

“Domestic Violence: The Ugly Truth of our Society”

**Ram Malani
Faculty of Law,
Marwadi University*

***Tushar Jain
Faculty of Law,
Marwadi University*

Abstract

For the most part, there have been countless composed literary works on abusive behaviour at home against women. This article offers professionals a functional apparatus to comprehend the variables influencing abusive behaviour at home which is called “Domestic violence”. It provides the readers to know what is domestic violence, its types, forms, causes, consequences. It also provides data of the list of cases that are registered in each state and ranked accordingly. Further it provides with suggestions that we should apply to tackle the situation. Furthermore, this paper might be utilized as a rule to comprehend the volatile mentality of family savagery and sexual orientation philosophy that invigorate culprit’s vicious conduct towards their life partners.

Introduction

In the history of humanity, one finds unique and divergent societies, anyway far off they might be, in any event share one thing which is common and done purposely, that is the contempt of women. Nonetheless, the Gandhian time and the decades after freedom have seen enormous changes in the status and the situation of the women in the Indian culture but still in today's time where women is considered equal in status, there are instances where we find that heinous crimes are being done against women.

These acts of contempt of women are called the Domestic Violence against women. Domestic violence has many names such as domestic abuse, spousal abuse and violence against intimate partner and involves apprehension of a person be it physically or mentally. It can be defined as a pattern of abusive behaviours like a threat or physical or emotionally violent act that is, any kind of violence against others with the intention of injuring or demonstrating power and exercising control by one partner against another in an intimate relationship such as marriage, dating, family or cohabitation. Domestic violence is done not only on women but also on other members of the family like children and elderly people.

The United Nations defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women,

including threats of such act, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life"¹.

Types of Domestic Violence: -

Each type of domestic violence has one purpose in common, that is to gain control over the inferior. There are five types of domestic violence: -

1. **Physical Abuse** –It involves the use of force against the victim, causing injury. It includes acts such as hitting, slapping, punching, choking, pushing, burning and other types of contact that result into a physical injury to the victim. Physical abuse it can also include behaviors such as denying the victim of medical care when they are needed, depriving the victim of sleep or other functions necessary to their live.
2. **Sexual Abuse** - It includes acts of sexual assault, rape, harassment such as unwelcome touching and other demeaning behaviors.
3. **Financial/Economic Abuse** – It is a form of abuse when one intimate partner has control over the other partner's access to economic resources. It involves preventing a spouse from acquisition of resources and further to limit the amount of resources to exploit the victim economically.
4. **Psychological Abuse** - It is basically a catchall term for intimidating, threatening, or fear-causing behavior.
5. **Emotional Abuse** -It aims to produce a thought in one's mind that you are not worth and not independent which makes you feel that there is not option of getting out of this relationship and that you are nothing without the other partner.

Forms of Domestic violence

Domestic violence is the main source of injuries experienced by women. Women are not viewed as protected or safe at their home because of domestic violence which is a lot of pervasive in Indian culture. A spot which we call home, our shelter, is really where one is generally helpless. Major forms of domestic which are faced by women at home are discussed below:

1. **Dowry Deaths** – Dowry deaths are the death of the women's who are murdered or they are driven to suicide by a continuous harassment and torture by husband and the in laws in an effort to extort an increased dowry.
2. **Cruelty by Husband** – The explanation affixed to Section 498A elaborates on what cruelty actually is from the viewpoint of law.

“Any conduct on the part of the husband or his relative which may drive a wife to the extent that she would want to take her life or cause any grievous injury to her life cruelty.”²

¹World health Organization – Violence against Women, <https://www.who.int/>, (last visited on 13th June)

3. Causing miscarriage without Women consent – As per sec 313 of IPC whoever, with intent to cause the miscarriage of a women with child, does an act which causes the death of such women shall be punished.³

Index for Domestic violence against Women

Calculation of crime rate:

Crime Rate for various states and UT's is calculated as the crime committed against women per lakh female population. The following formula it has been used for calculating the crime rate for this study:

$$\frac{\text{Total crime incidences committed against women} \times 1000}{\text{Total female population of that state}}$$

