

“Domestic Violence”

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"If you feel you don't deserve to be treated the way you're being treated you may be experiencing domestic violence."

Domestic violence is now commonly defined broadly to include-"**all acts of physical, sexual, psychological or economic violence**" that may be committed by a family member or intimate partner.

Studies show that living with domestic violence can cause physical and emotional harm to children and young people in following ways:-

1. Ongoing anxiety and depression.
2. Emotional distress.
3. Eating and sleeping disturbance.
4. Physical symptoms, such as headaches and stomach ache.
5. Find it hard to manage stress.
6. Low self-esteem.

Domestic and family violence tears lives apart. One in 3 women experience physical or sexual or both, caused by someone known to them. It affects women, children, the family and the community. And it has big social and economic effects.

Violence against women is one of the most pressing problems, India struggles with as a society.

In 2013 alone, there were nearly a hundred and twenty thousand reports of domestic violence against women, according to India's National Crime Record Bureau.

Furthermore, a 2015 study conducted by the Planning Commission of India surmised that a whopping 84 percent of women have been abused in their homes at least once.

Domestic violence and abuse in India is not just a problem of lower and middle classes. It is very prevalent even among prominent and famous people too.

Since the age of 15 every third woman has faced domestic violence of various forms. Most of the time perpetrators of this violence have been the husbands.

The most common type of spousal violence is physical violence (27%), followed by emotional violence (13%).

There is hope for women as there are strong laws against domestic violence and abuse in India. And, yes there are always some opportunistic women who will try to abuse the legal system by misusing the domestic violence act of India.

3 Crucial Domestic violence Laws in India:-

1. THE INDIAN PENAL CODE AMENDMENT IN 1983: A special section, numbered **498-A**, that officially made domestic violence a **criminal offence**. A helpful clause in this section allows women's relatives to make a complaint about them. This is extremely beneficial in cases where the woman is too afraid to speak up for herself, for reasons such as she gets caught by her husband or simply cannot leave the house.

2. PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT 2005:It was brought into force by **Indian Government from 26 October 2006**. This is exactly what title proclaims. The Act provides for the first time in Indian law a definition of "**Domestic violence**", with this definition being broad and including not only physical violence, but also other forms of violence i.e. emotional, verbal, sexual, and economic abuse.

3. THE 2013 CRIMINAL LAW AMENDMENT: The aim of the amendment was to provide harsher and swifter punishment for those criminals who committed abuse against women. Details regarding sexual assault and rape were clarified and added onto.

Penalties for offences such as rape, assault and sexual harassment were increased. In particular, heavier sentences were declared, even including the death sentence for particularly disturbing cases.

However, despite the commissions' recommendations, the amendment failed to address the issue of marital rape. This exception basically assumes that marriage automatically means the woman will always consent to her husband's sexual desires.

This ridiculous notion implies that rape cannot happen within a marriage, when in fact it does, and even happens quite frequently to Indian women.

BOMBAY HIGH COURT 2015 JUDGEMENT:-

It says that domestic violence cases can now be resolved out of court with the help of **NGOS**, counsellors and police who can counsel a woman with regards to the course of the action which she can take including joint counselling/mediation with her spouse/ husband or her family members/in laws.

"Being on either end of a violent situation, whether you seem to have come out with the upper hand or whether you don't seem to, it doesn't resolve anything. It escalates the problem. Hatred leads to more hatred. Violence leads to more violence."

If you see these immediate warning signs, violence is a serious possibility:

- a) Loss of temper on a daily basis
- b) Frequent physical fighting
- c) Significant vandalism or property damage
- d) Increase in use of drugs or alcohol
- e) Increase in risk-taking behavior
- f) Detailed plans to commit acts of violence
- g) Announcing threats or plans for hurting others
- h) Enjoying hurting animals
- i) Carrying a weapon

If you notice the following signs over a period of time, the potential for violence exists:

- a) A history of violent or aggressive behavior
- b) Serious drug or alcohol use
- c) Gang membership or strong desire to be in a gang
- d) Access to or fascination with weapons, especially guns
- e) Threatening others regularly
- f) Trouble controlling feelings like anger
- g) Withdrawal from friends and usual activities
- h) Feeling rejected or alone
- i) Having been a victim of bullying
- j) Poor school performance
- k) History of discipline problems or frequent run-ins with authority
- l) Feeling constantly disrespected
- m) Failing to acknowledge the feelings or rights of others.

