

Domestic Violence In India: Legal Steps to Control Domestic Violence Causes and Consequences

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Abstract - Domestic violence is a critical problem in India. In our 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 our country, people 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. 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 paper concludes by discussing briefly the contribution and role played by civil society groups in India towards the issue.

Keywords - Domestic Violence, Civil Society Groups, NGO groups, IPC and Mahila Police station

I. Introduction

Violence of any nature or form is in human. As domestic violence undermined the value of a woman as an individual, it is a serious human right violation. Domestic violence most of the times is equated to physical abuse like beating, hurling of objects or abusing. Though it is most common and most visible variety of domestic violence, domestic violence is much more than just that. Other forms of it like psychological and sexual violence which are generally hidden from the social purview have equal or more implications. These violence need to be given high priority as they deeply impact a woman's psyche and linger on for a longer period of time than most physical scars and pain. If the inflictor of violence is unaware about the serious implication associated with his action, there is a higher chance that he may resort to physical violence. It has also been observed that among educated couples incidence of physical violence is comparatively low but, they tend to resort to psychological and sexual violence to overcome their frustrations and limitations. Domestic violence has gradually emerged as a global problem. It is present in all countries irrespective of the nation's social, economic and political status. Policy makers and social scientists worldwide have started taking serious note of it and therefore, various legislations and acts are being formulated to counter domestic violence¹. Surveys have frequently conveyed that many women who undergo this trauma don't bring it to the notice of the state agencies like police or women commissions mainly because of fear, ignorance of law and lack of confidence in these agencies. Therefore, most of the cases related to domestic violence go unreported.



Fig.1 Domestic Violence in Against Women

The discussion on domestic violence begins with understanding few important terminologies associated to the topic. American Heritage dictionary defines violence as “Physical force exerted for the purpose of violating, damaging, or abusing”. Violence is therefore, an act undertaken by an individual when he/she is unable to control aggression. The intention of violence is to cause physical and psychological trauma to the victim². Domestic violence too has been explained in various ways. The United Nations Declaration on the Elimination of Violence against Women (1993) defines violence against women as "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." SVN (Supervised Visitation Network), an American NGO,

specializing in providing a violence free atmosphere for children defines domestic violence as “any form of physical, sexual, verbal, emotional, or economic abuse inflicted on any person in a household by a family or household member”. Human right which is a basic right enjoyed by every living human being is the basis of all the other rights available in the world. Human right is natural as it is provided to an individual soon after his birth. It is universal, as it is available to all human beings irrespective of gender or nationality around the globe. It is fundamental as it helps in individual's holistic development and it is necessary as it helps an individual to lead a respectful and dignified life.

II. Human Rights and Women Violence

Women's and girls' rights are human rights. They cover every aspect of life – health, education, political participation, economic well-being and freedom from violence, among many others. Women and girls are entitled to the full and equal enjoyment of all of their human rights and to be free from all forms of discrimination – this is fundamental to achieve human rights, peace and security, and sustainable development.

The Charter of the United Nations guarantees the equal rights of women and men. All major international human rights instruments stipulate ending discrimination on the basis of sex. Almost all countries have ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), described as the women's international bill of rights.

Yet serious gaps and violations remain in every region of the world today and progress has been unacceptably slow, particularly for the most marginalized women and girls. Discrimination in the law persists in many countries. Women do not participate on an equal footing with men in politics. They face blatant discrimination in labor markets and access to economic assets. The many forms of violence directed explicitly towards women and girls deny them their rights and all too often their lives. Unacceptably high levels of maternal mortality continue in some regions. Unpaid care workloads continue to limit women's enjoyment of their rights.

III. Domestic Women Violence in India

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% of the women suffer from domestic violence, especially in the states of Bihar, U.P., M.P. and other northern states.



Fig.2 Women Violence in India

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 Nina Shin in New Delhi in the year 1995 is one such dreadful incident of a woman being killed and then burnt in a Tan door by his husband. This incidence was an outcome of suspicion of extra marital affairs of Nain Shin which led to marital discord and domestic violence against her.

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 fetus when she disagrees for abortion have also come to light especially in rural areas. Female feticide and female infanticide continue to be a rising concern.

