

## DOMESTIC VIOLENCE IN INDIA - AN ANALYSIS

**Dr. Deoman Shrikrushna Umbarkar**  
Department of Sociology  
Late Vasant Rao Kolhatkar Arts College,  
Rohana  
Email-  
deomanumbarkar2014@gmail.com

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### **Abstract:**

*Domestic violence is a global issue reaching across national boundaries as well as socio-economic cultural racial and class distinction. Domestic violence is one of the most common crimes against women which is inextricably linked to by perpetuation of patriarchy. 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 impact on women's health and wealth being Domestic violence refers to violence against women not only in matrimonial homes but also in live-in relationship. Domestic violence is recognized as the significant barrier in the path of women empowerment and also skews the democratic set up of the polity. The purpose of the present study is to report the prevalence of various forms of domestic violence against women to analyze the date on domestic violence against women in India and some suggestive measure India has specifically legislated, Domestic Violence Act in 2005 to reduce the violence against women but the same has bore mixed result as of now. The paper examiner the domestic violence in multi-dimensional perspective.*

**Keywords:** Domestic Violence, mode cognizable crimes, human rights, domestic violence act (2005), patriarchy, suggestive measures.

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### **Introduction:**

In ancient India, women enjoyed a significant role not only at home but in the society as whole, many a vedic hymns are attributed to the women suggest. The dialogue between Gargi and Yajnavalkya in the Brihadaranyak Upanishad refer to the position that women held in the public sphere. The women was the apostle of the mattri-shakti. The kigs and the priest always held and propagated that the prosperity depends upon the respect that a household shows towards the women and the kingdom would be visited by inauspicious events in case the women was harassed by the subject. The locals having lost the battle into subjection were coerced to hand over their women. The invaders always come single on horse back without accompanied by their families and they sought subjection rules to be written over the body of the women in the conquered territory. To protect the honour and chastity of the women becomes a major societal aim for the local population. The purdah system become a vogue for Indian women. A series of superstition and oppressive customs were manufactured that confined women within the four walls of their houses. The status of woman was reduced to the status of maid and merely a source progeny. The patriarchy dominance was total. The male dominant society would not give women due regard and respect and the system continues to



linger in the 21<sup>st</sup> century. Every day we hear and read about atrocities inflicted upon women by their own husbands for whom they live and die.

Domestic violence is not person specific, its victim can be children, women, aged, disabled or any other vulnerable group. However, due to the traditional patriarchal system, emotional and economic dependence and inherent biological weakness turn out to be the most potent and it is one of the most vicious circles. It takes place behind the closed doors the very doors which are meant to protect women from the hazards of the outside world. It is nothing short of a form of 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. Domestic violence is violence or abuse in a domestic setting, such as in marriage or cohabitation. Some human rights activists prefer a broad-based definition that includes “structural violence” such as poverty and unequal access to health and education. 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 harm to women, including threats of such acts, correction or arbitrary deprivation of liberty, whether accruing in public or in private life.”

Domestic violence, also known as domestic abuse, spousal abuse, battering family violence, intimate partner violence, 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 (i.e. hitting, slapping), or threats thereof; sexual abuse; emotional abuse; passive/covert abuse (i.e. neglect.) and economic deprivation.

### **Different forms of Domestic Violence In India :**

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

#### **1) 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 & private sectors. 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 relationship between man and woman most often in a marital relationship of many duties that a wife has towards her husband. A wife I 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 survey it was found that 79% of men used sexual violence to control their wives' fidelity and 57% of

them and more than 6 years of formal education.

## 2) Physical abuse :

Domestic violence under the protection of woman 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 time 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.

Physical abuse is that involving contact intended to cause fear, pain, injury, other physical suffering or body harm. In the context of coercive control, physical abuse is to control the victim. The dynamics of physical abuse in a often complex.

## 3) Economic Abuse :

Economic abuse is a form of abuse when one intimate partner has control over the other partners access to economic resource marital assets are used as a men's are control. Economic abuse may involve preventing a spouse from resource acquisition, limiting what the victim may use, or by otherwise exploiting economic resources of the victim.

Economic abuse is a deprivation to the basis need of a person to sustain him in a social set up. The motive behind preventing a spouse from acquiring resources in to diminish victim's capacity of 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.

