



Domestic Violence Against Women in India

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ABSTRACT

Domestic violence is a global problem that reaches national and economic fronts, differences in culture, race and class. This problem is not only widely dispersed geographically, but its incidence is also extensive, making it a typical and accepted behaviour. Domestic violence is widely prevalent and has a negative impact on women's health and well-being. Its continued existence is not morally justifiable by argument. Its costs to individuals, to health systems and to society is enormous. The purpose of the existing research is to report the spread of various forms of domestic violence against women, analysing data on domestic violence against women in India and suggesting some measures. Domestic violence management requires a joint effort by law enforcement, social and health care services. Although efforts are being made in this area, attended cases represent just the tip of the iceberg, as most of the cases are not reported as a result of social pressures from family members or social discrimination. Real change in these cases can only be brought about by changing the mindset of society through education and better law enforcement are the only ways by which concrete changes in these cases can be brought about.

Key Words: Domestic Violence, widely prevalent, mindset of society.

Introduction:

Violence against women is a phenomenon that has taken place over the centuries in the name of religion, social customs and traditions. Violence can come in many forms, such as child marriage, sati, honour killings etc. Resistance to domestic violence is a recent phenomenon. At the present time voices have been voiced against these humanitarian practices and efforts made to bring about change by creating awareness, educating people and in terms of legal actions and reforms.

While talking about India, it is Raja Ram-Mohan Roy who can be called a pioneer of the women's rights movement. He was to a great extent responsible for bringing about socio-legal changes pertaining to the de-legitimisation of child marriage, sati and legitimisation of widow remarriage. Roy's promotion of Hindu thought against the sati system created enough public opinion to make the practice a criminal offense in 1829.

Although the term 'domestic violence' did not make sense in that change, nevertheless its purpose is aimed indirectly to make a woman's life more



humane and to protect her from domestic violence. Even during colonial times there was provision under the IPC and the Code of Criminal Procedure which was intended to provide protection for women against violence.

Domestic violence is often perpetrated by men who become, or have been, in positions of trust and intimacy - husbands, boyfriend, fathers, cousins, brothers, uncles, sons, or other relatives. However, many victims of domestic violence have refused to call the originator of the attack or claim that they were injured for other reasons. In fact, many victims even allow themselves to be assaulted. Harihar Sahoo and Manasseh Ranjan Pradhan conducted a survey of 90,303 married women who experienced increased domestic violence (21 percent, since age 15) in India but also the acceptance of majority of ever-married women (57 percent) to at least one reason for justifying a husband beating his wife.

The International Conference on Human Rights in Vienna (1993) recognized that women's and girls' rights are "an inalienable, integral and indivisible part of universal human rights." The United Nations General Assembly adopted the Declaration on the Elimination of Violence Against Women, in December 1993. It is the first international human rights instrument to deal with violence against women followed by a thread of laws against abuse of women at home world across.

Domestic Violence:

There is no universally accepted definition of violence against women. Some human rights activists favour the broad definition that places "structural violence" as poverty, as well as unequal access to health and education. Some have argued for a limited definition so as not to lose the explanatory power of the term. 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."

This definition refers to the roots of gender-based violence, recognizing that "violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men." It broadens the definition of violence by including physical and psychological harm done to women and includes actions in private and public life. The Declaration defines violence against women as a combination of, but not limited to, three areas: violence occurring in the family, within the general community, and violence perpetrated or condoned by the State. Domestic violence, also known as domestic violence, spousal abuse, assault, family violence, intimate partner violence (IPV), is defined as a pattern of abusive behaviours by one partner



against another in an intimate relationship such as marriage, dating, family, or living together. Domestic violence, defined as this, has many forms, including physical abuse or assault (assault, assault, assault, assault, blocking, punching, throwing objects), or intimidation; sexual harassment; spiritual abuse; controlling or managing; to intimidate; to wrap; abuse that is simply being perpetrated (e.g., neglect); and economic deprivation.

Forms of Domestic Violence:

All forms of domestic violence have one purpose: to fully find and control the victim. Abusers use many tactics to exert power over their spouse or partner: dominance, humiliation, solitude, intimidation, threats and blame.

- **Direct physical violence** from unwanted physical contact with rape and murder. Indirect physical violence can include the damage of objects, hitting or disposing of objects near the victim, or injuring pets.
- **Mental or emotional abuse** includes threats of physical abuse of the victim, personally, or others including children, and verbal violence including threats, insults, aggressive actions and attacks.
- **Non-verbal threats** may include body touch, facial expressions, and stiffness.
- **Mental abuse** may include economic and / or social control such as controlling money of the victim and other economic resources, restricting the victim from seeing friends and relatives, actively sabotaging the victim's social relationships, and alienating the victim from social contact.

1. Physical violence

Physical violence is the intentional use of bodily force for the purpose of causing harm, injury, paralysis, or death, for example, hitting, striking, biting, blocking, kicking or using a weapon.

2. Sexual abuse

Sexual abuse is common in abusive relationships. The National Coalition Against Domestic Violence reports that between one-third and one-half of all battered women are raped by their partners at least once during their relationships. Any situation in which power is used to gain access to unwanted, unsafe, or destructive sexual activity creates sexual harassment. Forced sex, even with a spouse or intimate partner who has committed consensual sex, is an act of violence and aggression. In addition, women whose partner has physically and sexually abused them are at higher risk of serious injury or death.

3. Emotional abuse

Emotional abuse (also called psychological or mental abuse) can include embarrassing the victim privately or in public, controlling what the victim cannot and can do, withholding information from the victim, doing something deliberately to make the victim feel diminished or ashamed, separating the victim from friends and family, abusing the victim by harming others when the



victim expresses liberty or happiness, or refusing the victim access to money or other basic services and needs.