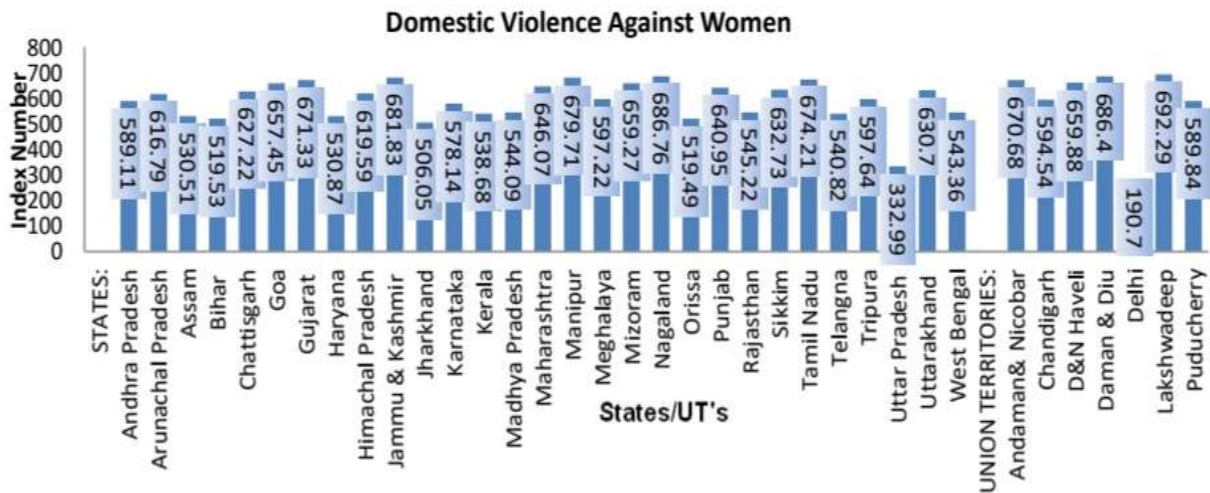
| Sr. No. | STATES/ UT's | INDEX NUMBER | RANK |
|---------|-------------------|--------------|------|
| | STATES: | | |
| 1 | Andhra Pradesh | 589.11 | 17 |
| 2 | Arunachal Pradesh | 616.79 | 14 |
| 3 | Assam | 530.51 | 25 |
| 4 | Bihar | 519.53 | 26 |
| 5 | Chhattisgarh | 627.22 | 12 |
| 6 | Goa | 657.45 | 7 |
| 7 | Gujarat | 671.33 | 5 |
| 8 | Haryana | 530.87 | 24 |
| 9 | Himachal Pradesh | 619.59 | 13 |
| 10 | Jammu & Kashmir | 681.83 | 2 |
| 11 | Jharkhand | 506.05 | 28 |
| 12 | Karnataka | 578.14 | 18 |
| 13 | Kerala | 538.68 | 23 |
| 14 | Madhya Pradesh | 544.09 | 20 |
| 15 | Maharashtra | 646.07 | 8 |
| 16 | Manipur | 679.71 | 3 |
| 17 | Meghalaya | 597.22 | 16 |
| 18 | Mizoram | 659.27 | 6 |
| 19 | Nagaland | 686.76 | 1 |

²Legal Bites, <https://www.legalbites.in/>.

³Indian Penal Code.

| | | | |
|----|---------------------------|--------|----|
| 20 | Orissa | 519.49 | 27 |
| 21 | Punjab | 640.95 | 9 |
| 22 | Rajasthan | 545.22 | 19 |
| 23 | Sikkim | 632.73 | 10 |
| 24 | Tamil Nadu | 674.21 | 4 |
| 25 | Telangana | 540.82 | 22 |
| 26 | Tripura | 597.64 | 15 |
| 27 | Uttar Pradesh | 332.99 | 29 |
| 28 | Uttarakhand | 630.7 | 11 |
| 29 | West Bengal | 543.36 | 21 |
| | UNION TERRITORIES: | | |
| 30 | Andaman & Nicobar | 670.68 | 3 |
| 31 | Chandigarh | 594.54 | 5 |
| 32 | D&N Haveli | 659.88 | 4 |
| 33 | Daman & Diu | 686.4 | 2 |
| 34 | Delhi | 190.7 | 7 |
| 35 | Lakshadweep | 692.29 | 1 |
| 36 | Puducherry | 589.84 | 6 |

The cases per lakh female population of violence against SC Women have been reported in 2016(as per the NCRB Report, 2016). The graph below shows a comparison of index number between all the States and UT's.



