

DOMESTIC VIOLENCE: A QUINTESSENTIAL ON WOMEN'S EXISTENCE

ABSTRACT:

“Women trapped in violent relationships need to know that there's no shame in talking out and walking out on their abusive partners”. This kind of mindset is required in the country like India, where one dowry death occurs in every 78 hrs, one sexual harassment every 59 minutes, one rape every 34 minutes, one torture every 12 minutes and almost one in every three married women experienced domestic violence, according to the survey of National Crime Record Bureau of India. Many laws like PWDVA Act, Dowry Prohibition Act 1961 were made by the government to end the violence against women in India, and to make India a bit better place for women to live in but unfortunately failed in eradicating this deep rooted social issue. In this paper, the author tried to find out the main causes behind domestic violence, its types and it also tell about the laws which were made to prevent violence against women. Moreover, author also focuses on the situation of the women during this unprecedented times (Deadly impact of lockdown on women). And, lastly concluded with suggesting various methods to prevent domestic violence in India.

KEYWORDS: Violence against women, Sexual harassment, Crimes, Domestic violence, PWDVA Act, Covid-19, Dowry Death.

INTRODUCTION:

“If we are to fight discrimination and injustice against women we must start from the home for if a woman cannot be safe in her own house then she cannot be expected to feel safe anywhere.”

— Aysha Taryam

In our Indian society women are always considered as weak, fragile and powerless. And that mentality of the narrow minded people is the reason of increasing violence against the women in India. Domestic violence is primarily the maltreatment that takes place between two adults whether married or unmarried. Domestic Violence is defined by the World Health Organization in the WRVH as “the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation”¹ Domestic violence also known as Intimate Partner Violence. It is the behavior of a person who acts violently when he wants to gain control and power over the other spouse, it can happen between boyfriend/girlfriend, intimate family member by use of abusive language and hurtful words. It can be physically, sexually, mentally, emotionally. So this was the basic introduction regarding what domestic violence is all about.

HISTORY OF THE DOMESTIC VIOLENCE IN INDIA:

Some ancient texts which depicted the true status of the women of their age. The ancient texts like Hindu “Puranas”, “Upanishads”, Vedas, and Smritis they mentioned about the true values, status of the women in the ancient India. Like in Hindu Puranas, power of the woman shown as “Shakti” means goddess of power who killed the unconquerable “Mahisasura” the demon. And also in many texts it was mentioned that where women are considered as “Lakshmi” and honored and respected they will always progress in their life and those who do not they will never get success in their life and their every work will be fruitless and worthless. In the vedic period women enjoyed the equal status and opportunities with men. They were allowed to gain the brahma knowledge. The high respect, honor and dignity given to the women, they were living their lives happily and peacefully. They were allowed to work and many of them came out as good scholars and achieved success in their lives, they were regarded as the husband’s life long

¹Krug E, Dahlberg L, Mercy J. *et al* World report on violence and health. Geneva: World Health Organization, 2002

companion and women were the mistress of the house. As I have mentioned that in that period due respect was given to women but in some ages violence was always there. If we go through some ancient texts, Ramayana, Mahabharata etc we will find that there was the custom of polygamy which acts as a discordant factor in the marriage life. Polygamy was so common in the ancient India and that has been prevailing since long. In the Ramayana “Sita” the wife of the lord “Ram” was the epitome of wifely’s character, she was the one who always agree to the decision of her husband, and devotedly followed her husband in the forest for 14 years. But at the end “Sita” has to give the purity test So, people started making the “sita” as the role model for every women because she exemplifies the proper characters of a Hindu wife(how a ideal wife should behave like). And if we look at the another instance i.e., “Mahabharata” Yudhishtir betted his wife Dropti in gambling and lost her, under the command of Duryodhana , Dushasan tried stripping dropti in royal palace but lord Krishna came to rescue her. Some kind of violence always faced by women of ancient ages and it is continuing till date.And if any women tried to break the bonds of control or if they are going against their husband and not accepting the things as they arethen people started associating women with the evildoers or wrongdoers. After this period women’s position started deteriorating. People started imposing things on the women by using power and tried to control them.

