

SAVE FAMILY FROM DOMESTIC VIOLENCE

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Introduction:

The definitions of domestic violence contained in the laws include a range of acts that result in physical, mental or sexual injury. Some laws have adopted broad definitions that can be interpreted to take into account any illegal act that results in harm or injury. Domestic violence is a universal phenomenon. Irrespective of whether a country is poor or rich, spousal violence is pervasive. Domestic violence, also known as domestic abuse, spousal abuse, battering, family violence, and intimate partner violence, is broadly defined as a pattern of abusive behaviors by one or both partners in an intimate relationship such as marriage, dating, family, or cohabitation. Domestic violence, so defined, has many forms, including physical aggression or assault (hitting, kicking, biting, shoving, restraining, slapping, throwing objects), or threats thereof; sexual abuse; emotional abuse; controlling or domineering; intimidation; stalking; passive/covert abuse (e.g., neglect); and economic deprivation. Alcohol consumption and mental illness can be co-morbid with abuse, and present additional challenges in eliminating domestic violence. Awareness, perception, definition and documentation of domestic violence differ widely from country to country, from era to era, from place to place.

Domestic violence and abuse is not limited to obvious physical violence. Domestic violence can also mean endangerment, criminal coercion, kidnapping, unlawful imprisonment, trespassing, harassment, and stalking. Violence in the domestic front is a cowardly sin enacted by any human being. Universally, evidence proves that women and girls are grilled and excruciated in their own homes and also outside irrespective of their age, class, caste, race, status, religion and nationality. No highly developed nation with high education level and equal powers to their women can even claim themselves to be free of this pernicious practice.

Domestic Violence Against Women in India:

The Declaration on the Elimination of Violence against Women, adopted by the UN General Assembly in 1993 defines violence against women as “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, coercion or arbitrary deprivation of liberty; whether occurring in public or private life”. Beijing Platform for Action states: “The fear of violence, including harassment is a permanent constraint on the mobility of women and limits their access to resources and basic activities. High social, health, and economic costs to the individual and society are associated with violence against women. Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men”. The status of women in India is not equal to the status of men in terms of access, participation, and reward. This situation owes its existence to the patriarchal and feudalistic structure of the society.

Violence against women within the family is a global phenomenon. Violence against women is a serious problem in India. Overall, one-third of women age 15-49 have experienced physical violence and about 1 in 10 has experienced sexual violence. In total, 35 percent have experienced physical or sexual violence. This figure translates into millions of women who have suffered, and continue to suffer, at the hands of husbands and other family members. The Sources collected information from married and unmarried women age 15-49 about their experience of physical and sexual violence. The most pathetic aspect of such atrocities is domestic violence. The steady decline in the sex ratio noted for over a century in India from 972 females for 1000 males in the population in 1901 to 927 females in 1991 and the prevalence of female foeticide in at least 10 States of India are critical indicators of violence against women. Female foeticide and female infanticide are basically socio-cultural problems and not just a law and order problem. UNICEF reports that 40-50 million women are missing from the Indian population due to foeticide (1991).

Legislation on Domestic Violence:

In the 1990s, several factors contributed to significant changes in domestic violence legislation in many countries. Women’s successful campaigning raised the profile of the issue of violence against women; and several United Nations conferences (Vienna, 1993; Cairo, 1994; and Beijing, 1995) recognized women’s rights as an inalienable part of universal human rights. As a result of the new awareness generated, laws on domestic violence were adopted in many countries. India Government also took initiative to enact several legislation to curb domestic violence viz

The Protection of Women from Domestic Violence Act, 2005, Dowry Prohibition Act, the Child Marriage Restraint Act, etc etc. To date, around 44 countries have adopted specific legislation on domestic violence, of which 13 are in Latin America: Argentina, Bolivia, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Mexico, Nicaragua, Peru, Puerto Rico, Uruguay and Venezuela. The signing of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women in 1994 provided the momentum to enact such legislation.

