

## **“Domestic Violence”**

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### **INTRODUCTION:**

Domestic violence is a physical, mental sexual or any type of abuse mostly done on women by the husbands or his family, both or any other relatives etc. The prevalence of domestic violence in India is tremendous. The most disappointing thing in this regard is most of the people here think that the domestic violence happens only in rural area. This is definitely false. It's not correct to say that domestic violence is more in city than villages or vice-versa. The problem is why such thing exists in the country and in the world. When we first, talk about domestic violence the one thing which comes into our mind is the oppression of the weaker by the stronger. The weaker is most of the time the woman. Sometimes it's just to release frustration, anger, under the influence of alcohol etc. Sometimes the man behaves negligently and he is responsible for a mistake but then also he uses force on his wife. This physical and mental abuse is done on her just because she is his wife? That's why there are laws existing today for the protection of women.

### **DETAILS AND EXPLANATION**

Section 498(a) of IPC (Indian Penal Code) defines domestic violence as an act of cruelty done on the woman by the husband or husband's relative. The definition given in IPC regarding domestic violence is quite broad and it criminalizes all kinds of oppression done on women. And provides a punishment for at least 3 years for commission of such act.

But by seeing no improvement and decrease in the number of cases the government thought that by having just one provision in IPC is not going to stop or solve this problem of domestic violence. It needs one more legislation to be regulated properly. I think because of this the government in 2005 came with a new law 'Protection of women from domestic violence act 2005'. It includes various provisions and also says that the complaint regarding the domestic violence can be filed also through the children of the aggrieved women. There were many NGOs many governmental policies adopted in order to decrease and remove domestic violence, which increases gender bias and leads to gender inequality. One of such things is the 'Bell Bajao campaign'. Malika Dutt is the founder of this campaign. It is a type of anti-domestic violence campaign in which local residents are urged to avoid any physical abuse by interrupting the domestic violence. For example, if we hear any voice of beating of man to a woman, we can interrupt it by ringing the bell and stopping the person from hitting and calm his anger until he opens the door and talks to the person who rang the bell. So, the basic motto of this campaign was to by bringing such pause between the abuse, lessening the anger of the person and it will stop the violence by this. It was really a good initiative by Mallika Dutt because if this is properly implemented and practiced by all of us it can decrease domestic violence to some extent and may also stop it. Boman Irani and many other actors were part of the publicity of this campaign. Those videos of these campaign are still available

on YouTube. Many campaigns like this with more innovations and publicization are important to come out because through these types of campaigns there will be no requirement of law enforcement authorities like police to punish anyone. These campaigns and the publicization will themselves invoke a guilt in the minds of people who are doing domestic violence. And if people may not realize that what they are doing is wrong, for such people there are always available the law enforcement authorities to punish them. There are many more majors which can be taken up by the government and the people which can be adapted to decrease and finish domestic violence. The government according to me should make some amendments in the domestic violence laws. For example, the punishment which is for 3 years should be increase to not less than 6 years. It should not be just a punishment government may add 6 years rigorous imprisonment. And except the child below 12 years of age and other family members if are not doing anything against domestic violence they should also be prosecuted and may get imprisonment less than 6 months. Such amendment is required in the law, in order to prevent and remove domestic violence. Because always the people of the family make a non-excusable defence that what can they speak in between the husband and wife. This ignorance and avoidance should never be a defence for domestic violence. This law should not be made applicable on the neighbours but only to the family members, residing members and the neighbours who are relative. In this way the law should be made and amended. But only making the law is never going to help. There always has to be a strict and absolute implementation on the law. Each and every law in India is good but if its properly implemented India can develop and the crime in society can be stopped at a greater speed. The NGOs and the neighbours here can take an initiative and stop this. They can use the bell bajao campaign and interrupt or themselves inform to the police to such suspicious activities and the voices from the house. There can be more innovative ideas which can be initiated by the neighbours and the other people.

