office, she may lose her efficiency in work. Her health may deteriorate if she is not well physically and mentally. Some women leave their home immediately after first few atrocious attacks and try to become self-dependent. Their survival becomes difficult and painful when they have to work hard for earning two meals a day. Many such women come under rescue of women welfare organizations like Women Welfare Association of India (WWAI), Affus Woman Welfare Association (AWWA) and Woman's Emancipation and Development Trust (WEDT). Some of them who leave their homes are forcefully involved in women trafficking and pornography. This results in acquiring a higher risk of becoming a drug addict and suffering from HIV/AIDS. 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 victimized by the evil of domestic violence.

EFFECT OF DOMESTIC VIOLENCE ON THE SOCIETY

All the different forms of violence discussed 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.

EFFECT 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 instil in the grandchildren are all not done as they are unwanted in their own homes. People need to spend their part of income for medication when they are met with worse forms of domestic violence which again leads to loss in productive use of a family's income. The cumulative effect of the domestic violence at all levels and across all regions is the country's hindered development and slow economic growth.

REMEDIES FOR DOMESTIC VIOLENCE

A very important question in wake of domestic violence remedies is that what exactly we are looking for in the process of minimizing their occurrences. Is it so that we want to gather more information about such cases for just expressing our concern over this issue with more accuracy, having facts and figures at hand? Or instead of just raising our voices, we want to clean up the mess with sheer force and determination?

STRINGENT LAWS

The below mentioned laws are prevailing for protection of rights of women and particularly some laws amongst them are related to protection of women rights from domestic violence.

1. The Immoral Traffic (Prevention) Act, 1956
2. The Dowry Prohibition Act, 1961 (28 of 1961) (Amended in 1986)
3. The Indecent Representation of Women (Prohibition) Act, 1986
4. The Commission of Sati (Prevention) Act, 1987 (3 of 1988)
5. Protection of Women from Domestic Violence Act, 2005
6. The Sexual Harassment of Women at Workplace Act, 2013
7. The Indian Penal Code, 1860
8. The Married Women's Property Act, 1874
9. The Guardians and Wards Act, 1890
10. The Workmen's Compensation Act, 1923
11. The Trade Unions Act 1926
12. The Child Marriage Restraint Act, 1929 (19 of 1929)

13. The Payments of Wages Act, 1936
14. The Payments of Wages (Procedure) Act, 1937
15. The Muslim Personal Law (Shariat) Application Act, 1937
16. The Cinematograph Act, 1952
17. The Special Marriage Act, 1954
18. The Protection of Civil Rights Act, 1955
19. The Hindu Marriage Act, 1955 (28 of 1955)
20. The Hindu Adoptions & Maintenance Act, 1956
21. The Hindu Minority & Guardianship Act, 1956
22. The Hindu Succession Act, 1956
23. The Maternity Benefit Act, 1961 (53 of 1961)
24. The Foreign Marriage Act, 1969 (33 of 1969)
25. The Indian Divorce Act, 1969 (4 of 1969)
26. The Contract Labour (Regulation & Abolition) Act, 1970
27. The Medical Termination of Pregnancy Act, 1971 (34 of 1971)
28. Code of Criminal Procedure, 1973
29. The Equal Remuneration Act, 1976
30. The Bonded Labour System (Abolition) Act, 1979
31. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
32. The Family Courts Act, 1984
33. The Muslim women Protection of Rights on Dowry Act, 1986

Besides these laws, protection of Women from Domestic Violence Act, 2005 ensures the reporting of cases of domestic violence against women to a 'Protection Officer' who then prepares a Domestic Incident Report to the Magistrate "and forward copies thereof to the police officer in charge of the police station within the local limits of jurisdiction..."

ROLE OF NON-GOVERNMENTAL ORGANIZATIONS (NGOs)

The role of non-governmental organizations in controlling the domestic violence and curbing its worse consequences is crucial. Sakshi – a violence intervention agency for women and children in Delhi works on cases of sexual assault, sexual harassment, child sexual abuse and domestic abuse and focuses on equality education for judges and implementation of the 1997 Supreme Court's sexual harassment guidelines. These NGOs continue to spread awareness amongst people regarding the legal rights they have in hand for fighting against the atrocities they are subjected to. They are encouraging more and more people to report any case of domestic violence so that proper action may be taken against the culprits.

The varying causes which can spark the violence within the four walls of homes need to be analyzed carefully and a wise study of the factors causing the violence may prevent a family to suffer from the menace of domestic violence. The domestic violence may have a far wider and deeper impact in real life. What is required is to see closely the association of the factors provoking a particular form of domestic violence. If these factors can be controlled then

more than one form of violence can be prevented from harming an individual or our society and India would be a much better place to live in.

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