



DOMESTIC VIOLENCE AGAINST WOMEN *

INTRODUCTION

In our society violence is bursting . It is present almost everywhere is this eruption more intense than right behind the doors of our home . Behind the closed doors all across our country , people of all ages whether women , child or old ages are being tortured beaten and killed. It is happening in rural, urban and even in metropolitans. This now has becoming a legacy from one generation to other. People of all ages suffering from this problem but it is most commonly suffered by the women of our country. Women are subject to violence not only from husband but also from members of both natal and marital home. Girls and women in India are usually less privileged than boys in terms of position in family and society.

Major Causes

The main cause for this is an **orthodox views** of the people living in our society that “women are physically and emotionally weak” . It doesn't matter to them that now a days women are proving themselves almost in every fields. But still because of these views they are unable to eliminate the gender line.

The next reason for this is the **dowry system** which is the most common evil practiced by the people of the society . The existence of dowry and the role it plays in the abuse of women adds an additional complexity to domestic violence in India. Many studies of wife beating in India point to be the significance of dowry in reinforcing the role of women as property. Some newly married brides suffer domestic violence in the form of harassment, physical abuse or death when she is thought to have not brought enough dowry with marriage. Some cases end up in suicides by hanging, self-poisoning or by fire. In dowry deaths, the groom's family is the perpetrator of murder or suicide.

According to Indian National Crime Record Bureau, in 2012, 8,233 dowry death cases were reported across India or dowry issues cases 1.4 deaths per year per 100,000 women in India. Dowry deaths in India is not limited to any specific religion, and it is found among Hindus, Muslims, Sikhs and others. The ratio of dowry deaths are about the same as the ratio of population in India by religions. **The Dowry Prohibition Act 1961, prohibits the request, payment or acceptance of a dowry, "as consideration for the marriage"**, where "dowry" is defined as a gift demanded or given as a precondition for a marriage. Gifts given without a precondition are not considered dowry, and are legal. Asking or giving of dowry can be punished by an imprisonment of up to six months, or a fine. It replaced several pieces of anti-dowry legislation that had been enacted by various Indian states.

Violence against the widow in India is also common.

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Extra marital affair is also the reason of domestic violence .

The Tandoor Murder Case¹ of Naina Sahni in New Delhi in the year 1995 is one such dreadful incident of a woman being killed and then burnt in a Tandoor by his husband. This incidence was an outcome of suspicion of extra marital affairs of Naina Sahni which led to marital discord and domestic violence against her.

FORMS OF VIOLENCE ²

- **Physical violence** – The physical violence is the most visible form of violence. This violence intimate slapping , kicking , throwing objects, strangling **Worldwide, the percentage of women who suffer serious injuries as a result of physical domestic violence tends to range from 19% - 55%**. Physical injuries as a result of domestic violence against women are more obvious than psychological ones, and can be more easily discerned by health professionals as well as courts of law in the context of legal prosecution.
- **Emotional abuse** - In recent years this type of violence is getting more recognition as common form of domestic violence . This form of domestic violence erode a women's sense of self-worth. It include harassment , threats , Verbal abuse. This violence mostly generate thoughts of suicide attempts in women's mind. Physical violence can also be the cause of emotional abuse.
- **Sexual assault** – This includes sexual reproductive coercion and marital rape. Under Indian law marital rape is not a crime except during the period of marital separation .**Section 375 of the IPC considers the forced sex in marriages as crime only when the wife is below the age of 15 years . Marital rape is not a criminal offence under Indian Penal Code.**
- **Honor killing** – Honor killing is the practiced where a women is being killed by her family members because she is believed to bought shame on the family .The shame may range from refusing to enter in an arrange marriage , being in a relationship that is disapproved by the family, starting a divorce proceeding etc.