So, when we are talking about domestic violence should we should also see that what are the factors which are mainly responsible for the domestic violence. The first factor which can be held responsible for domestic violence is gender inequality. From the past we can see that always the women are given the secondary position. They are not equally respected by all as men. This inferiority of women and superiority of men has decreased today to some extent. But this concept of inferiority and superiority is still in the minds of the people and this leads to gender bias in the minds of people. And because of which still some men think that they are more superior than the women. This increase in bias leads to anger and results in domestic violence. Because the men think that wife is there property and they can behave in any way they want and which is completely wrong. It's never correct to think that someone is less important and less superior than us. Everyone should know that each and every person is a human being and is equal, so there should be no gender bias. Gender bias not only increase the rate of domestic violence but also other forms of oppression on women. For example, rape, infanticide etc. So, first as a society we should try our best to remove the gender bias which will automatically decrease if gender inequality and it will result in decrease in the number of domestic violence cases and also the other problems faced by the women. The

second and perhaps the most effective reason for domestic violence is the ignorance of the people. As I have mentioned earlier, the favourite excuse of the family member in this case is that they should not supposed to speak between the matters of husband and wife. This mentality should not be adopted by any member of the society. Its everyone's responsibility to remove evil and bad things from the house and the society. And if you are ignoring it, indirectly you are supporting it. This will increase the confidence of the person, who does domestic violence in his house. Hence, I think that ignorance of relatives is also the most important factor responsible for domestic violence. One more factor which is responsible for domestic violence according to me is, women, who are victim of domestic violence themselves think that they are weaker than the men. This aggravates the man to do whatever he can. Women should be able to say that a man does not have a right even to touch a woman without her consent. Beating and torturing are faraway, man should understand that being a husband he has his own limits. Being a husband or a boyfriend does not give a right to beat a woman. Unfortunately, this is not understood by the women who are victims of domestic violence. Women should be able to say this to husband. This will make woman of the society stronger and also reduce the number of domestic violence case.

Now, I want to focus on some different issue that, does domestic violence includes only women. What about a boy who is really small in age is beaten by its parents for a really small reason? The in-laws who are suffering because of a malicious prosecution done by the daughter-in-law. I know there are really number of victims of domestic violence but that does not mean that these issues should be set aside. If a daughter-in-law is maliciously complaining about domestic violence on her, that is not happened, such act should also be counted in domestic violence. This also invokes a mental torture into the minds of the in-laws when they haven't done anything but are arrested. Husbands are also getting mentally tortured in some cases and without doing anything they are threatened that she will file a fake case of domestic violence. This happens rarely and I am not saying that the law should be removed for this reason. But apart from a suit of malicious prosecution there should be other remedy for misusing the law in such a way. This is not valid that the law which was once made to protect them is now used as a weapon by the women. The second thing is that children are also beaten up sometimes by their parents in such a manner that it causes a serious injury to the child. So, I think that beating up child should also come under the umbrella of domestic violence. If it is one slap or anything which can be ignored by a prudent man of sound-mind and the child can recover quickly then it should not be a crime. But in case because of hitting of father or mother if the injury caused, is to such an extent which is grievous or causes an effect on the sanity of the child, should come under domestic violence. By the term 'grievous injury', I mean to say an injury which separates a body part from the body or breaking of bones comes in grievous injury. If a mother hits a child in the above-mentioned way, irrespective of the intention, the husband and also the other family members shall have the right to file a complaint of domestic violence. And if father hits in that way, the mother will also have the right to file a complaint of domestic violence.

**CONCLUSION**

Domestic violence is a concept which not only includes the violence or oppression on women but also includes the violence which can happen inside the house. The term domestic violence means the violence which is domestic, which is inside the house and it's not necessary that always the women will be the sufferer, anyone can be the sufferer of domestic violence inside the house. Most of the time it is a woman who suffers because of it. So, it is required that many measures should take place by campaigns, by NGOs and by the authorities. For all the types of domestic violence which can be done behind the door of the house i.e. inside the house.