A. Forms of Domestic Violence:

The statistics on education, life expectancies and participation in paid employment indicate seeming progress in the overall situation of women. In spite of this, for the majority of the women in India, the overall picture of progress

is bleak and is getting bleaker. The sex-disaggregated data on education levels, work force participation and life expectancies show male-female gaps. However, they hide more than what they show. The type of paid work open to women, contemporary versions of technology use that convert female infanticide to feticide, the overwhelming burden of birth control on women, rampant spread of dowry among new communities, the kind of operation of Women's Reservation Bill in Lock Sabah, a wide range in types of and reasons for violence, codification of customary laws going against women's rights etc. are some of the examples.



Fig. 3 A Time A Action on Ending Violence agene

B. Physical violence:

As The majority of women we interviewed experienced physical violence and abuse during their relationship, usually along with other forms of abuse, such as emotional – psychological abuse, controlling behavior, sexual or financial abuse. Physical violence may include hitting, slapping, kicking, pinching, pushing, burning, strangling, punching or being 'beaten up'. At its extreme end, this violence can lead to serious, even fatal, injuries. Injuries may be inflicted many times, causing increasing damage such as multiple black eyes or broken bones. Physical violence can also be directed at children. Physical violence often began with a small act, such as a slap or being grabbed by the hair, and escalated during the relationship, sometimes leading to a full assault that required hospital treatment. Philippe's partner of thirteen years began by being controlling. Philippe used to feel guilty going out with friends, as he did not like it, and she felt sorry for him. It escalated to serious physical abuse over time



Fig.4 Physical Violence Images, Stock Photo

C. Psychological and Emotional violence:

Emotional abuse can be identified as any form of non-physical behavior that is used by the abuser to "control, suppress, punish, or isolate another person through the use of humiliation or fear". It includes, amongst other behaviors – verbal assault, authority, control, isolation, taunting and exploitation of intimate details for derogation. Emotional abuse, early in the relationship, is sometimes considered a precursor to physical abuse but is not always the case. Abuse, be it physical or emotional, is not a one-time event. It is a cycle that involves episodes of violence followed by apologies and loving gestures. This acute variation in the abuser's behavior is confusing for the victim and makes it difficult for them to leave the relationship. This 'cycle of abuse' works almost the same in all abusive relationships.



Fig.5 88% women silent on physical and Emotional violence

D. Sexual violence:

The National Crime Records Bureau of India (2015) reports an alarming situation of sexual violence in India stating that on an average 92 women are raped every day. The situation in the capital New Delhi alone, as per Delhi Police, reports that the number of rapes has more than tripled in the last five years. In spite of several social movements led by feminists and public protests across the geography of India over the past few decades, why does the situation not weaken its roots? Instead, it only grows deeper.

It is common knowledge that patriarchy is by no means a recent phenomenon and is embedded in our religious and traditional beliefs as well as practices. However, what is deeply saddening is the increase in sexual violence in the recent past – and by increase, the reference is not just to the numbers but also to the horrific brutality of rape cases that flood our society.

How can we trace the footsteps of this terrible reality of rapes that surrounds us? We may not have to go too far. May be, it is just right here in our daily lives!

E. Economic violence:

India is caught in a depressing cycle of lack of empowerment of women and low economic productivity in society. There are obviously many reasons to be appalled and sickened by the continuing—and possibly even increasing—violence against women that plagues Indian society. It is true that this is not a new feature, because such violence has been

both endemic and structural in Indian society. It has even been argued that we hear of so many more cases at least partly because women and girls are more willing and able to come out and speak about it than they were in the past. We must also accept that there are urban and class biases that determine which incidents get a lot of publicity. For example, cases of molestation and sexual harassment in big cities like Bangalore (disgusting and unacceptable as they are) have got much more national media coverage recently than alleged cases of the gang rape of tribal women in Chhattisgarh by the very security officers who are supposed to protect them.

While much violence against women in India is still in the form of domestic violence, with most perpetrators known to the woman affected, there are more and more reports of violence occurring in public spaces, even in places that were not previously known to be so affected.