Factors That Perpetuate Domestic Violence

Cultural

- Gender-specific socialization
- Cultural definitions of appropriate sex roles
- Expectations of roles within relationships
- Belief in the inherent superiority of males
- Values that give men proprietary rights over women and girls
- Notion of the family as the private sphere and under male control
- Customs of marriage (bride price/dowry)
- Acceptability of violence as a means to resolve conflict

Economic

- Women's economic dependence on men
- Limited access to cash and credit
- Discriminatory laws regarding inheritance, property rights, use of communal lands, and maintenance after divorce or widowhood
- Limited access to employment in formal and informal sectors
- Limited access to education and training for women

Legal

- Lesser legal status of women either by written law and/or by practice
- Laws regarding divorce, child custody, maintenance and inheritance
- Legal definitions of rape and domestic abuse
- Low levels of legal literacy among women
- Insensitive treatment of women and girls by police and judiciary

Political

- Under-representation of women in power, politics, the media and in the legal and medical professions
- Domestic violence not taken seriously
- Notions of family being private and beyond control of the state
- Risk of challenge to status quo/religious laws
- Limited organization of women as a political force
- Limited participation of women in organized political system

Male Victims In Domestic violence and Male Suicides:

However, from various survey reports also stated that the male victims of domestic violence rarely get any support or protection in India. Police typically refuse to take the complaints even when men produce medical evidence of beating, cuts or bruises by terming it as minor family problems. The male victims of domestic abuse often tolerate the abuse and do not escape from home or apply divorce out of fear the woman may file a false complaint of dowry harassment to get him and his parents and siblings jailed for couple of days. Indian National Crime Records Bureau maintained by the Home Ministry of Government of India publishes detailed statistics on crime, accidents and suicides every year. According to its reports, suicides of married males have risen continuously from 1995 to 2008, whereas the suicides of females remained largely constant. In 2009, about 18,000 men compared to 11,000 women committed suicides due to "Family Problems" (see figure: #). This exposes the feminist myth that Indian homes are oppressive towards women. In spite of these higher male suicides, the Government and policy makers are less interested to give any social support or protection for males from domestic violence and abuse, although the same have been happening in Indian society.

Suicides of Married Males and Females in India

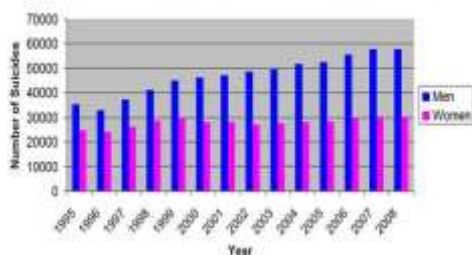


Figure :#

CONCLUSION: Lack of tolerance is one of the vital causes of family disputes in between husband and wife. Some sources stated that the main reason for rapid growth of family dispute is the rampant misuse of domestic violence laws in India by women. At present, India has two different laws against domestic violence. India enacted its first law against domestic violence in 1983, claiming to protect women from so called bride burnings or dowry deaths. This law is also known as anti-dowry law or Section 498a of Indian Penal Code. According to this law, if a woman goes to police and complains of mental and physical harassment by her husband and his parents, siblings and relatives, then all the accused are presumed to be guilty until proven innocent and are jailed without evidence or investigation. From 2005 till 2010, more than 550,000 men and 163,000 women and hundreds of minor children were arrested or jailed under this law. More than 90% of the accused people under this law are eventually acquitted. On the other hand, various sources also reported that huge killing and violence committed on female in Indian society in every day on various reasons as discussed above. No single approach or practice can be said to be "most effective". In fact, the best strategy to address the issue of domestic violence is to combine two or more of these approaches based on the context and requirements of each country or system. Furthermore, any reform without sensitizing law enforcement authorities and enabling avenues of socio-economic support for men and women cannot redress domestic violence in an effective manner.