



YOUTH EMPOWERMENT

Issues, Challenges & Concerns



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Chapter-3

DOMESTIC VIOLENCE: AN UNFINISHED AGENDA

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India is a Country where we worship Goddess Durga, Saraswati, Laxmi, Kali and many more to save and protect the human race from the evils. But unfortunately the women of India are still struggling to get its position of equality since the time immortal in the patriarchal society. In our country we consider women as a perfect caretaker of home. They had to look after the running of family smoothly, they had to manage the expenses in the most economical way possible, they had to look after aged in-laws, nurture the child, etc. In a country where over 80 percent of the population worships Goddesses of different kinds, the status of women and what they represent has varied greatly from ancient to modern times. This chapter tries to trace that out.

Keywords: Domestic Violence, Women, Patriarchy, Protection, Victim, Government

Introduction

Domestic violence is sadly a reality in Indian society. In the Indian patriarchal setup, it became an acceptable practice to abuse women. There are so many reasons behind this practice, as the stereotyping of gender roles, distribution of power, mindset of the society that men are stronger and more powerful than the women. Thus, to show their power the males and the adults of the family become very abusive and harass the female of the family. The situation becomes more miserable for the women who has joined the family from the outside or from some another family. Infact, it is a burden on numerous sectors of the social system and drastically affect the development of the nation because its half of the population is suffering. It is an act that can be described as the power misused by one adult in a relationship to control another. It

is the establishment of control and fear in a relationship through violence and abuse. This violence can be of various type ranging from physical assault, psychological abuse, social abuse, financial abuse to sexual assault. As per the *Department of Justice, United States* " The term "Domestic Violence" includes felony or misdemeanor crimes of violence committed by a current of former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse of intimate partner, by a person similarly situated to a spouse of the victim. Further, *The Protection of Women from Domestic Violence Act, 2005* says that any act, conduct, omission or commission that harms or injures or has the potential to harm or injure will be considered domestic violence by the law.

The most significant consequences of domestic violence of women are deprivation from fundamental human rights to women and girls. It also leads to health consequences both non-fatal and fatal outcomes. The non-fatal consequences include various kinds of injuries whereas the fatal outcomes include suicide, homicide, maternal mortality and even HIV/AIDS.

In the Vedic society, women had the same status as men in all aspects of life. Following the influence of changing rulers in the medieval period from *the Mughal empire*, the *Rajputs*, and the formation of the caste system, the standing of women deteriorated. In the patrilineality of India's society, women bear what is often an unfair burden of representing the values of the family they are born into, or later married into.

Subsequently, Indian culture also places a higher value on the male sex. A woman's identity, therefore, is often tied to her role in her family. Being a non-earning member, it further expands women vulnerability and increases women dependability on their male counterparts. This has caused an imbalance in gender ratio, creating clear demographic, socio-economic shortcomings. This is especially prevalent in the prosperous regions across the country.

However, there is a noticeable change in the status of Indian women in all the spheres of life from education to taking the decision of their marriage, which is one of the decision related with the prestige of the whole family of the girl. Although the position of our country in any respect or facilities related to women is far behind. An when the conversation is about Schedule Caste (SC) women then the situation is more miserable. Still there are numerous like evils and curse which are creating obstacle in the pathway of women empowerment. Among these the most troublesome is domestic violence. It is a curse to women from every corner of the globe. It not only deteriorates the physical condition of female but also leads her to the situation of mental trauma causing depression, anxiety, premature mortality and even suicide.

Prolonging to this, domestic violence remains as culturally accepted because of cultural and religious reasons. In a survey with young men and women in India, 57% of boys and 53% girls accept women beating by husband is justified. In another recent survey between 2015-2016, it revealed, 80% of working women suffer domestic violence at the hands of their husband.