Causes

The rule of gender equality has been guaranteed by Constitution of India. In spite of security being provided to women, many acts of violence are faced by them. This dread of brutality keeps women from pursuing education, working or exercising their political rights and voice. There are many factors which account for violence perpetrated against women. The causes are stated below:-

1. Abusers may want to control their accomplice as a result of low confidence, outrageous envy, challenges in managing outrage and other compelling feelings, or when they feel mediocre as compared to the other partner in terms job status or financial status.
2. A few people with traditional customary convictions may think they reserve the privilege to control their accomplice, and that women aren't equivalent to men.
3. Abusers take in vicious conduct from their family, relatives in their society and other cultural influences as they grow up. They may have seen viciousness frequently or they may have been victims themselves. A few abusers recognize growing up having been mishandled as a kid.
4. Youngsters who witness or are the victims of savagery may figure out how to accept that viciousness is a sensible method to determine struggle between individuals. Boys who discover that women are not to be esteemed or regarded and who see savagery coordinated against women are likely to abuse women when they grow up.

It is a big threat to the society worldwide. Violence against women is a concern of worry as it additionally denies women of their opportunity and other security rights which also lead to hindrance in the development of a country.

Consequences

Consequences of Domestic violence have to be borne by both, the victim and the offender.

1. To Victim

Consequences of Domestic violence against women depend upon the age group, the intensity of the violence conducted and the frequency of the torture that a person is subjected to. Domestic violence brings many health problems that may be suffered by both individual and public at large. Around 25% to 50% of destitute families have lost their homes because of intimate partner violence. Victims of Domestic violence are at higher danger of confronting separation in making sure about any type of insurance, including healthcare, life, handicap, and property insurance. Also the victims, likely to experience trouble raising their children and suffer family disruption. Victims of domestic violence are prone to develop diseases like obsessive compulsive disorder,

depression and anxiety. Furthermore, domestic abuse also results in severe emotional trauma for the victim and leads to violent conduct.

2. To Offender

There are some legal consequences of “Domestic violence” which have to be borne by the offender. Cases of domestic violence often include various criminal charges like assault, battery and rape. On the off chance that criminal charges are brought against the guilty party, it can bring about criminal punishments, for example, a prison or jail sentence as well as fines. If a person is found guilty of domestic violence, along with criminal penalties, he may also have to face:

1. Suit for damages
2. Restraining orders by the court
3. Rehabilitation courses
4. Loss of custodial rights on children

Suggestions

For reducing the occurrence of the domestic violence against women, the Judiciary and Government can play various roles as follows:

1. Judiciary
 - a. The judiciary should make strict laws against the drug addiction for reducing the occurrence of domestic violence against women.
 - b. There should be proper measures taken with the alcoholic people those who perpetuate domestic violence.
 - c. Special courts should be set up for the cases of the violence against women’s and also the court should have the latest technological support like video graphing of the statements of the victims.
 - d. The case of domestic violence should be taken up promptly and they should be completed timely without and delay avoiding unnecessary imposition of strain or stress on the victims.
 - e. Also, mobile courts should be set up for the domestic violence against the women so for reaching out more and more victims and rural areas.
2. Government
 - a. There should be a proper and effective enforcement of the existing laws and policies made for women.

- b. Government agencies should make a proper use of the assistance of NGO's to create awareness on the domestic violence against women in society.
- c. Also, all the police stations should be provided with an equipped special legal aid cell to provide assistance to the victims.

Not only these organisations but also the people need to change the mentality to provide equal rights to women.

Conclusion

Every human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life in dignity. Despite the fact that endeavours have been made toward this path, as of a few cases have only been reported and a majority of the cases are not even registered because of social bounding from relatives or social disgrace of maligning. Genuine change in these cases must be realized by changing the mindset of society through education and better law enforcement. To finish, it is thus important that each class of society must add to guarantee a brutality free life for every women so that they can live peacefully in the society.

References

- Ahuja R. "Crimes against women" Rawat Publication, Jaipur; 1987.
- UN Women (2018). UN Trust Fund to end Violence Against Women.
<http://www.unwomen.org/en/digital-library/publications/2018/6/un-trust-fund-to-end-violence-against-women-annual-report-2017>.
- <https://ncrb.gov.in/StatPublications/CII/CII2016/pdfs/Crime%20Statistics%20-%202016.pdf>
- Jain R.S. "Family Violence in India" Radiant, New Delhi; 1992.