

DOMESTIC VIOLENCE: AN APPRAISAL OF INITIATIVES IN INDIA

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Abstract:

History has corroborated that many transformations in the society have taken place with the contribution of women. Women comprise an important part of the society that they act as the steering force either to rejuvenate or annihilate the society. Many factors like rise in awareness among women, stress on gender parity and execution of some strategic measures have led to increase in endeavor for protection of women as well as resentment for their exploitation. But, the social apathy towards integrated destiny of women is entirely difficult to digest and understand. The social evils are still in practice against them. This study makes a deep search of methods, efforts and means to prevent atrocities against women. It also foregrounds the various reasons for challenges in smooth implementation of nationwide efforts for upliftment of women. Besides, the study recommends some suggestions, which are necessary to recognize the importance of women in society and support them.

Key words: Women, Domestic Violence, International Initiatives, IPC, SLL.

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I. INTRODUCTION

Women have been the victims of exploitation due to unjust and derogatory patriarchal practices, improper enactment and execution of state policies as well as harsh practices against women by the women. Earlier, the root cause of atrocities against women was said to be their dependency on men throughout their span of life. But last few years have witnessed, the crime against women at an alarming rate even in the presence of a well-defined legal framework. Even the working and independent women are exposed to many harsh and cruel practices in the society. The irony is that they are still treated with inhumane practices and such actions take place right from their own homes. They are exposed to many demeaning practices like sexual, psychological and verbal abuse, murdered before birth, beaten and burnt for unusual reasons. Their voice against injustice, employment, effort for equality and awareness for their own well being are recognized as the root causes for problems, which they have to encounter in their routine lives. It is quiet difficult on the part of males to acknowledge the caliber of women in diverse fields.

II. FORMS OF VIOLENCE AGAINST WOMEN

Various forms of violence have been perpetrated against women, within and outside homes, but the enactment of **The Protection of Women from Domestic Violence Act, 2005** in India, declared domestic violence as a criminal offence invited penalty under law. Under this Act, domestic violence against women has been defined as an abuse classified into the following four types:

i) Physical abuse:

It means any act or conduct, which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force.

ii) Sexual abuse:

It includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of a woman.

iii) Verbal and Emotional abuse:

It includes-insults, ridicule, humiliation, name calling and insults or ridicule especially with regard to not having a child or a male child; and repeated threats to cause physical pain to any person in whom the aggrieved person is interested.

iv) Economic abuse:

It includes-

- (a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance;
- (b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person, and
- (c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household.

III. INITIATIVES UNDERTAKEN FOR EMPOWERMENT OF WOMEN

Various initiatives were undertaken by the Government at both the International as well as at the National level to empower women all over the world. India ratifies some of the International initiatives taken by the UN General Assembly.

Some International Initiatives undertaken by UN General Assembly (India Has ratified them):

India has ratified Universal Declaration of Human Rights (1948), an important document, which laid the foundation to the acceptance of some basic rights as human rights necessary for the living of all human beings. The Convention on Elimination of all Forms of Discrimination against Women (1979), an International bill of rights for women to ensure the elimination of all acts of discrimination against women by persons, organizations and entities.

Apart from the above mentioned initiatives, there are also certain legal and constitutional provisions undertaken by the Government to ensure safe environment to women against any misconduct which hurt their dignity.

Constitutional Provisions for women in India: There are certain Articles enshrined in the Constitution of India to secure and promote opportunities for women.

- Article 14 guarantees to all citizens and others equality before law.
- Article 15(1) that prohibits of any discrimination on grounds of religion, race, caste, sex, place of birth or their subjection to any disability, liability or restrictions on such grounds.
- Article 15(3) empowers the State to legislate special provisions for women and children.
- Article 19 deals with freedom of speech and Expression (Rao, 2001& Ghai, 1992).

Directive Principles of State Policy also contains important provisions for enhancing the status of women. Some of them are:

- Article 39(a) states that the policy of the State should be directed towards securing equality of right, for both men and women, to an adequate means of livelihood.
- Article 39(d) mandates equal pay for equal work for both men and women.
- Article 42 ensures that the State shall make provision for securing just and humane conditions of work and for maternity relief (Ghai, 1992).

Legal Provisions for Women Safeguards: Some specific laws were enacted by the Parliament for betterment of women. The legal provisions affecting women have been reviewed and amended periodically to help women leading a dignified life.

- **Provisions in the Indian Penal Code(IPC):** There are certain Sections under Indian Penal Code (IPC)for the protection of women.
 - i. Section 304 Bis pertaining to dowry death;
 - ii. Section 313-316 regarding to female infanticide;
 - iii. Section 305-306 deals with abetment of suicide;
 - iv. Section 340,349 is related to wrongful confinement;

- v. Section 498 also falls under domestic violence, which is related to any physical as well as psychological torture. Section 498 A (Special Section), with IPC Amendment Act 1983, has made domestic violence a criminal offence. In this section, when a woman does not come forward to file a complaint due to some reason, her relatives make complaint for them to intimidating woman or her relatives to give up her property. The accused is given 3 years of imprisonment and hefty fine as a penalty. It also entrusts with some women NGOs to investigate cases precisely without bias towards women and also work as a mediator for family counseling (Srivastava, 2016).
- vi. Section 354 deals with outraging the modesty of a woman; and
- vii. Section 509 deals with insulting the modesty of a woman.
- **Provisions under Special and Local Laws (SLL):** Certain acts were considered under Special and Local Laws:
- i. The Child Marriage Restraint Act, 1929
- ii. The Dowry Prohibition Act, 1961
- iii. The Medical Termination of Pregnancy Act, 1971
- iv. The Commission of Sati (Prevention) Act, 1987
- v. The Pre-Conception and Pre-Natal Diagnostic Techniques (PNDT) Act, 1994
- vi. The Protection of Women from Domestic Violence Act, 2005: The Landmark Act was passed to protect the women from physical, sexual, verbal, emotional and economic abuse. Section 6 and 18 of Domestic Violence Act, 2005 also covers the child sexual abuse, harassment caused to women and her relatives by unlawful dowry demands and marital rape. It gives them the right to obtain assistance and protection, right to reside in shared household. Beside this, monetary relief, custody of children, compensation and residence. Various authorities such as State and Central Government, protection officers, service providers, court of first class Judicial Magistrate, welfare experts, counselors, incharge of shelter homes and medical officers have the duty to keep vigil and work the regulation of the Act (PTI, 2016).
- vii. The Criminal Law (Amendment) Act, 2013 is considered as a magnificent attempt to provide harder and swifter punishment for those criminals who commit abuse against women.

