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Domestic violence in India- An analysis

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Abstract

Domestic violence is a global issue reaching across national boundaries as well as socio-economic, cultural, racial and class distinctions. This problem is not only widely dispersed geographically, but its incidence is also extensive, making it a typical and accepted behavior. Domestic violence is wide spread, deeply ingrained and has serious impacts on women's health and well-being. Its continued existence is morally indefensible. Its cost to individuals, to health systems and to society is enormous. The purpose of the present study is to report the prevalence of various forms of domestic violence against women, to analyze the data on domestic violence against women in India and some suggestive measures. The management of domestic violence essentially requires combined effort of law enforcement, social welfare and health care services. Although efforts have been made in this direction, the attended cases represent just the tip of the iceberg, as majority of the cases are not reported due to social pressures from family members or social stigma of defamation. Real change in these cases can only be brought about by changing the mindset of society through education and better law enforcement.

Keywords: Domestic violence, modes, domestic violence act (2005), suggestive measures

Introduction

The foundations of domestic violence are imbedded deep in evolutionary history of mankind in India. The history of mankind is history of repeated injuries and usurpations towards women, with an objective to establish tyranny over her. Women were always considered vulnerable and in a position to be exploited. Violence has long been accepted as something that happened to women. Family which was perceived as an arena of love, affection, gentleness and center of solidarity and warmth has now become a center of exploitation, and violence ranging from slapping, hitting, homicidal assault by one member of the family on the other, the husband and in-laws harassment for dowry or for another reason, dowry deaths, wife bettering, female child abuse and abuse of elderly female in a family are also included in domestic violence. Domestic Violence is not person specific; its victim can be children, woman, aged, disabled or any other vulnerable group. However, due to the traditional patriarchal system, emotional and economic dependence and inherent biological weakness term out to be the most potent and it is one of the most vicious circle. It takes place behind the closed doors, the very door which are meant to protect women from the hazards of the outside world. It is nothing short of a form of a custodial violence and must be so recognized. Domestic violence must come out of the closet and be addressed.

Domestic Violence

There is no universally accepted definition of violence against women. Some human rights activists prefer a broad-based definition that includes "structural violence" such as poverty, and unequal access to health and education. Others have argued for a more limited definition in order not to lose the actual descriptive 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."

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This definition refers to the gender-based roots of 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 both the physical and psychological harm done towards women, and it includes acts in both private and public life. The Declaration defines violence against women as encompassing, 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 abuse, spousal abuse, battering, family violence, intimate partner violence (IPV), is defined as a pattern of abusive behaviors by one partner against another in an intimate relationship such as marriage, dating, family, or cohabitation. Domestic violence, so defined, has many forms, including physical aggression or assault (hitting, kicking, biting, shoving, restraining, slapping, throwing objects), or threats thereof; sexual abuse; emotional abuse; controlling or domineering; intimidation; stalking; passive/covert abuse (e.g., neglect); and economic deprivation.

Objectives of the Present Study

The main objectives of present research paper is

1. To examine the various forms of domestic violence in India.
2. To analyse the data on domestic violence against women in India.
3. To suggest some legal and suggestive measures regarding domestic violence against women in India.

Research Methodology: The present paper is mainly based on secondary data, which has been taken from National Crime Record Bureau (NCRB), Press Information Bureau and Statistical Abstract State wise. For the present paper census and crime reported data have been analysed. The systematic approach has been adopted for analysis. Both qualitative and quantitative methods have been applied for the data analysis.

Forms of Domestic Violence

All the possible forms that will constitute the offence for a better understanding

a) Physical Abuse

While defining Domestic Violence under the Protection of Women from Domestic Violence Act, 2005, in section 3 of the act Physical Abuse is explained as any act or conduct which is of such nature as to cause bodily pain, harm or danger to life, limb, or health or impair the health or development of the aggrieved person and include assault criminal intimidation and criminal force. Physical abuse is the most pervasive and ancient method of subordinating of women in a family, it is the most common control mechanism applied against a woman within the domestic sphere.

b) Psychological/ Emotional Abuse

Causing of abuse to a woman in the domestic sphere is multidimensional. Under the Protection of Women from Domestic Violence Act, 2005 emotional or psychological abuse which has been categorized as verbal, is explained as to include – insults, ridicule, humiliation, name calling and insults especially with regard to not having a child or a male child and repeated there as to cause physical pain to any

person in whom the aggrieved person is interested. Psychological abuses are one of the major forms of abuses faced by women. The report by the United Nations World Population Fund (UNFPA) and the Washington-based International Center for Research on Women - polled 9,205 men, aged 18 to 49, across the states of Uttar Pradesh, Rajasthan, Punjab, Haryana, Odisha, Madhya Pradesh and Maharashtra found that men who had experienced discrimination as children were four times more likely to be violent towards their partners. The highest reports of violence came from Odisha and Uttar Pradesh, said the report, with more than 70 percent of men in these regions admitting to being abusive towards their wives and partners.