Survey reports related to domestic violence

As per the reports namely Crime in India, 2014³ everyday;

- a). 50 women were raped;
- b). 22 women were murdered due to dowry,
- c). 168 women faced domestic violence by their husband and his relatives;
- d). 120 women were molested;
- e). 426 cases of crimes against women were reported

¹ <http://indiankanoon.org/doc/1205615/>

² <http://www.woodbridgedvrt.org/pages/fiveforms.html>

³ <http://ncrb.gov.in/CD-CII2013/Statistics-2013.pdf>

- According to the survey ‘Cruelty by husband and relatives’ continues to occupy the highest share (43.6% among the crimes committed against women in 2012) followed by ‘assault on women with intent to outrage her modesty’ (18.6%). 15.7% cases were that of kidnapping and abduction, 10.2% of rape, 3.8% of ‘insult to the modesty of women’ and 3.7% of ‘dowry prohibition act’.
- 10.8% cases of ‘cruelty by husband and relatives’ underwent trial by the Courts of Law in 2012 and conviction was done in 1.6% cases. The highest conviction rate of 7.8% was observed for the crime ‘insult to the modesty of women’.

Domestic violence differ from country to country, region to region and also even by community. As systematic discrimination and neglect towards female children is evident in a declining sex ratio of 929 women to 1000 males. There are community and regional variation .**Women living in northern region have relatively less autonomy than their counterparts in the south and experience fewer opportunities .As in reporting it had been noticed that women in south reports fewer beating than the counterparts in north.**

In spite of regional differences there are community variations also. As a small segment of urban upper class women enjoy some of the benefits of education, career and economic independent which helps to reduce the violence against them.

Overall surveys by NFHS (National Family health surveys) shows one-third of women age 15-49 have experienced physical violence and about 1 in 10 have experienced sexual violence . In total, 35 % have experienced physical or sexual violence.

NFHS finds that violence against married women is more in India than unmarried women. Married women are more likely to experienced physical or sexual violence by husband than by anyone else.

- ❖ Nearly two in five (37%) married women have experienced some form of physical or sexual violence by their husbands.
- ❖ The prevalence of **spousal physical or sexual violence is much higher among women in the poor household (49%) than in wealthier household (18%).**
- ❖ Women married to men who get drunk frequently are more than twice as likely to experienced violence as women whose husbands do not drink alcohol at all.

Table for forms of spousal violence experienced by women ⁴

<u>Forms of violence experienced by women</u>	<u>Percentage</u>
Abuse sexually	10
Threatened or attacked her with knife, gun	1

⁴ <http://hetv.org/india/nfhs/nfhs3/NFHS-3-Domestic-Violence.pdf>

Tried to choke her or burnt	2
Kicked her, dragged her or beat her	12
Twisted her arms or pulled her hair	15
Slapped her	34

- ❖ There are many forms of spousal violence experienced by women and most common in that is slapping .Thirty four % of married women say their husband has stopped them.
- ❖ Spousal violence is lower among couples in which husbands and wives have Both been to school and are equally educated (23 percent) than among Couples where the husband has more education than the wife (36 percent).

Spousal violence varies greatly by state also. . The prevalence of physical or sexual Violence ranges from 6 percent in Himachal Pradesh and 13 percent in Jammu and Kashmir and Meghalaya to 46 percent in Madhya Pradesh and Rajasthan and **59 percent in Bihar which is recorded to the highest rate in India.** Other states with 40 percent or higher prevalence of spousal physical or sexual violence include Tripura, Manipur, Uttar Pradesh, Tamil Nadu, West Bengal, and Assam.

According to surveys it is also found that violence also varies from religion to religion. It has been noticed that Indian Christian has lowest rate of domestic violence as compared to any other religion. **In 2005-2006 nationwide family and health survey report, the lowest domestic violence prevalence rate was reported by women of Jainism religion (12.6% of women), the highest by women of Buddhist religion (40.9%).**

These are the percentage when half of them not file a report against their husband in fear , anxiety .

Effects of Domestic violence on Women

Domestic violence has a significant impact on the health and well-being of women both in the immediate and longer term, continuing even after the relationship has ended. The psychological consequences of violence can be as serious as the physical effects. **Exposure to violence leads to poorer physical health overall compared with women who have not experienced violence, and it increases the risk of women developing a range of health problems (World Health Organization 2000).** ⁵ One Australian study found intimate partner violence was the leading contributor to death, disability and illness.

Immediate health impact may include:

- Physical injuries
- Eyes loss
- Knife wounds
- Homicide

⁵ www.domesticviolence.com

Long term health impact may include:

- Headaches
- Back pains
- Fainting
- Anxiety
- Suicide
- Homelessness
- Alcohol and substance misuse

Laws against domestic violence in India

To control the increasing rates of domestic violence in India, government took measures.

