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## DOMESTIC VIOLENCE IN INDIA: AN ANALYSIS

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### ABSTRACT

Domestic violence is a global problem that reaches socioeconomic, cultural, racial and class distinctions across national borders. This problem is not only widely dispersed geographically, but it also has an extensive incidence which makes it a typical and accepted behavior. Domestic abuse is common, profoundly rooted and has significant implications for the health and wellbeing of women. Its existence remains morally indefensible. The cost to people, health care systems and society is high. The goal of this study is to report the prevalence of different types of domestic violence against women, to examine data on domestic violence against women in India and some suggestive interventions. Managing domestic abuse includes basically a joint effort of law enforcement, social security, and health services. Although efforts have been made in this direction, the cases attended represent only the tip of the iceberg, as most cases are not reported due to family member social pressures or defamatory social stigma. Real change in these cases can only be brought about by changing the mindset of society through education and better law enforcement.

### 1. Introduction

The roots of domestic violence are profoundly imbedded in India's evolutionary human past. The history of humans is history of repetitive accidents and usurpations against women, with the intention of creating hegemony over her. From a long time, violence has been accepted to women. The love and affection can be seen as an arena from family, gentleness and

center of complete support and now become a center of exploitation, cruelty and violence ranges from kicking, punching, homicidal attack by any one family member, on the other side there is a dowry or other threats, dowry deaths, wife development, female child abuse and elderly female abuse in family violence by husband or in-laws are found in domestic violence. Violence is not only on a single person; its target may be children, women, the elderly people with disabilities or any other vulnerable group. Nevertheless, it is one of the most vicious circle due to the patriarchal structure, emotional and economic dependency and inherent biological is a great weakness. This happens behind closed doors only, the very door that is supposed to shield women from outside world hazards. It is nothing short of, and must be known as, a form of custodial abuse. Domestic abuse needs to come out of closet and be confronted.

### **1. Violence against women:**

There is no exact definition of domestic violence against women which is widely agreed. Some advocates in the field of human rights do a favor in specific term that encompasses “structural violence,” where woman suffer from health, such as poverty and unequal access to health and education. Others have more narrow description, so as not to sacrifice the term’s actual descriptive capacity. Others have advocated a more narrow description so as not to sacrifice the term’s actual descriptive capacity. The United Nations Declaration on the Elimination of Violence against Women (1993) describes violence against women as ‘any act of gender based violence that results in, or is likely to result in, physical, sexual or psychological damage or distress to women, including threats of such actions, intimidation or arbitrary deprivation of liberty, whether in public or private life. This definition applies to the gender basis of abuse, stating that “violence against women is one of the key social structures by which women are coerced into a subordinate position relative to men. This expands the concept of abuse by incorporating both physical and psychological damage to women, which covers both private and public life acts. The declaration describes violence against women as three fields, but not limited to: violence in the home, in the general society and violence committed or condoned by the state.

In an intimate relationship such as marriage, dating, parenting, or cohabitation, domestic violence, also known as domestic abuse, spousal abuse, battering, family violence, intimate partner violence (IPV), is characterized by one partner against another as a pattern of abusive behaviors. There are several types of domestic violence, so described, including physical attack or assault (hitting, punching, scratching, firing, grabbing, slapping, throwing objects) or threats thereof; sexual abuse; emotional abuse; control or domination; intimidation; stalking; passive/ covered abuse (e.g. neglect); and economic deprivation.

## **2. Discussion**

### **1. Forms of domestic violence:**

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

#### **a) Physical Abuse**

When we describe domestic violence under 2005 Act in the Protection of Women from Domestic Violence, Section 3 of the Act defines “physical abuse as to cause physical discomfort, damage or danger to life, life or health, or hinder the safety or development of the aggrieved person, including coercion of criminal acts and criminal force.” Physical violence is the most prevalent and ancient form of subordinating women to a family, it is the most common types of power applied to a woman in the domestic sphere.

#### **b) Psychological / Emotion**

In Ancient time physical violence is the most prevalent form of subordinate women to a family, it is the most common type of power applied to a women in the domestic sphere, is explained as to include- insults, derogation, humiliation especially with regard to not having a child or a male child and repeated this cause physical pain to any person in whom the aggrieved person is interested. Psychological is one of the most important types of harassment that women face. The UN world Population Fund (UNFPA) study and the Washington-based International Center for Women Studies poled 9, 205 people, aged 18-49, across the states of Uttar Pradesh and Maharashtra found that men who had experienced discrimination as children were four times more like to be violent towards their partners. According to the study, the highest reports of violence came from Odisha and Uttar Pradesh, with over 70% of people in these regions reporting harassment of wives and partners.