The status of women in Uttar Pradesh, the fourth largest state of the country can be retrieved from the disparity existing in the gender ratio i.e. 878 females per males. As per one of the report of India's leading daily Newspaper, *Times Of India* (report of National Commission for Women) there were 1.24 lakh cases of domestic violence in a period of four months. The facts revealed by U P 100 indicated that out of 1.24 lakh cases of domestic violence, 31,597 were related to physical violence by the husbands of the victims as well as 14, 881 cases were concerned with the harassment by the in-laws. Even the COVID-19 outbreak has ignited the violence cases against women in Uttar Pradesh. In a report of National Commission for Women (NCW), it was revealed that State-wise analysis of the data collected from March 23rd to 30th, 2020 showed that the maximum number of complaints were received from Uttar Pradesh (90 in numbers) from the reported 858 registered complaints. These are the examples of highlighted cases but still there are several castes,

regions and areas where the voices of suffering women are still unheard.

One of these unheard voices are from the Scheduled Caste (SC) women of every state. or an instance the data from National Crime Records Bureau, 2106 revealed that of all crimes committed against the members of the Scheduled Castes, the highest is against women. Vinutha's (2014) research on domestic violence against Scheduled Caste women concludes that neither the Scheduled Caste/Scheduled Tribe Prevention of Atrocities Act nor the *National Commission of Women* is of any help for protection from domestic violence among Scheduled Caste women. Because there are so many other variables which are continuously making the picture more miserable like Education, financial dependency, non-cooperation from the family of the women, societal pressure etc when compared with the women of upper classes. These women not only face the violence vertically but also in terms of horizontally. The forms of violence is similar in the form of rape, harassment, dowry death, cyber crimes, acid attack, female foeticide and infanticide etc. In spite of the legislative frameworks the crime against women is increasing day by day. As per the report of *Ministry of Women and Child Development*, the cases of crime against women reported in 2011 is 2,28,650 and got increased up to 3, 18, 436 in 2015 (both IPC and Local laws). Eventually, the Government of India is committed to eliminate violence against women and girls through numerous policies, laws, and programs, yet one in three women aged 15-49 experiences some form of physical or sexual violence during her lifetime.

Certainly, the government and governmental bodies are taking up various preventive measures to ensure the safety of women of the country. The Government of India accords utmost priority to safety of women in the country. The *Ministry of Women and Child Development* (MWCD) and the *Ministry of Home Affairs* (MHA) of the Government of India have undertaken a number of measures for enhancing safety of women in the country. The Government of India has set up a non-lapsable corpus *Nirbhaya Fund* for strengthening safety and security of women. The

Ministry of Women and Child Development is also implementing schemes including the scheme of 'One Stop Centre' for violence affected women, the scheme of 'Universalisation of Women Helpline' and the scheme of 'Mahila Police Volunteers' under Nirbhaya Fund Framework.

The Ministry of Women and Child Development has been administering various special laws relating to women such as 'The Protection of Women from Domestic Violence Act, 2005', 'The Dowry Prohibition Act, 1961', 'The Indecent Representation of Women (Prohibition) Act, 1986', 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013', and 'The Prohibition of Child Marriage Act, 2006'. The Ministry is also administering 'The Juvenile Justice (Care and Protection of Children) Act, 2015', 'The Commissions for Protection of Child Rights Act, 2005' and 'The Protection of Children from Sexual Offences Act, 2012'. Thus, the aim of this study is to analyse the reach and access of these government initiatives against domestic violence among the women of schedule caste.

In view of the prevalence as well as the pervasiveness of domestic violence, many researchers in the past have attempted to assess the situation besides exploring its possible cause and subsequent consequences for society in general and women in particular. INCLIN (2000), found it as a problem that cuts across age, education, social class and religion in India. The same study is of the view that 40 percent women had experienced at least one form of physical violence in their married life. Murthy et al. (2004) is of the view that numbers of family members, type of marriage and husband's education besides menstrual problems have significant influence on domestic violence.