DOMESTIC VIOLENCE AGAINST MEN:-

Domestic violence against men deals with domestic violence experienced by men in a domestic setting, such as in marriage or cohabitation. As with domestic violence against women, violence against men may constitute a crime, but laws vary between jurisdictions.

Men who report domestic violence can face social stigma regarding their perceived lack of machismo and other denigrations of their masculinity. Additionally, intimate partner violence (IPV) against men is generally less recognized by society than IPV against women, which can act as a further block to men reporting their situation.

The relative prevalence of IPV against men to that of women is highly disputed between different studies, with some countries having no data at all. Some researchers believe the actual number of male victims may be greater than law enforcement statistics suggest due to

the number of men who do not report their abuse. However, for both men and women, domestic violence is among the most underreported crimes worldwide.

If You're Gay, Bisexual, Or Transgender:-

You can experience domestic violence and abuse if you're in a relationship with someone who:

- 1) Threatens to tell friends, family, colleagues, or community members your sexual orientation or gender identity
- 2) Tells you that authorities won't help a gay, bisexual, or transgender person
- 3) Tells you that leaving the relationship means you're admitting that gay, bisexual, or transgender relationships are deviant
- 4) Justifies abuse by telling you that you're not "really" gay, bisexual, or transgender
- 5) Says that men are naturally violent.

Protecting Yourself As An Abused Male/female/gay/bisexual:-

Domestic violence and abuse can have a serious physical and psychological impact. The first step to protecting yourself and stopping the abuse is to reach out. Talk to a friend, family member, or someone else you trust, or call a domestic violence helpline.

Admitting the problem and seeking help doesn't mean you have failed as a man/woman or as a husband/wife. You are not to blame, and you are not weak. As well as offering a sense of relief and providing some much-needed support, sharing details of your abuse can also be the first step in building a case against your abuser.

When dealing with your abusive partner:

Leave if possible. Be aware of any signs that may trigger a violent response from your partner and be ready to leave quickly. If you need to stay to protect your children, call emergency services. The police have an obligation to protect you, just as they do.

Never retaliate. An abusive partner may try to provoke you into retaliating or using force to escape the situation. If you do retaliate, you're putting yourself at risk of being arrested or removed from your home.

Get evidence of the abuse. Report all incidents to the police and get a copy of each police report. Keep a journal of all abuse with a clear record of dates, times, and any witnesses. Include a photographic record of your injuries and make sure your doctor or hospital also documents your injuries. Remember, medical personnel aren't likely to ask if you are a victim of domestic violence, so it's up to you to ensure that the cause of your injuries are documented.

Keep a mobile phone, evidence of the abuse, and other important documents close at hand. If you have to leave instantly in order to escape the abuse, you'll need to take with you evidence of the abuse and important documents, such as a passport and driver's license. It may be safer to keep these items outside of the home.

- **Obtain advice from a domestic violence program** or legal aid resource about getting a restraining order or order of protection against your partner and, if necessary, seeking temporary custody of your children.

OVERCOMING:-The first step to overcoming domestic violence is learning about domestic violence.

SUMMARY:-

While the Indian Government had made significant efforts in reducing the largely unchecked epidemic of violence against women, there is still a long way to go.

Merely passing laws against domestic violence in India to protect women from abuse is obviously not enough to achieve success. Even after the 2013 amendment, horrific crimes continue to happen and happen publicly.

The numbers have even continued to rise, though this may be because of increased awareness among women, resulting in greater reporting of domestic violence overall.

A necessary step in moving forward lies in changing the overall mindset of society towards women. There needs to be more education on how to treat women as equals, instead of as lesser beings that deserve to be punished for the tiniest mistake.

If the Indian Government can combine proper enforcement of their existing domestic violence laws with thoughtful gender education programs, we could be looking at a safer and brighter future for Indian women in the next few decades.

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