#### **c) Sexual Abuse**

With respect to violence against women, international law has defined sexual harassment of women as one of the major types of violence committed by both the public and private sectors. The Protection of women from Domestic Violence Act, 2005 explains sexual abuse includes “any conduct of a sexual nature that abuses nature that abuses humiliates degrades or otherwise violates the dignity of women.” This types of violence occurs most commonly in a martial relationship between man and woman. Of the many responsibilities a wife has towards her husband, one of these is performing sexual responsibilities. A woman is never supposed to abandon her duties failure to carry out sexual duties or unfair fullness appears to have been widely accepted and understandable explanation for men’s violence. Nowadays men use sexual harassment to demonstrate their dominant masculinity and to preserve it. This form of violence is more prevalent in households where men are literate and weathy. In a study, 79% of men used sexual harassment to monitor the fidelity of their wives an d57% had more than six years of formal education.

#### **d) Economic Exploitation**

Economic exploitation is a denial of a person's fundamental need to support him in a social set-up. It is a form of violence, when intimation of partner is in charge of access to economic resources for the other partner. Economic abuse can include preventing a spouse from obtaining resources, restricting the amount of resources the victim has to make use of, or manipulating the victim's economic resources. Preventing spouse from gaining resources is to decrease the ability of the victim to support him/her, thus causing him/her, thus causing his/her to rely financially on the offender, which involves preventing the victim from receiving schooling, seeking jobs to sustain or advance their careers and gaining properties.

#### **e) Intellectual Abuse**

From all the previously mentioned abuses of domestic violence, mental harassment was omitted from all Domestic Violence concepts. That may be because a marital partnership or any other man-woman partnership in India is about the recognition of inequalities. For both men and women the whole cycle of socialization has an underlying separation that prevents meaningful contact between the two. Even where there is domestic peace, there is a domestic peace, there is a sense of separation in thinking in which both men and women feel alienation from each other and at a certain point they consider themselves strangers. Different levels of education lead to alienation because the intellectual processes are different. In most cases Indian marriages are seen clouded with terms like changes and compromises. There is no mention as John Stuart Mill would characterize it, of companionship or friendship. Women tend to be viewed in this situation as being mentally inferior, irrational etc.

in a domestic sphere this sequester women and restricts their position to children's procreation, preferred daughters, and the nurturing of their families, even educated and economically independent women are facing this isolation as men have regulated access to all economic activities and properties, including expertise that contributes to their productivity, in a patriarchal system. In addition, a woman's job India is largely influenced and controlled by patriarchal authorities at home and outside at home and outside the Domestic Violence Act, 2005 has failed to tackle this type of abuse as it has been clubbed with other abuses such as psychological emotional and economic abuse due to its lack of import.

#### **f) Tolerance of Abuse**

Domestic violence appears to be deeply engrained, or derived from gender stereotypes based on tradition, many women are accepting of the harassment they face, but they are unable to speak out. A research on domestic violence in India mirrored that trend and found that 29% of women who reported violence had never sought medical attention after domestic violence, and 10% had never reported harassment to a health worker.

## **2. Legal measures:**

### **a) The Protection of Women from Domestic Violence Act, 2005**

On 26 October 2006, this Act was published in the official Gazette. The Act seeks to provide security for women dealing with domestic abuse in their homes in 4 walls. This Act marks as significant victory for the rights of women in India. Importantly, the new legislation, which criminalizes a woman's harassment in the household by her husband, father or other males, acknowledges the right of the abused woman to secure housing. Parts 18-23 of this act are the essence, these parts of the Act offer a great deal of avenues to redress for an abused woman.

### **b) Short Stay Homes Schemes**

The Ministry of Women and Child Development press release of 13 March 2015 notes that Ministry administers "Swadhar and Short Stay Home Schemes." including relief and recovery services for women in difficult circumstance like victims of rape.

## **3. Suggestive measures:**

Abuse against women in the private sector is relegated to secondary status, be it in India or in the USA. Strong legislation and public policy are important measures to address violence of this types. But the real answer lies in a change in society, in the environment, and in every home.

## **4. Agencies:**

There are wide range of programs providing assistance in domestic abuse situations, viz. family court, Police station, and center for Family Counseling, Counseling, Women's Committee, people's Social Justice Council and religious institutions.

## **5. Awareness generation and sensitization:**

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

## **6. Judiciary:**

- There should be strict laws for the prevention of vices such as alcoholism and drug addiction and social evils such as the dowry system.

- There should be special court with a woman judge and magistrate in each district to handle domestic violence cases.
- Law enforcement should be done by the co-ordinate efforts of police.
- Mobile courts should be introduced as an effective strategy to provide justice to the victims of domestic violence.
- Only women magistrates should try cases of violence against women.

### **7. Role of Government:**

- Police should be trained to be respectful and courteous to women in distress.
- 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 district and lower levels.

### **8. Role of media:**

The media should be used to raise awareness of domestic violence among the public so as to establish a positive attitude towards women in general, and woman victims in particular period.

### **3. Conclusion**

Woman does not embrace; she needs to fight from it. She could not be dismayed by what was growing up around her. She must admire the other woman whose struggle is to express herself, Reaching equality for women is not a "quick-fix". It will take sound public policies, a holistic approach and long-term commitment from all players involved in the development. The empowerment of women is both a right and a "good economy". Ultimately, empowering women empowers society.

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