

Chapter-12

A CURRENT SCENARIO OF DOMESTIC VIOLENCE AGAINST WOMEN IN INDIA

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ABSTRACT:

In Indian civilization, the female subjugation has always persisted. Inequality in the social, cultural, and fiscal domains has been fostered in Indian society as a consequence of gender discrimination. Despite the implementation of several laws and legislative measures relating to women's development and the guarantee of equality by the Indian Constitution, women's persecution continues to exist in all facets or domains of human existence. In order to successfully stimulate and advance the development of women, this study aims to comprehend and assess all factors that contribute to gender inequality in domestic violence affecting women.

Keywords: *Gender, Violence, Constitution, Discernment.*

INTRODUCTION:

Men and women were designed by nature to complement each other. Human existence goes continually because of their reciprocity. They are both equally significant to the other. Despite the typecasts that women are weak or helpless, they actually have a tremendous strength that helps men in many facets of life. However, the ultimate reason for concern is that despite constant changes in authority, management, and administration, women continue to search for their existence.

The advancement of women is crucial for our society and country. When these issues are resolved, it is doable. Although women make up about 50% of the population overall, they are seldom ever represented in public life. The bulk of the home work is still done by women. The culture frequently perceives her major function as homemaker.

Gender is a general concept; however gender discrimination solely affects women as they are the only ones who experience it. Gender discrimination is socially determined rather than biologically established, and it may be reversed with the right sustained efforts. Gender discrimination is the practice of denying someone on the basis of their gender equality, rights, or opportunities. Men and women in India enjoy equal rights under the constitution; however gender discrimination and disparity still exist for women. There aren't enough possibilities for women to grow. In compared to males, their social, economic, and political situations are worse.

Violence against women is defined 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" in the Declaration on the Elimination of Violence

Against Women, adopted by the UN General Assembly in 1993. In terms of access, involvement, and compensation, women's position in India is not on par with men's standing. The patriarchal and feudalistic social structure of the society is responsible for this situation's existence.

Meaning of Domestic Violence:

Under current scenario various forms of exploitation and violence are considered to be domestic violence. Any form of abuse that endangers a woman's health and wellbeing is considered to be abusive. For example, the lady or her family can be harassed or harmed in exchange for dowry, money, or property.

Domestic violence also includes making harassing or harmful threats. It also encompasses any behaviour that makes you suffer emotionally or physically. Exploitation can take numerous different forms, comprising verbal, emotional, physical, and financial. Domestic violence need not take the shape of an action; it can simply take the form of not acting at all. For instance, failing to provide you with money to support your family or your kids would be considered as economic abuse that further fall under the category of domestic violence.

Women make up half of the global population. It has been observed that only 1% of the world's assets are owned by women, who make up nearly two-thirds of the population. In India, where men predominate, domestic violence is often modified according on gender. Gender discrimination in domestic violence refers to a pattern of abusive behaviour that one spouse uses to acquire or keep authority and control over a second intimate partner. Due to gender inequality in domestic violence, several types of abuse are perpetrated. Due to gender several types of abuse are perpetrated.

- **Bodily Abuse:** Bodily abuse involves beating, shoving, grasping, biting, pulling hair, etc.; it also includes depriving a spouse of medical attention or compelling him or her to use alcohol or drugs.
- **Emotional Abuse:** When someone's sense of self-worth and/or self-esteem is undermined, it is abusive. Constant criticism, undermining one's skills, calling someone names, or harming one's connection with their children are all examples of this.
- **Sexual Abuse:** Coercing or attempting to force any sexual conduct or contact without permission constitutes sexual abuse.
- **Fiscal Abuse:** Making or attempting to make someone financially reliant on someone else is known as fiscal abuse. This can be done by keeping complete

control over financial resources, denying someone access to money, or prohibiting someone from attending school or working.

- **Psychosomatic Abuse:** Threats of physical violence to oneself, one's spouse, children, or one's partner's relatives or friends, destruction of pets and property, and forced isolation from friends, family, school, and/or employment are all examples of psychosomatic abuse.

In addition to the victims of domestic violence, gender discrimination has a significant impact on the family, friends, coworkers, other witnesses, and the community at large. Children who experience domestic violence as they grow up are among those who are negatively influenced by this crime. Frequent exposure to domestic violence increases children's chance of developing a variety of physical and mental conditions as well as teaching them that violence is a normal way of life. This upsurges the possibility that they will grow up to be society's future victims and abusers.

Reasons of Domestic Violence:

- **Patriarchy/Male Dominance:** When one spouse feels the urge to dominate and control the other, domestic violence may begin. This drive to control their relationship may be felt by abusers. Certain people with very customary views may contemplate that they have the right to control their partner, and that women aren't equal to men.
- **Observation of violence in past:** Boys who see violence against women and learnt that women are not to be regarded or respected are more likely to harm women as adults. As abusers become older, some pick up aggressive tendencies from their families, neighbours, and other cultural influences.
- **Lack of Knowledge and Awareness:** Lack of education and ignorance among women are major contributors to domestic abuse against them. Education is no less vital for a woman's life because marriage is the ultimate objective of life and she is raised to serve men and their families. Women have a propensity to accept domestic violence as a normal part of life. Uneducated women are unaware of their rights to protection from domestic abuse when it occurs.
- **Socio-cultural:** The Indian marriage scheme has its roots in dowry. Because dowry is an unquenchable hunger that can never be fully satiated, there is no cure for this issue. Honor killings and deaths connected to dowries are further examples of domestic violence.