But apart from the moral outrage and the alarm at the sickness of our society that is exposed by such acts, we should be aware that there are significant economic costs to such violence. Since maximizing gross domestic product (GDP) seems (unfortunately) to be the one holy grail that is sought after by our leaders, whatever their political persuasion, it is worth reminding them of these costs.

One of the many surprising features of the Indian economy—and one that makes it stand out even among other large developing countries and “emerging markets”—is the low workforce participation of women. The most recently available estimates of work and employment (relating to 2011-12) based on the large sample survey of the National Sample Survey Office suggest that only 25% of rural women above the age of 15 years, and 17% of urban women, were gainfully employed on a regular basis.

This in turn is a reflection of the low status of women in Indian society, which drives both poor recognition of the huge amount of (unpaid) productive work that is performed by women and the physical, social and cultural constraints put on women who do seek outside employment.

As it happens, the same NSSO survey revealed that 60% of rural women and 64% of urban women are also engaged in unpaid economic activity within the household.



Fig. 6 Economic violence in family

IV. Proposed Solution

Domestic violence is more than just a relationship issue, it is a crime. Solutions to domestic violence need to include both short and long-term strategies. Short-term strategies

should be made up of assistance programs that defend the woman who has witnessed abuse or is currently being abused. They frequently focus on the critical period faced by the victim after he/she leaves the home and is provided with food, shelter and guidance. This is the period when the woman or man who is the victim of abuse is most vulnerable. It is the time that the victim seeks retribution from the abuser, or when she may be forced to go back to the house out of desperation. Long-term strategies are aimed at educating the public and empowering the victim to reinstate her life without violence. It also includes developing programs that create atmosphere of anti-domestic violence in the community.

Any intervention given to the survivors of domestic violence need to include interrelationship among health, legal and social sectors to ensure that stability is maintained and the victim is not constantly referred to a new agency. One particular ground-breaking strategy is to make use of “family crisis centers,” or “victim advocates” to serve as the victim’s connection to a number of sectors.

1. Availability of crisis intervention strategies

- Provision of crisis intervention services
- The use of crisis hotlines
- Provision of shelters or other emergency residential facilities
- Provision of medical services

2. Provision of emotional support

The victims of abuse need to be provided with emotional support through the following means:

- Provision of self-help through support groups
- Provision of Assertiveness Training to the victims of abuse
- Helping the victims to build self-esteem and self confidence
- Organizing sessions that teach people how to deal with and manage issues of domestic violence
- Developing courses on Parenting Skills

3. Provision of advocacy and legal assistance

The advocacy and legal assistance programs need to include the following:

- Access to and custody of children
- Solving issues with property distribution among the partners
- Provision of financial support
- The use of restraining orders against the abuser
- Provision of public assistance benefits
- Helping victims to gain immigration status.

4. Provision of supplementary support services:

- Provision of housing and safe accommodations.
- Provision of childcare.
- Making it easy for victims to access the community services.

A lot of researchers think that the best solution for domestic violence is to prevent people from becoming abusers in the first place. A lot of strategies with regard to this show that this is possible. Extensive, cultural messages usually make a

difference not merely what youngsters witness and hear from their families and neighbors but as well as from those who are their role models on television and in sporting arenas. Additionally, a number of researchers think that children can potentially be directly trained to refrain from domestic violence in their schools and by their parents.

The researchers are of the opinion that children should be taught how men should treat women and the appropriate ways to suitably express their emotions. Boys and men should be raised with the knowledge that it is okay for men to cry and show some sort of “weak” emotions and that the emotion of anger should not be the only acceptable emotion for boys.

V. CONCLUSION

We can therefore conclude that domestic violence is indeed a serious human right issue and it can be eradicated from the society only when responsibility towards it is shared by all stakeholders, collectively. States should work towards strict implementation of legislations related to domestic violence and stringent punishment should be attached to any kind of violation. By doing so, women will be assured of effective and immediate remedy. Awareness about domestic violence is gradually increasing among people. Modification in the field of Education, Legal aid, Counseling, Rehabilitation and self regulatory guidelines will help the cause in a big way. By addressing the problem in an efficient manner, it will help in restoring the lost self esteem of women in the society. They can be assured of a more peaceful, successful and empowered life.

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