

DOMESTIC VIOLENCE AGAINST WOMEN: ISSUES & CHALLENGES

***SAKSHI CHATURVEDI**

Abstract:

India is a country where women are worshipped as god but at the same time mistreated in several ways and one of which is Domestic Violence. It is an act that is done by a person in a relationship to have a control over the other partner or to terrorize a woman in a relationship so that she can never raise her voice against her intimate partner it can take place between a married couple, living couples or between any casual relation. It is something that happens in each and every sector of a society where a bond is whether it is between a two partner or between a homosexual or transgender couple. Domestic violence can become dangerous for a woman because being with someone connected emotionally and then get hurt whether from physical injury, mental injury, threat or under pressure of living a life that she wants etc. can lead to some health problems thus it need to be solved from its roots so that no woman has to go under so much of pain.

In this article we'll discuss about the issue of domestic violence against women, the history and the cause of problem from where it occurs, how to solve this issue, how the government is helping the society in reducing it and about the law of the woman that are dealing with this. This article further ends with an analysis of the overall matter discussed and some suggestions to tackle with this kind of problems.

Keywords: Domestic Violence, Abuse, Fear, Threat, Intimate partner

hp

Symbiosis Law School Nagpur Journal of Women Law & Policy ISSN: 2583-2883 (Online)

Volume 1 Issue 1 (2021), pp 48-54

*Student, Symbiosis Law School Nagpur, Symbiosis International (Deemed University), Pune.

Introduction:

Domestic violence is the maltreatment towards the intimate partners that are living together and have a romantic relationship and a way for the intimate partner to have a full control over his women through the use of the physical, mental, economical and sexual abuse. Giving a threat to a partner to be in a relationship and work according her also constitutes to domestic violence. This take place when a women raise her voice to the wrong committed by her partner or when she wants to live her life in her own way. Women are always subjected as a property that can be beaten, abused or murdered. In India still 30%¹ of female still faces the problem of Domestic violence once in her life time whether in rural or in urban area. It is even more challenging for the women to start fresh if she survives after all the trauma that she has faced during this cycle of violence because only few come out and talk about this matter. It creates a major health problem for the women as they have to deal with various kinds of abuse.

Physical abuse can be beating, hitting, punching, shoving, and slapping etc. which cause bodily harm or even danger to her life. Mental abuse can be the trauma that she has to deal with her husband. Mental abuse can also be caused because of the fear that took place in the mind of a women to avoid to have conversation that disturbs her. It can also be related to the emotions that are attached but got hurt due to the misbehavior or maltreatment. Economical abuse is threatening or making her feels fearful by making limit to her financial freedom and security. Sexual abuse is a behavior that is done without the permission of woman to indulge her with the unsafe sex or to have sex with her forcibly. It is also something that harms the dignity or respect of a women. Spiritual abuse can also be taken into consideration, to make a woman deliver children not as per her wish.

Issue of Domestic Violence – History/Cause:

Domestic violence in a society is still in practice it was started from the later Vedic period but still continued. Women should not be used as a toy to have a control over her or to make her

¹ FACTS AND FIGURES:ENDING VIOLENCE AGAINST WOMEN|WHAT WE DO,
<https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures#:~:text=Globally%2C%20an%20estimated%20736%20million,does%20not%20include%20sexual%20harasment,> (Last visited Dec 21, 2021).

work in the manner the other partner wanted to be. It is a serious problem that is to be considered so that women can be safe after being in relation of their choices.

History

According to Roman law women were allowed to be beaten by their husband for the offences committed by her. This problem was considered as private matter rather than being made public. In England also women were beaten with a stick as long as that is no bigger than his thumb called as “no rule thumb”². In 18th Century France, if it became public that his wife had beaten a man, he was forced to wear an outlandish costume and ride backwards around the village on a donkey. In earlier times the typical male used to think of women as objects or their personal property. Domestic violence has also affected children as per a survey it has been calculated that child abuse can be seen more at the place where domestic violence occurs. Domestic violence can be seen from the Early Vedic period also. During the Mauryan Empire certain rules were made by Chanakya in which domestic violence was also a part because he thought that if a woman does not support or follow the words of her husband she is bound to be punished from bamboo slit or from hands also. In the past women were traditionally still living with their violent and abusive husband because they do not have any laws that can make them escape and also they were not that much educated, so that they can support their children’s education and other activities. Women were feared to leave their abusive husband because if they will leave it can lead to financial desertion and thus she won’t get any part of it. Women also remain silent so that their children can live a better life being under their father and also will not be judged by the society. Some women also do not overcome their fear regarding Domestic violence just because of the thinking that what will our family, relative or how society will think. Reason for the abuses is the typical male who doesn’t respect women. He blames the abuse on the victim or on the bad day. They even blame their actions on the drugs and alcohols that they consumed. Many at times it has been seen that if a man does not feel good, performed fine at his work or doesn’t get any control at work, he may abuse his power over his wife and children. Many women were used as toys and tortured for years and led to major serious conditions.

² DOMESTIC ABUSE THROUGHOUT HISTORY – CRIMINAL JUSTICE INSTITUTE ,
https://www.cji.edu/wp-content/uploads/2019/04/domestic_abuse_report.pdf , (Last visited -Dec 21, 2021).