TYPES OF DOMESTIC VIOLENCE:

Domestic violence can take the form of Physical, psychological, sexual, and economic. Many people are unaware of the different types of domestic violence that is the reason of many crimes being unreported and due to that victim has to suffer a lot.

PHYSICAL VIOLENCE: physical violence includes slapping, kicking, punching, stabbing, forcing to do something, choking, beating, threatening etc. it doesn’t need any serious injury even the single minor injury can also constitute domestic violence. According to survey by NFHS by union health ministry every women has experienced physical violence since the age 15. And it is more common in rural areas than the urban areas. The ratio physical violence in

urban areas and rural areas is 29 and 23 percent². This results was of the married women and the women who are unmarried experienced physical violence by mother or step mother, father or stepfather, teachers, and brother.

PSYCHOLOGICAL VIOLENCE: psychological violence includes the coercive or threatening behavior of a person which leads to anxiety, depression, verbal abuse and which frighten the victim mentally and emotionally. And the victim of this kind of violence is not only women but also the children. A survey report said that, perpetrators used to threaten and control the child and sometimes they tried to turn their children against them.

SEXUAL VIOLENCE: sexual violence also known as marital rape. Where the victim is forced to have sexual activities with her husband without her consent or we can say any act of sexual nature which humiliate, degrade or lower the dignity of women, such kind of abuse falls under sexual violence. Six percent of women in India experienced and reported the sexual violence in their life time. About 4% reported that their husband forced them with threats or in other ways to perform sexual acts they did not want to, and 3% reported that their husband forced them to perform other sexual acts they did not want to. The situation of unmarried women are not different. The most common culprit of sexual violence on unmarried women were other relatives (27%), followed by a current or former boyfriend (18%), their own friend or acquaintance (17%) and a family friend (11%)³.

“Sexual violence is most often committed by individuals with whom women have an intimate relationship. Physical violence and sexual violence may not occur in isolation; rather, women may experience a combination of different types of violence,” the survey report said⁴.

² Sheikh Saaliq, *Every Third Woman In India Suffers Sexual, Physical Violence at Home*, NEWS18 INDIA (Dec. 21, 2020, 10:45 PM)<https://www.news18.com/news/india/the-elephant-in-the-room-every-third-woman-in-india-faces-domestic-violence-1654193.html>.

³Neetu Chandra sharma, *Marital Rape survey takes lid off sexual violence by husband*, LIVE MINT (Dec. 19, 2020, 9:20 PM), <https://www.livemint.com/Politics/2On0uNbW6ufrjabfKZwPnM/Marital-rape-Survey-takes-lid-off-sexual-violence-by-husban.html>.

⁴WORLD HEALTH ORGANIZATION, <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>, (last visited Dec. 21, 2020).

ECONOMIC VIOLENCE: economic violence means depriving a women to use all kind of financial help which she is entitled or expects to get from her husband after marriage. This mainly occurs when women is not working and has to depend on her husband for every little thing which she needs for household activities or for her children. Unemployment of women is the reason they bear all this types of violence because “fear of leaving is greater than fear of staying”.

CAUSES OF DOMESTIC VIOLENCE:

There are various causes for domestic violence but there is no specific cause for the increasing cases of domestic violence. Some of the main reasons are:

PATRIARCHAL SOCIETY:

- In a patriarchal society like India, generally women do not have decision making power it lies with the male in the family. According to marital power wedded theory, the decision making power in the family derives from the resources brought by each person to the relationship. So it lies with the male.
- Another ideology of the patriarchal society like in India, where the duty to maintain the sanctity of family and privacy of family is vested on the female, even by suppressing her feelings, her expression only to maintain the honor of her family and husband. Dowry death is also one of the reason of patriarchal oppression.
- And the preference of the son in the family is the most common feature of patriarchal society. Women are considered as “praayadhan” and often considered as liability. Because it is burden for a natal family until she gets married. The belief in the family is son would take care of them in old age and that belief sometimes leads to female infanticide.