Psychologically abused people often sound like they do not have any control of themselves; rather, they may feel that their partner is in full control of them. Women or men who are abused often have depression, which puts them at increased risk of suicide, eating disorders, and drug and alcohol abuse.

4. Economic abuse

Economic abuse is when the abuser completely controls the victim's finances and other economic services. Usually, this involves placing the victim in a "solid" agreement, voluntarily holding money and forcing the victim to ask for money until the abuser gives them money. It is not uncommon for the victim to get a small amount of money as the abuse continues. This also includes (but is not limited to) preventing a victim from completing education or employment.

5. Stalking or following

Stalking or following is often viewed as a form of psychological intimidation that makes the victim feel a high level of fear.

Domestic Violence Against Women in India: A Data Analysis

The National Family Health Survey (NFHS-4) suggests that 30% of women in India between the ages of 15 to 59 have been physically abused since the age of 15 and have been victims of sexual abuse at least once in their lives. About 31 percent of married women are physically, sexually, or mentally abused by their partners.

Domestic violence is one of the most common forms of violence against women in India. According to the 2015-16 NFHS-4, 52 percent of women and 42percent men agreed on one or more of the seven reasons for assaulting a woman (respondents were asked if they agreed that a husband was justified in hitting or beating his wife under each of the following 7 cases: she goes out without telling him; she despises house or children, she argues with him, refuses to sleep with him, does not cook food properly; she shows disrespect for her in-laws).

A global estimate published by the WHO shows that about one in three (35%) women worldwide suffer from physical and / or sexual or non-physical abuse in their lives. In a systematic review of 137 published studies published over the past 10 years that examined the experiences of domestic violence in Indian women, 41% of women reported experiencing domestic violence during their lifetime. The prevalence of domestic violence in separate studies conducted in metropolitan areas of Mumbai shows a decrease of 15% to 21 %, while in the Kolkata region it is 51%. Intimate partner violence reportedly accounted for 26.6% of respondents in a survey conducted in Goa. In urban and rural areas of Haryana, 37% of married women experience domestic violence. In a survey conducted in a rural area in Pondicherry, 56.7% of them reported some form of domestic violence.



Legal Measures: The Protection of Women from Domestic Violence Act, 2005

Section 3 of the Domestic Violence Protection Act, 2005 states that any act, exclusion or commission or conduct of the respondent will promote domestic violence if:

(a) Harms or injures or endangers the health, safety of 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. This is a special law for women who are victims of domestic violence. It gives them relief from domestic violence. Under this law, victim can approach either the 'Protection Officer' or the 'Service Provider' or the police or a Magistrate directly. As soon as the complaint is filed, the judge or the Magistrate can order many different measures in order to ensure the protection and well-being of the aggrieved person, which includes:

- Protection order: It includes ordering the offender to stop all acts of violence.

- Settlement Order: Since a woman is not evicted from a shared house, the magistrate can order the offender not to sell his house or pay rent on another house or leave the shared house.

- Financial relief: It is about ordering the offender to pay a fine such as the victim's injury. Here, the injury can be physical, mental and emotional.

- Custody order: It involves allowing the victim to temporarily have custody of her children while the case goes on.

- Interim / ex parte order: It states that the court may issue an interim injunction to stop the violence before the final order. In the absence of the other party to the dispute, an ex parte order may be passed.

The offender, if found guilty, will be fined up to one year in prison and a ₹20,000 fine. Including medical expenses, the victim can be provided with interest on her husband's income and assets. No doubt, if we ever ignore the legal system in India, it can be said that the implementation of this act has provided relief and life to many women who have been victims of domestic violence.

Prevention and Response:

Further assessments are needed to evaluate the effectiveness of methods of violence prevention. Promising interventions include: Increasing education and opportunities for women and girls, improving their self-esteem and negotiation



skills, and reducing gender disparities in communities. Other successful efforts include:

1. Educate young people to reduce dating violence,
2. Programs that support children who have witnessed intimate partner violence,
3. More public awareness campaigns
4. Working with men and boys to change attitudes towards gender inequality and acceptance of violence.
6. Better awareness of violence and its effects among health workers
7. More information and knowledge on available resources for abused women (including legal aid, housing and childcare), may reduce the effects of violence.

WHO's Response:

The WHO and partners are working to reduce violence against women through programs that help identify, measure and respond to the problem, including:

Build evidence on scales and types of violence in different settings. This is an important step in understanding the magnitude and nature of the global crisis.

Developing oversight of member states and health workers to prevent violence and strengthen responses in the health sector.

Disseminate information to countries and support national efforts to advance women's rights and prevent violence.

Partnering with international organizations and agencies to prevent violence against women worldwide.

Conclusion:

Since the past 2-3 decades, there are many efforts made by the NGO's, social activist by the Government to restrain domestic violence against women and safeguard her constitutional rights, but still there is an increase of cases of domestic violence. The reason for the rising number is incorrect implementation and misuse of laws by the miscreants; may it be the accused, the police or the lawyers. If applied correctly the Protection of Women against Domestic Violence Act 2005 (PWDVA) is a powerful act. After the implementation of the act wide range of cases were filed across India and number of judgements delivered under PWDVA by the family courts, civil courts and in few by the supreme courts. It will remain worthless if there is dearth of awareness amongst the people of the country. It will take healthy and logical public policies, a holistic approach and long-term commitment from all development stake holders. To conclude it is therefore necessary that every member of society and organizations should take this as a duty to ensure that every woman lives a violence free life.

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