c) Sexual Abuse

International law in the context of violence against women has recognized sexual abuse against women as one of the forms of violence inflicted by both public and private sector. The Protection of women from Domestic Violence Act, 2005 explains sexual abuse includes any conduct of a sexual nature that abuses humiliates degrades or otherwise violates the dignity of women. This form of abuse is specific to the interpersonal relation between a man and a woman most often in a marital relationship. Of the many duties that a wife has towards her husband, performance of sexual duties is one of them. A wife is never expected to neglect her duties failure to carry out sexual duties or unfaithfulness appears to have been widely accepted and understandable explanation for men's violence. In present times men use sexual violence to assert and maintain their superior masculinity. This form of abuse is more common in households where men are literate and affluent. In a survey it was found that 79% of men used sexual violence to control their wives' fidelity and 57% of them had more than 6 years of formal education.

d) Economic Abuse

Economic abuse is a deprivation of the basic need of a person to sustain him in a social set up. It is a form of abuse when one intimate partner has control over the other partner's access to economic resources. Economic abuse may involve preventing a spouse from resource acquisition, limiting the amount of resources to use by the victim, or by exploiting economic resources of the victim. The motive behind preventing a spouse from acquiring resources is to diminish victim's capacity to support him/her, thus forcing him/her to depend on the perpetrator financially, which includes preventing the victim from obtaining education, finding employment maintaining or advancing their careers, and acquiring assets.

e) Intellectual Abuse

Of all the abuses in Domestic Violence previously discussed, intellectual abuse has been missing from all the definitions of Domestic Violence. This is perhaps because in India a marital relationship or any other man-woman relationship is about the acceptance of inequality, where men dominate and injure and women get dominated and endure. The entire socialization process has an inherent isolation for both men and women, which inhibits effective communication between the two. Even where domestic harmony exists, there is a sense of isolation in thought whereby both men and women experience alienation from each other and at a certain level they come out to be strangers. Different educational levels

add to the isolation as the mental levels are different and both find difficulties in relating to each other at the intellect level. In most of instances it is seen that Indian marriages are clouded with words such as adjustments and compromises. There is no mention of companionship or friendship as John Stuart Mill would describe it. In this scenario women come to be perceived as intellectually inferior, hysterical and unreliable and so on. This isolates women within a domestic sphere and limits their role to procreation of children, preferable sons and to the nurturing their families. Even educated and economically independent women face this isolation as men in a patriarchal set up have controlled access to all economic activities and to all assets including knowledge which contribute to their profitability. Moreover a woman's work in India is shaped and monitored predominantly by patriarchal authorities at home and outside. The Domestic Violence Act, 2005 has failed to address this form of abuse as it has been clubbed with other abuses such as psychological emotional and economic there by missing its import.

f) Tolerance of Abuse

Since domestic violence tends to be culturally engrained, or derived from culturally-based gender roles, many women are tolerant of the abuse they face. A study on domestic violence in India reflected this sentiment and found that "among the women who reported violence, 29% had never received medical care after domestic violence, and 10% had never told a health worker about being abused. Only 5% of the women reported speaking to the health worker about problems of violence at home."

Domestic Violence against Women in India: A Data Analysis

Domestic violence in India includes any form of violence suffered by a person from a biological relative, but typically is the violence suffered by a woman by male members of her family or relatives. According to a National Family and Health Survey in 2005, total lifetime prevalence of domestic violence was 33.5% and 8.5% for sexual violence among women aged 15–49. The instance of violence was reported to be lowest among Buddhist and Jain women, and highest among Muslim women in India. A 2014 study in *The Lancet* reports that the reported sexual violence rate in India is among the lowest in the world, the large population of India means that the violence affects 27.5 million over women their lifetime.

"The number of cases registered under Domestic Violence Act, 2005 has gone down over the past three years," said a March 13, 2015 release from the Press Information Bureau. "As per the provisional data of the National Crime Records Bureau (NCRB) which is available up to 2014, the numbers of such cases registered were 531 in 2014, 4204 in 2013 and 16,351 in 2012."