PSYCHOLOGICAL DIMENSIONS:

According to psychiatric studies conducted, domestic violence can happen due to biological and bio-chemical causes also. Low serotonin, high dopamine, pre-frontal dysfunctions, low glucose metabolism, brain dysfunctions, seizure disorders can cause domestic violence. Personality

disorders like anxieties, obsessions, frustrations, subordination, attitude about sex roles, guilty-conscience, jealousy, inferiority can cause Domestic Violence. Domestic violence can also be caused by psychiatric disorders e.g., psychosis (paranoiac, schizophrenic), obsessive compulsive disorder, mania, alcoholism and drug addiction⁵.

SOCIO-CULTURAL DIMENSIONS:

As I have stated earlier that there is no specific reason for increasing cases of the domestic violence, there is involvement of many factors in it. Like, prevalence of domestic violence at home, poverty, unemployment, drug addiction, low status, alcoholism and many more when all this factors combines with the traditional and orthodox mindset of the people makes a case of the domestic violence.

Domestic violence in the Indian context is as expressed by Rebecca J. Burns in the following words: “When I am asked why a woman doesn’t leave abuser I say: Women stay because the fear of leaving is greater than the fear of staying. They will leave when the fear of staying is greater than the fear of leaving”.

LIFE STRESS:

High educational and employment competition, corruption and inflation, poor educational quality are the youth's common stresses. The high-risk individual might be a young person living away from home, anxious and depressed, choosing alcohol as the only way to recover and relieve themselves from life's problems.

LEGAL PROTECTION TO THE VICTIMS OF DOMESTIC VIOLENCE:

Crimes against women is so prevalent in our country. To control that legislature has taken some measures to stop the crimes against women. There are special laws for the victims or survivors of the domestic violence and dowry death.

⁵Monique Laberge, *Personality Disorders*, Encyclopedia on Children’s Health, (Jan.5, 2021, 4:10 PM), <http://www.healthofchildren.com/P/Personality-Disorders.html>.

In India, there are mainly two laws which gives legal aid to the victims of domestic violence and dowry death i.e. The Protection of Women from Domestic Violence Act, 2005, Section 498A of the Indian Penal Code Dowry prohibition Act 1961.

The Protection of Women from Domestic Violence Act,2005:

- The act was introduced in 2005. And it guarantees article 14, 15 and 21 of the Indian constitution. This act gives the definition of domestic violence i.e. actual or threat of physical, sexual, emotional, or economic abuse as well as harassment regarding dowry or property. The primary aim of this act to provide aid to the aggrieved person i.e. defined under this act “every women or a child who is or has been in a domestic relationship with the perpetrator(respondent) of the domestic violence can take help of the PWDVA Act 2005.⁶ The law also extends its protection to the women living in the household like mother, sisters and widows.
- The most important feature of this act is “matrimonial household” which means women has right to reside in her matrimonial household and can’t be evicted from it because she rightfully shares it with her husband. And in case if evicted as it is a civil law, then the victim can rightfully claim or seek monetary compensation, safe shelter and free legal and medical aid.

SECTION 498A OF INDIAN PENAL CODE:

Under Section 498A of the Indian Penal Code⁷, harassment for dowry by the husband or his family is considered a crime. This harassment can be either psychological or physical. Even though marital rape is not recognized as a crime in India, forced sex with one’s wife can be considered cruelty under this section. Section 498 A has a wide scope. It also covers any and all willful conducts against a woman which drive the woman to commit suicide or serious injury or

⁶ Protection of Women from Domestic Violence Act 2005, Act of Parliament, 2005(India).

⁷Indian Penal Code 1860, Section 498A, Acts of Parliament 1860(India).

life, limb or overall health hazard. Again, health includes the mental and physical health of the woman.

The practice of dowry itself is outlawed under the Dowry Prohibition Act, 1961. Despite this, if dowry has been given to and taken by anyone other than the woman, she is entitled to that money/property as the case may be under this Act.

In spite of these acts there is no decline in the cases of domestic violence against women. This statement itself creates the fear and skepticism on the credibility of the Indian law system. The only question arises before the law system on the unstoppable crimes against women is “Are they not effective enough to control the crimes against women?” .