Causes

There is not any single factor to describe the causes of the domestic violence. Some historical and religious factors that are already explained above can be the reason for the domestic violence. Sociological factor can also be the major cause for domestic violence such as aggressive attitude in which person does not care about the morals or feelings of the other intimate partner. Male think that every personal or public matter can only be solved through the help of their control over others. In a male dominated society if women are more successful than her husband the society will not make that man a real man in the society because she is now on a high position than her. It can also poverty like if a person is not getting a single penny to have food for his family and if women gets the food for her family it is also considered as a hurtful message for a male's ego. Dominating behavior is a very common reason or a cause for a domestic violence as in this case men would like to use their power on his partner and if partner refuse to do so thus lead to the violence against a woman. Sometimes the victim is from dominating nature family and thus in his childhood he might have learned whatever they have seen in their family they execute the same when they grow up. Extra marital affairs can also be the reason to this violence as per some incidents that took place when a women lose her trust, being doubtful, suspicious about her partner's activities and thus leads to disputes and further into a massive fight with the use of violence. Stress leads to sexual as per physical abuse when a person wants to relieve from his stress he treats a woman as a property that constitutes to domestic violence.

Gender selection abortion leads to domestic violence against the women which is also a great danger towards the health of a woman. Female infanticides that mostly occur in the northern part of India are the major problem for Violence. The heinous act shows how they think that it's better to kill a girl when she is born rather than being under the social and financial burden in the girls in later years which also compels the parents and families to exercise such a shameful crime. Dowry³ related disputes is the legitimate cause of the violence because as per this women are physically abused, tortured and sometimes even being murdered by their family members just because she doesn't bring wealth as expected by her in laws.

³ DOMESTIC VIOLENCE AGAINST WOMEN CAUSES AND CURE,
<http://www.legalservicesindia.com/article/1709/Domestic-Violence-Against-Women-Causes-And-Cure.html>, (Last Visited Dec 27 ,2021)

Domestic violence can be caused by the partner in many factors such as if he criticizes her woman in a public whether in jokes or seriously, if he threatens her loved ones to cooperate with him, if he feels insecurity just because of his partner, if he force her to have a sex with her .It can be seen around us that if a woman in public wants to convey her thoughts regarding any subject she is not at all given a chance just because of the male ego that gets hurt due to the appreciation that she will get. Domestic violence can also occur in a mind of a man when he is raised in an atmosphere where girl/woman is always submissive to the boy/man and if she questions any of the rules that are made to her she would be given rough punishment. It can also cause because of the illiteracy sometimes because an education also plays an important role in a person's life. If he restricts you to have any conversation with your families and friends and ask you to live in isolation can also amount to mental abuse. Domestic violence can also take place where woman is more famous than her husband or intimate partner and the fame of the women does not get assimilated by the male.

Government Helps and Legal Protection:

Government provided several “helpline numbers”⁴ to save the women from the domestic violence against her and counseling process so that a woman can be relieved from the stress, depression and the trauma that she has faced. Awareness program or campaign should be implemented so that this violence can be understood by the society too.

Any problem cannot be solved with a day it takes years to resolve in an organized way so that the solution works for the future time. The victims are women who can be your mother, sister or daughter so it is high time to work on this problem. The abuser can be your doctor, friend or relatives. Every state or countries now have a separate legislation regarding the violence against the women. The victim should be treated as an abuser and thus punished further. Police officers should provide with informational facilities available for victims to obtain assistance and support. Officers should explain to the victim how the court system works while refraining from giving legal advice. Photos and videos should be taken or at least an audio recording should be

⁴ DOMESTIC ABUSE HELP IN INDIA-DOMESTICSHELTERS.ORG, <https://www.domesticshelters.org/en-in/domestic-abuse-help-in-india>, (Last visited Dec 21 ,2021)

done to provide witness .If any severe injuries re their on the body of the woman, its photos should be taken by the same gender officer.

Law protection has been given to the women who dealt with domestic violation against her. “Protection of Women from Domestic Violence Act, 2005”⁵ that deals with the protection of women from the violence that is conducted against her by her intimate partner. This Act provide monetary reliefs for the loss of earnings, the medical expenses, the loss caused due to the destruction or removal of any property and the maintenance for her children. Protection officers are provided by the magistrate for the proper protection, failure to do so he will be penalized or imprisoned for one or pay fine with twenty thousand rupees or both. Custody orders are given to the respondent to visit the child or the children if the court allows it so or feel necessary as an opinion. Compensation orders that can be compensated for the mental, physical, emotional destruction or disorder that the respondent has caused to her.

According to the United Nations, Domestic violence is all acts of gender based physical and mental abuse by a family member against a woman from simple assaults such as stalking, threatening, humiliating or verbally abusing sexual violence female genital mutilation through prostitution violence against the household worker comes under the domestic violence.

Conclusion:

The issue of domestic violence should be stopped so that woman can live freely with the option of being in relationship. Even after the helps provided by the government it needs to be made strict as rules so that woman would feel safe wherever she lives whether with her family, friends or with her partner. Women have to undergo with so much of pain that when she isn't able to handle with she dies or tries to take her life. The Laws should be made stricter so that the issue can be reduced as early as possible. It should be made in consideration and within the right of women so that she can live safely and freely. Many cases are still pending in the family courts regarding domestic violence that can make a person think that this tradition was started in Early Vedic period and still a part of a modern society which is also a shame for a country.

⁵ THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT,2005,
<https://indiankanoon.org/doc/542601/>, (Last visited Dec 21 , 2021).

Domestic violence can be solved through rules and regulation that are made by government or through the law that have been already there in our constitution and making it even stricter so that people are bound to follow it. Every child should learn about the problems faced by the women in society with proper solution, so that child grows up by learning the behavior or ethics that should be followed in society. Literacy rate should be increased as educated person can be seen understanding and patient because proper education makes a proper person.

Proper classes or seminar should be conducted so that every child or teen gets aware about the current and the crime that is still being in practice. Campaign should be done by the NGOs to make awareness for the woman so that she has some knowledge that what else right did she have if she is facing any of the problems discussed above. Domestic violence should be considered as a major issue that should be given importance because it is not only dealt with the adult women it also affects the teen girls who aren't aware of these rights they have when they are being abused.