In 1983, domestic violence was recognized as a specific criminal offence by the **introduction of section 498-A into the Indian Penal Code.** This section deals with cruelty by a husband or his family towards a married woman. Four types of cruelty are dealt with by this law:

- Conduct that is likely to drive a woman to suicide.
- conduct which is likely to cause grave injury to the life, limb or health of the woman
- Harassment with the purpose of forcing the woman or her relatives to give some property.
- Harassment because the woman or her relatives is unable to yield to demands for more money or does not give some property.

Section 498-A of the Indian Penal Code covers dowry-related harassment. As with other provisions of criminal law, a woman can use the threat of going to court to deter this kind of harassment. **The Indian Penal Code also addresses dowry deaths in section 304-B.** If a woman 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. The husband or in-laws will then have to prove that their harassment was not the cause of her death.

A dowry death is punishable by imprisonment of at least seven years. When filing an FIR in a case where a woman is suspected to have been murdered after a history of torture due to dowry demands, the complaint should be filed under section 304-B rather than under section 306, which deals with abetment to suicide. **Section 306 should be invoked when a woman commits suicide because of dowry-related harassment.**

India has adopted the Convention on the Elimination of All Forms of Discrimination against Women and the Universal Declaration of Human Rights, both of which ensure that women are given equal rights as men and are not subjected to any kind of discrimination. The Constitution of India also guarantees substantive justice to women. Article 15 of the Constitution provides for prohibition of discrimination against the citizens on grounds of religion, race, caste, sex or place of birth or their subjection to any disability, liability or restriction on such grounds.

Article 15 (3) gives power to the legislature to make special provision for women and children. In exercise of this power, the Protection of Women from Domestic Violence Act was passed in 2005.⁶

The Act provides for the first time in Indian law a definition⁷ of "domestic violence", with this definition being broad and including not only physical violence, but also other forms of violence such as emotional/verbal, sexual, and economic abuse.

RIGHTS GRANTED TO WOMEN BY THE ACT

1. Right to reside in a shared household.
2. Right to obtain assistance and protection .
3. Right to issuance of orders .

The Violence Against Women Act (VAWA)⁸ was the first major law to help government agencies and victim advocates work together to fight domestic violence, sexual assault, and other types of violence against women. It created new punishments for certain crimes and started programs to prevent violence and help victims. Over the years, the law has been expanded to provide more programs and services. Currently, some included items are:

- Violence prevention programs in communities
- Protections for victims who are evicted from their homes because of events related to domestic violence or stalking
- Funding for victim assistance services like rape crisis centers and hotlines
- Programs to meet the needs of immigrant women and women of different races or ethnicities
- Programs and services for victims with disabilities
- Legal aid for survivors of violence

CONCLUSION

Domestic violence affects millions of women .This problem is very widespread. The culmination effect of the menace of domestic violence affects every area and its conclusion is visible to the sensible eye –at home , market , office etc.

Domestic violence against women at home also affects the children growing in such houses and affected by depression , anxiety , fear. Individuals who are brought up with the terrible effects of domestic violence are not optimistic, can take lesser risk and usually continue the cycle of violence in their adult life.

In conclusion we are having many strict laws to eliminate the problem of domestic violence but it's true that it can never be eliminated from society unless society refuses to tolerate it. This will require an internal change in the basic nature of society and also a fundamental change in the attitudes of men toward women . And it is possible through education and reporting of women without fear. And also by proper implementation of law. If the laws does not buck up in terms of implementing punishment on those who violate others within their sacred walls of the institution called family and home, the weaker will continue to be violated , abused by the stronger- physically, mentally and spiritually .

⁶ <http://ncw.nic.in/acts/TheProtectionofWomenfromDomesticViolenceAct2005.pdf>

⁷ Harms or injures or endangered the health, safety, life , limb or well-being , whether mental or physical of the aggrieved person or tends to do so and includes causes physical abuse ,s sexual abuse .

⁸ <http://womenshealth.gov/violence-against-women/laws-on-violence-against-women/>