Well, in response to this question Yasmin Abrar member of National Commission for Women said “the laws are effective enough to protect women, but it is the lack of awareness that is responsible for increasing crime against women. We need a major change in the mindset of our society to deal with these issues”⁸. Because merely passing of laws by the government won't be enough to stop the crimes against women, government needs to combine their existing laws with proper awareness and education programs to get the better results.

Legislation alone would not be enough, because violence against women is a deep-rooted social issue. It is worth quoting the late Prime Minister, Jawaharlal Nehru, who remarked that normally, legislation alone cannot solve deep-rooted social problems. They must also be addressed in many ways, but regulation is important and appropriate and can therefore provide the impetus and have an educational aspect.

According to my point of view, somewhere judiciary and law enforcement system is not up to the mark in India there should be presence of other factors(like awareness programs, free education) so they together can overcome this problem. And because of the absence of that other factor law enforcement machinery fails to achieve the desired outcome. If it would have been then India won't be the most dangerous or unsafe country for women according to Reuters

⁸ DNAINDIA, <https://www.dnaindia.com/india/report-a-woman-becomes-a-crime-victim-every-three-minutes-1216619> (last visited Jan.4 2021)

survey. After the enforcement of such laws, the violence should have decreased but it never declined. This statistical report says it all:

Cases of domestic violence in India

YEAR	CASES
2006	63128
2007	75930
2008	81344
2009	89546
2010	94041
2011	99135
2012	106527
2013	118866
2014	122877
2015	444367

This data was collected by National Crime Record Bureau of India, these were the 10 years data related to the cases of domestic violence after the PWDVA 2005. Although after the enforcement of PWDVA 2005⁹, the victims got the platform to register the crimes. 1000000 cases have been filed across the country under the sections “cruelty by husband” and dowry. The rate of reporting of crimes is increasing as the law is reaching the public. But the occurrence of crimes is indomitable. Because the perpetrator don’t have the fear of sanction.

LOCKDOWN: A CURSE FOR WOMEN (DARKER SIDE OF LOCKDOWN)

⁹Arjun kumar, Balwant singh Mehta, Simi Mehta, The link between lockdown covid-19 and domestic violence, IDRONLINE, (Jan. 1, 2021, 11:30 AM), <https://idronline.org/the-link-between-lockdown-covid-19-and-domestic-violence/>.

There is a steady increase in cases of violence against women in the country. According to the National Crime Bureau, India, one dowry death occurs in the country every 78hrs, one sexual harassment every 59 minutes, one rape every 34 minutes, one torture every 12 minutes and almost one in every three married women experienced domestic violence. Although government has taken such a big step for the health of the citizens when the whole world is suffering from such a dangerous pandemic i.e. COVID-19 (corona virus) but the violence against women never declined. The lockdown started from 24nd march and continued till today in various parts. But, the cases of domestic violence is steadily increasing.

On April 13, Delhi government ordered Centre and AAP (Aam Aadmi Party) to hold an urgent meeting to deliberate on the measures to prevent Domestic Violence during lockdown¹⁰.

Because the cases of domestic violence doubled during lockdown compared to pre-lockdown days. As per the numbers given by the National Commission of Women in mid- April, from March 23 to April 16 almost 25 days and the commission received 239 complaints through mail and WhatsApp number. This is almost double the number of complaints (123) received during the previous 25 days, from February 27 to March 22. The first lockdown from March 25 to April 14 was eventually extended. The number of reported cases might not have been equivalent to the actual rise in the violent acts. Because in this lockdown, people locked in with the abusers and might not get access to the mobile phones, or any other source through which they can communicate about the violence. Being trapped with the abusers increases the rate of intensity of crimes like physical, sexual and emotional abuse against women and perpetrator can let out his anger, frustration on the victim whenever he wants. This type of behavior may have lasting impact on the mental health of the victim. And the situation of women is same all over the world (Brazil, Germany, China, America etc.) in the lockdown. Various domestic violence helplines and organizations all over the world are working constantly to deal with this global issue.

HOW IT CAN BE PREVENTED:

There are some ways through which we can prevent domestic violence.