The reality, as Fact Checker found, appears to be the opposite: the limited data available indicate domestic violence might be soaring. Domestic violence in 2013 is low because 17 of 34 states and union territories didn't release any data. Among them were many large states including Maharashtra, Gujarat and Bihar. When it is reported, as we said, domestic violence appears to be sky-rocketing. Among states that released data, former Andhra Pradesh accounted for the highest number of cases registered under the Domestic Violence Act: 3,758 in 2013, a 75% increase from 2012 (2,150 cases). Kerala comes second with 142 cases in

2013, a 21% increase from 2012 (117 cases). A 2015 journal article on domestic violence in India, by Claire Snell-Rood, a medical anthropologist at the Department of Behavioural Science with the University of Kentucky, notes that 75-86 percent of women do not disclose that they are victims of abuse by their families (Snell-Rood 2015). A 3 March 2015 article by IPS reports that, according to "the most recent government household survey," 40 percent of women have been abused in their homes; while, according to an independent survey supported by the Planning Commission of India, the number is closer to 84 percent. The Hindu reports that, according to household surveys conducted in India by the United Nations Office on Drugs and Crime (UNODC), 10 percent of women in India reported that they have experienced sexual violence by their husbands in their lifetime (*The Hindu* 19 Dec. 2014). Reuters reported in June 2012 that, according to the Health and Programme Development Adviser at Save the Children UK, an international NGO that works in 120 countries to "save children's lives" (Save the Children), despite India's domestic violence Act, "women and girls continue to be sold as chattels, married off as young as 10, burned alive as a result of dowry-related disputes and young girls [are] exploited and abused as domestic slave labour" (Reuters 13 June 2012).

Legal Measures

The Protection of Women from Domestic Violence Act, 2005

On 26th October, 2006, the central govt. notified this Act in the official gazette. The Act aims at providing protection to women from Domestic Violence faced by them within 4 walls of their houses. This Act represents a major victory for women's rights in India. Importantly, the new law, which criminalizes the abuse of a woman by her spouse, partner or other males in the household, recognizes the abused woman's right to secure housing. Sections 18-23 are the soul of this Act, these sections of the Act provide a large number of avenues for an abused women to get relief. She can get through the courts, Protection orders, residence order, monetary relief order, custody order, for her children, compensation order, and interim/ex parte orders.

Short Stay Homes Schemes

The 13 March 2015 press release by the Ministry of Women and Child Development states that the Ministry administers "Swadhar and Short Stay Home Schemes," providing services for the relief and rehabilitation of women in difficult situations including those who are victims of rape.

Suggestive Measures

Violence against women in the private realm is relegated to secondary status, whether in India or in the United States. Strong laws and public policies are essential steps toward combating such violence. But the real solution lies in a culture shift, in the world, and in each of our homes. Apart from the above Legal measures, the below given are the some suggestive measures in context of India which if taken in its full form may placate and curve the menace of the Domestic Violence in India.

Agencies

A wide variety of agencies exist which offer services in cases of domestic violence viz. Family court, Police station, Family Counseling Centre, Women's Commission, People's Council for Social Justice, and religious institutions.

Awareness generation and sensitization

- Awareness about gender equality and women's rights should be instilled in boys and girls from a very early age in order to bring about a change in the mindset of the future generation.
- Legal literacy camps should be conducted on a regular and systematic basis at the local community level.
- List of NGOs and governmental organizations dealing with women's issues should be made known to the public.
- Health care providers such as doctors, nurses, and other Para-medical staff should be properly sensitized to treat women experiencing violence.
- Sensitization programmes should be organized for the policy makers.

Counseling

Pre-marital counseling should be made compulsory; post-marital counseling is to be arranged as follow-up, in order to prevent breakdown of families.

Fostering Self-Employment among Women

A woman entering into the business is not uncommon today. In fact more and more are keen on choosing business as a career. Self-employment is considered to be the best because it not only helps to change women's own self-perception but also helps to attain social status.

Judiciary

- There should be a special court with a woman judge and magistrate in each district to handle domestic violence cases.
- Only women magistrates should try cases of violence against women.
- Mobile courts should be introduced as an effective strategy to provide justice to the victims of domestic violence.
- Law enforcement should be done by the co-ordinate efforts of police.
- There should be strict laws for the prevention of vices such as alcoholism and drug addiction and social evils such as the dowry system.

Role of Government

- Government should ensure proper enforcement of existing laws related to women's rights.
- Women should be made aware of Women's Commission; offices of the Women's commission should be opened at the district and lower levels.
- Police should be trained to be respectful and courteous to women in distress.

Role of Media

Media should be used to sensitize the officials and the public about domestic violence so as to develop a positive attitude towards women in general, and women victims, in particular.

Conclusion

Woman must not accept, she must challenge. She must not be awed by that which has been built up around her. She must respect that woman in her which struggles for expression. Achieving women's empowerment is not a "quick-fix". It will take sound public policies, a holistic

approach and long term commitment from all development actors. Women's empowerment is both a right and "smart economics". In the ultimate analysis, empowering women is empowering society. Better women make better homes, a better society, and help us men to better our best!

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