While many researchers come out with findings that lifestyle of men such as smoking, alcoholism and drugs promote men to commit domestic violence (Leonard, 1992; McKenry

et al., 1995; Rao, 1997 and Bhatt, 1998), some are of the view that masculinity and domestic violence are closely interlinked (Duvvury and Nayak, 2003 and Hamberger et al., 1997). Again, persons with lower socialization and responsibility are found to be the enhancers of the problem (Barnett and Hamberger, 1992).

Studies have also revealed that sons of violent parents (Straus et al., 1980 and Martin et al, 2002), men raised in patriarchal family structure that encourages traditional gender role (Fagot

et al., 1998 and Malamuth et al., 1995) are more likely to abuse their intimate partners. Gendered socialization process is what mainly responsible for domestic violence (Sahu, 2003). Another study among Uttar Pradesh men by Gerstein (2000) is of the view that low educational level and poverty are important reasons for domestic violence. Further, marriage at a younger age makes women vulnerable to domestic violence (Mishra, 2000; Hindin, 2002 and Rao, 1997). Besides this, the role of inter spousal relationship, sex of the children, ownership of property, dowry, working status, autonomy, religion and caste of the person can't be ignored (Sahu, 2003; Swain, 2002 and Jejeebhoy, 1998).

Many studies are of the view that violence by intimate partner most likely undermines the sexual and reproductive health of the women. This extensive violence has significant harmful effects like unwanted pregnancy (Khan et al., 1996), gynecological disorders (Golding and Taylor 1996) and physical injuries to private parts (Starck et al., 1979) besides large-scale mental health impacts (UNICEF, 2000). Again, many of the commonly associated disorders/problems are found to be inadequately addressed (Mitra, 1999; Visaria, 1999; Dave and Solanki, 2000 and Jaswal, 2000).

Further, as Freedman has written, violence by husband against wife should not be seen as a break down in the social order rather than an affirmation to patriarchal social order (Travers, 1997). Similarly, Jejeebhoy (1998) is of the view that not only wife beating is deeply entrenched, but also people justify it. Thus, domestic violence is simply not a personal abnormality but rather it roots in the cultural norms of the family and the society. Again, looking from another angle, it is found that many of the victims of domestic violence has either refused to name the perpetrator of the assault or attributed the injuries to other reasons (Daga et al., 1999).

Existing Laws against Domestic Violence

In India, the Constitution guarantees equal rights to its all the citizens including women as an individual. Ironically, the citizenship is exclusively concentrated to the domain of men. However, the feminist movements in India and abroad are consistently bringing the issues related to women in the mainstream scenario out of the private sphere. Even, the work of many reformers including *Gandhi, Raja Ram Mohan Rai and Ambedkar* has contributed a lot to change the status of women in the Indian society in the pre independence era. As per "*The National Public Grievances and Redressal Commission*" today mainly four kinds of laws are dealing with domestic violence offences. They are:-

- Constitutional Law to Rights of women
- Constitutional Laws relating to Domestic Violence
- Statutory Laws relating to Domestic Violence
- Civil laws relating to Domestic violence
- Women Rights available under law of Torts and remedies available

After Independence there was no specific civil law relating to Domestic violence in India. Therefore, from the late 19th century in India there was a general consensus that a new law dealing with the issue of domestic violence was needed, as the existing legal

frame work was insufficient to deal with the same. In 1992, 'Lawyers Collective' drafted and circulated a Bill on domestic violence. Section 23 of Pre Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994. Section 25 of Pre Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 and this was widely circulated amongst women's groups and organisations including the National Commission for Women (NCW). Thus, *the Protection of Women from Domestic Violence Act 2005* came into existence.

Government Initiatives to curb Domestic Violence

The Indian government is committed to curb the domestic violence in all the regions of the country. For this initiative the government along with the different departments and ministries are regularly empowering the existing laws and schemes to eliminate this curse from the society. The following are the major initiatives by the government but still the question arises that whether these initiatives are easily accessible to the beneficiaries or not.