- **Alcohol consumption:** Drinking and using drugs, particularly in Indian society, are major contributors to domestic violence. Many men who conduct domestic violence do so after partaking in these substances.

Measures to thwart domestic violence:

The Indian Penal Code, 1863 section 498A was the principal law to criminalise domestic abuse when it came to a woman's spouse or a husband's family abusing her. Later on, on October 26, 2006, the Indian Parliament passed the Protection of Women against Domestic Violence, 2005 Act, which went into effect. The definition of domestic violence is more expansive under this legislation than it is under section 498(a) of the IPC.

It aims to protect women who are or have been in relationships with the abuser in which both parties have shared a home and are related through consanguinity, marriage, or a relationship that has the characteristics of marriage, or through adoption; associations with family members who live together as a joint family are also covered. Under the proposed Act, all women, regardless of their status as sisters, widows, mothers, single women, or roommates, are entitled to legal protection. The Act's provision for the woman's right to find housing is one of its most important features.

The Act guarantees the woman's right to reside in the married or joint household, regardless of whether she has any rights there. A residency order issued by a court safeguards this privilege. Any lady cannot be the target of these residency orders. The Act too provides for the power of the court to issue protection orders that prohibit the abuser from participating in or carrying out specific acts of domestic violence, entering a place of employment or other frequented by the victim of abuse, attempting to contact the victim, dividing any assets used by both parties, and inflicting violence on the victim, her family, and others who assist her in escaping the domestic violence. The Act allows for the appointment of protection officers and NGOs to assist the woman in obtaining a medical examination, legal representation, safe asylum, etc.

Women's social subordination places structural restrictions on their ability to participate in politics. Almost all women from all societal backgrounds and groups are subject to this restriction. Another restriction in this respect might be the prevalent culture, which is enormously multifaceted and commonly includes choices being made behind closed doors. Male chauvinism has been ingrained in Indian society for generations, but recently, people have begun to recognise the value of women, embrace their right to be empowered, and guide their own growth.

Recommendations to curb Domestic Violence:

1. **Grassroots sensitization:** Domestic abuse is a widespread offence in India, from rural areas to major cities. It is applicable to all women, regardless of their level of education, economic security, or level of empowerment, not only those who are in precarious situations. For the aforementioned goal, it is necessary to educate everyone irrespective of their gender and age via awareness programs.
2. **Create awareness:** Because women are uninformed of the agencies and legal assistance that are accessible, many women are unable to flee domestic abuse. Therefore, it is crucial to spread knowledge about the variety of services offered.
3. **Financial empowering of women:** Many women stay in unhealthy marriages because of fear that if they leave, they and their kids would become homeless. Financial divisions during divorce must be more equitable.
4. **Rigorous obedience of the law:** Despite several laws protecting women from various crimes, mishaps involving women have turned into widespread societal phenomena. It is because laws are not strictly followed. Therefore, it is significant to inspire the administration and judiciary to act decisively and quickly as soon as the incident occurred.
5. **Increasing Self-Awareness:** Domestic violence involving women will only decrease when women come up on their own behalf in defence of their rights and power.

CONCLUSION:

The foundation of human rights is empowering women because she doesn't want to grovel for power or look for a hierarchy of power to use it against others. Instead, she insists on being recognised first and foremost as a human. Consideration of the entire empowerment issue requires that she be in control of herself and that all of her physical, social, economic, political, cultural, and spiritual resources be equally available to her.

Women who are strong, educated, and conscious may actively contribute to the development of their families, communities, and countries. And only when we are successful in reducing and finally eliminating gender discrimination in domestic violence will this be attainable. Without women's participation, a country or society cannot grow. Women will provide all the potential, abilities, and knowledge needed to build the family, the country, and the entire globe if we eradicate gender discrimination in domestic violence.

It is generally recognised that women's active engagement has the power and capacity to accelerate national development. However, the fundamental advancement of women is essential for the advancement of the country. Gender inequality in domestic violence must be eliminated since it has a significant impact on the development of women. Domestic violence and gender discrimination can only be eliminated when women have access to full education, nutrition, medical care, training, work, social security, as well as the possibility to participate in politics and make decisions. In order for women to be empowered and thrive, it is crucial to acknowledge their rights and believe in their capabilities. Women should be aware of their own strengths and potential since doing so will improve their self-esteem and give them the audacity to act in the world. Political empowerment doesn't simply mean having the freedom to participate in politics in silence; it also means being able to talk, communicate, and be informed about the positives and negatives of politics, which will allow you to have an impact on decisions and policies.

Since violence of any kind is abhorrent, more resources are required to enhance the prevention of intimate partner and sexual violence, particularly primary prevention, which is preventing it from occurring in the first place, in order to reduce the threat of domestic violence. Adopting laws and formulating policies that combat discrimination against women, advance gender equality, assist women, and aid in the transition to more tolerant cultural norms are crucial if we are to see long-lasting change.