¹⁰THE ECONOMICS TIMES, <https://economictimes.indiatimes.com/news/politics-and-nation/implement-steps-to-curb-domestic-violence-during-covid-19-lockdown-high-court-to-centre-delhi-govt/articleshow/75249397.cms?from=mdr> (last visited Jan.5, 2021)

- Awareness programs: As I have stated previously, that many women don't know about domestic violence what it is, what types of abuses it covers. Because they become habitual of tolerating such kind of abuse. And they even don't know that law provides remedy to such kind of abuse. They are just forced by their own family members to tolerate it without any kind of resistance. And they tolerate it because of family reputation. So, awareness is primarily required to change the typical orthodox mindset of the society and at the same time it is also important to make women understand their rights and their duties, about the legal remedy available for such kind of abuses. So they can easily differentiate between what to do and what not.
- Education and employment opportunities for the youth especially for the women.
- Parents and teachers need to be sensitive to gender with regard to the sensitivities and limitations of man-woman relationships.
- Strengthening a powerful marital relationship structure will serve as a buffer against domestic abuse. Parents should teach their girl child to be independent, be fearless and assure her that whatever the problem arises she can share with them and they will always support her. After marriage, she can come to her house whenever she feels like.
- Legislation: there is a need of new legislation for the new India. Like, especially in the cases of sexual violence victim must be provided with 'interim relief' for rehabilitation. And the perpetrator must be given rigorous punishment.
- Moral and religious values: It is the duty of parents and teachers to teach their children about moral values and ethics. And that must be inculcated at the growing stage of the child.

ORGANIZATIONS THAT HELPS THE DOMESTIC VIOLENCE

SURVIVORS AND EMPOWER THEM:

- Guria India
- ActionAid India
- Majlis Manch

- Sayodhya Home for Women in Need
- Shikshan Ane Samaj Kalyan Kendra
- International Foundation for Crime Prevention and Victim Care (PCVC)

These are the NGO's in India that helps the survivors of the Domestic violence by providing victim with the free legal aid, financial support, help them to overcome their trauma through counselling, provide employment opportunities, provides shelter home to the women. There are some more helplines like Saheli, Naree.com, SAARTHAK, Sakshi and many more these all are helping the survivors of violence 24/7 , so that women can complain about the violence and can seek the remedy.

SUGGESTION:

After studying the position of women in India during this time I would suggest government to take some measures to control the crimes against women especially during lockdown. Government should prioritize the addressing of domestic violence against women and there is an urgent need to focus on. So government must consider the addressing of the domestic violence as an essential need or service. There must proper awareness programs/campaigns to spread awareness especially in rural areas through media, TV channels, radio etc. and urging the neighbors, bystanders, shopkeepers, pharmacist to carefully intervening into the matter and complain to the authorities. We should appreciate the initiative taken by the France, the idea of code word originated from France that when people don't have any access to communicate about the violence they can go to the nearest medical store and can use the code word i.e. "Mask-19" which means they are in a dire need of help. So the pharmacist can contact to the concerned authority for help. This type of initiative by the government is required in India. In this time, the citizens must be benefitted with cash prize, or some gifts if they suspect abuse and complain about it to the concerned authority or they can use the tactics like ringing the bell to stop the crime. And During this time, before taking any step government must take into consideration all the vulnerable areas which required more attention.

Because, the extension of the lockdown, for some people it might be a normal vacation, but for some women, it is a prison sentence that is only getting longer and longer without any kind of redressal.

CONCLUSION:

Domestic violence is a health, legal, economic, educational development and above all a human rights issue. The women of modern world or new India must be free from any kind violence.

They must be independent enough to protect themselves from any kind of violence without any kind of tolerance. Efforts should be made to ensure that every women get the respect and honour for which they're struggling since many years. This is high time for Sanitization of the traditional and orthodox mindset(acts as a virus) of the people is required which is the serious hindrance in development of women and that will help to eliminate the deep rooted domestic violence from the society.

Let's end violence against women. And it would be possible not only by government's efforts but by the helping hand of each and every citizen of this country.