- | | |
|-------------------------------------|---|
| ➤ Shelter and Short Stay Home (SSH) | ➤ One Stop Crisis Centre and Helpline (Sakhi) |
| ➤ Nari portal | ➤ Swadhar |
| ➤ Anti-trolling response | ➤ Swyam Siddha |
| ➤ Grievance redressal | ➤ Women helpline 181 |
| ➤ Panic buttons | ➤ Nirbhaya fund |

Shelter and Short Stay Home : The major objective of short stay home is to protect women and adolescent girls from human trafficking and to provide protection and security to women victims of domestic violence. It also aim with a view to protect and rehabilitate those women and girls who are facing social economic and emotional problems due to family problems, mental stress, social, ostracism, exploitation or other causes. WDC aims at providing temporary shelter and support to women and girls, who are victims of these kinds of violence and have no social support system to rely on. it also incurs psychological counseling,

medical services, legal consultation capacity building and skill development which facilitate them to reintegrate in the main strata of the society.

NARI portal: NARI stands for 'National Repository of Information for Women'. The portal contains information about schemes being run by both Central as well as the States Governments. It will provide easy access to information on government schemes and initiatives for women to women citizens.

Anti-trolling response: This is a government initiative that has been launched against trolling in the form of anti-trolling website offering practical tips to people who find themselves the victims of online abuse on how to report the offence and where to seek help.

The site is particularly aimed at women and lesbian, gay, bisexual and transgender people, because they have suffered some of the most extreme online abuse since the explosion in use of social media. It explains how to identify abuse and get offensive content removed.

Grievance redressal: Women's grievance redressal cell is meant to safe guard and promote well being of all women employees of the organisation. It takes care of all complaints on sexual harassment of women of women at workplace and action taken for redressal of complaints.

Panic Button: Through this initiative any victim who is looking to access an emergency service, such as police, medical and other services, could dial 112 from his/her phone. A smartphone user can also press the power button thrice in quick succession and a user of a basic or feature phone can long press 5 or 9 on the key pad. One can also download the 112 mobile application. Once a user presses the panic button, five calls will be made to emergency number 112 as well as call log details and the geo location of the victim will be sent by SMS and emails to police officials at the state, district and local level.

One Stop Crisis Centre and Helpline: One Stop Centres (OSCs) are intended to support women affected by violence, in

private and public spaces, within the family, community and at the workplace. Women facing physical, sexual, emotional, psychological and economic abuse, irrespective of age, class, caste, education status, marital status, race and culture will be facilitated with support and redressal. Aggrieved women facing any kind of violence due to attempted sexual harassment, sexual assault, domestic violence, trafficking, honour related crimes, acid attacks or witch-hunting who have reached out or been referred to the OSC will be provided with specialized services.

Swadhar Greh Scheme: The initiative of Ministry of Women and Child Development provides the women victims of difficult circumstances who are in need of institutional support for rehabilitation so that they could lead their life with dignity. The Scheme envisages providing shelter, food, clothing and health as well as economic and social security for these women.

Swayam Siddha: Swayamsiddha is a flagship programme of Ministry of Women and Child development intended towards the holistic development of women which seeks to empower women through series of programmes of awareness generation, the achievement of economic strength through micro-level income-generating activities and establish the convergence of various service such as literacy, health, rural development, etc. It also aims at organising women into self-help groups to form a strong institutional base.

Women Helpline: The Scheme of Universalisation of Women Helpline (WHL) is intended to provide 24 hours immediate and emergency response to women affected by violence through referral (linking with appropriate authority such as police, One Stop Centre, hospital) and information about women related government schemes, programs across the country through a single uniform number.

Nirbhaya fund: Nirbhaya Fund, set up to finance projects to improve the safety and security of women. A dedicated fund was set up in 2013, is a pseudonym given to the gang rape victim to conceal her identity.

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