## 4) Psychological Abuse :

Causing of abuse to a woman in the domestic sphere is multidimensional. Emotional abuse is a pattern of behavior that threatens, intimidates, dehumanizes or systematically undermines self worth according to the Istanbul Convention, Psychological violence is "the intentional conduct of seriously impairing a person's Psychological integrity through coercion or threats" while defining Domestic violence under the protection of women from Domestic violence act 2005, in section 3 of the act emotional abuse which has been categorized as verbal, is explained as to include – insults, humiliation, name calling, ridicule 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 abuse are one of the major forms of abuses facts by women.

## 5) 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 the fact.

### **Domestic Violence against women in India: A Brief Review :**

The phenomenon of violence against women within the family in India is complex and



deeply embedded. Women are subject to violence not only from husbands but also from members of both the natal and the marital home. Girls and women in India are usually less privileged than boy's in terms of their position in the family and society in terms of access to material resources. Marriage continues to be regarded as essential for a girl, control over a woman's sexuality and its safe transfer into the hand of husbands who are assumed to "own" their wives is of primary importance systematic discrimination and neglected toward female children is evident in a declining sex ratio of 929 women to 1000 male. Never the less, there are regional and community variations women in the north have relatively less autonomy than their counter parts in the south, and experience fewer opportunities for control over economic resources (Karve 1965). A small segment of urban upper class women enjoy some of the benefits of education, careers, and economic independence.

Violence against women is a widespread problem, with appalling physical, sexual, emotional, psychological and economic consequences for girls and women. It affects women of every age, in every society and every socio – economic group "violence against women refers to 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, correction or arbitrary deprivation of liberty, whether accruing in public or private life.

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

On 26<sup>th</sup> October, 2006 the central government notified this Act in the official gazette. The Act aims at providing protection to women from Domestic Violence faced by them with in 4 walls of their houses. This Act represents a major victory for women rights in India. Importantly the new law, which criminalize the abuse of a woman by her spouse, partner or other males in the household, recognizes the abused woman's right to secure housing section 18-23 are the soul of this Act, these section 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.

#### **Suggestion :**

Violence against women in the private realm is relegated to secondary status, whether in India 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 each of for home. A part 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 gender exit which offer services in cases of Domestic violence viz. family court, police station, people council for social justice, women commission and religious institutions.

## 1. Awareness Generation and Sensitization :

- a. 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.
- b. Sensitization programs should be organized for the policy makers.
- c. Stigma attached to victims of domestic violence should be removed by conscientising the community through outreach programs.
- d. List of NGOs and governmental organization dealing with women's issue should be made known to the public.
- e. Legal literacy camps should be conducted on a regular and systematic basis at the local community level.

## 2. Health Care Support:

- a. Domestic violence should be recognized as a health issue:
- b. The prevalence and the health consequences of Domestic violence should be Documents.

## 3. Laws:

- a. Separate law should be enacted to deal with domestic violence.
- b. There should be strict laws for the prevention of vices such as alcoholism and drug addiction and social evils such as the dowry systems.

## 4. Role of Police:

- a. Police should be trained to be respectful and courteous to women in distress.
- b. A separate wing of police may be opened for dealing with women's issues in all police stations and personal of this wing should be exempted from other duties.
- c. Only women police officials should be allowed to handle cases involving women.

## Specific Provisions of Law deals with Violence :

Educated women are aware of their rights. They are no longer willing to follow commands blindly. When they ask questions, it cause conflicts, which in turn, leads to violence in many Indian states, working women are asked to hand over their paycheck to the husband and have no control over their finances. In 1983, domestic violence was recognized as a specific criminal offences by their introduction of section 498 – A into the IPC. This section deals with cruelty by a husband or his family towards a married women.

The punishment is imprisonment for up to three years and a fine section 498-A of the IPC covers dowry related harassment. The IPC also address dowry death in section 304 – B. If a women dies of “unnatural causes” within seven years of marriage and has been harassed for dowry before her death, the courts will assume that it is a case of dowry death. A dowry death is punishable by imprisonment of at least seven years.

### Conclusion:

Having looked at a sensitive topic of “Domestic Violence in India.” 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 women in her which struggles for expression. Violence against women persists in all regions of the world as a pervasive violation of human rights and a major impediment to achieving gender equality. The domestic violence may have a far wider and deeper impact in real life. What is required is to see closely the association of the factors provoking a particular form of domestic violence. In the ultimate analysis, empowering women is empowering society. Better women make better homes, a better society.

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