viii. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is an attempt to provide a safe working environment for woman working outside homes.

Government Policies and Schemes for Women Empowerment: Various policies as well as schemes have been initiated by the Government of India, as an attempt to provide a happy, safe and healthy environment for women in India. Some of them include:

- National Perspective Plan (1988)
- National Plan of Action for Girl Child (1991-2000)
- National Policy for Empowerment of Women(2001, 2016) to address all forms of violence against women. It empowers them to be stable (economically, physically, financially, socially and politically), get active, aware and stand for the cause (NPW, 2016). The National Policy for Women are formulated as guidance to various sectors to issue detailed policy documents that are sector specific. It aims at creating a conducive socio-cultural, economic and political environment to make the women realize their full potential, building and strengthening stakeholder participation and partnerships for women empowerment, improving access to quality education, strengthening of policies, legislations, institutions and community engagement in all spheres of life including the institutions of Governance and decision making mainstreaming gender in all round development processes. It fosters the holistic approach, transforming discriminatory attitudes, mindsets with community involvement of both genders with parity.

Special Initiatives for women: Apart from that, there are some other imperative initiatives take by government for women safety as a protection initiatives. These include:

- i. National Commission for Women (1992):National Commission for Women was constituted in 1992 as a statutory body with specific mandate to study and monitor all matters with regard to constitutional and legal safeguards provided for women, reviewing and making amendments by advising government on all matters and policies affecting women (The Hindu, 2002).
- ii. Crime against women cells (An initiative began in 2010):There are some cells to help female victims of domestic abuse. Women could apply such help desks for direct assistance from police. Every year many cases are reported with these cells regarding atrocities against women.

The cells also act as mediation centers to sort out discrepancies by counseling the couples and relatives.

Advent of Information and Communication Technology (ICT); The utilization of Internet and Social Media Avenues by Women for their own well-being: The impact of Internet and social media avenues is so deep rooted and strong that it has encapsulated the whole globe. India has also felt the heat that various social media avenues such as Facebook, YouTube and Twitter are acting as the source of advocacy, citizen journalism and source of mobilization. Social Media has become a popular source of mass mobilization to lobby for women rights and Violence against Women in India. It gives platform to raise a social evil and stand against it. The active involvement of women in the strategical measures is essential as they are the best alexipharmic to withstand their own problems. Many social evils such as the Triple Talaq has been raised by women and it got so scorching that Supreme Court of India involved in it and declared it inhumane and recently a Law has been passed against it to penalize fine and imprisonment against the man practicing it as a threat to the life of women and her progenies. Even Ministry for Women and Child Development while framing the draft policy (NPW, 2016), asked the suggestions through Facebook to contribute their active effort in proper implementation of police for women empowerment.

There are many movements, which have been popular over these media avenues such as Bell Bajao! Campaign was launched in 2008 by Breakthrough, a US and India based non-profit agency, working for women's rights aspects and eliminating the Violence against Women (Mirani et al, 2014). Stop Acid Attacks Campaign was launched in March 2014 against the acid violence on women with the inspirational documentaries of courageous fighters who have survived acid violence (Mirani et al, 2014). The e-petitions or online petitions are another important step towards betterment of women initiated by women themselves. E-petitions could be signed for 120 days following their publications on the e-petitioner websites such as Indiavoices.com, Change.org and socialostracism.com, etc. These are online petition tools to bring social reforms and about imperative issues. They give a golden opportunity to connect with community who support the cause for powerful actions in different catalogues like human rights, education, government and politics, sports and fitness, culture and religion (Chakarbart, 2013).

Non Governmental Organizations (NGOs): There are some NGOs at National level who work for uplifting women by supporting them, such as; All Indian Women's Confederation (23381165), Joint Women Program (JWP) (24314821), Shakti Shalini (24312483) and SAKSHI (24643946, 24623295).

Thus, these initiatives have covered a long journey while walking along with many victims and fight for their cause. The famous Tandoor Murder Case of Naina Sahni Sharma in New Delhi in 1995 is one such dreadful incident of a woman being killed and then burnt in a tandoor by his husband on the grounds of suspicion of her extra marital affairs (Vaidanathan & Biswas, 2015). In the end, he was given life imprisonment by Supreme Court in 2013 (Mohapatra, 2013). It is essential to revise, rejuvenate and reform these initiatives at right intervals of time so that they can support women in a better way.

IV. CONCLUSION

Domestic violence as the name implies, is a sheer act of barbaric, grotesque and shameful act, which not only shatters and disorganizes women but also adversely affects the children, family and society as a whole. It impacts the psychology of women, distorts their image before children and family which in turn has a long negative impact on the mental state of the descendants, the job or employment ability and continuity, leads to suicides and deaths among women, disorganized family and society as well. Thus, the impact is so deep rooted that it encapsulates the whole community in its veil and leaves it annihilated. Government has been active for long and moreover women have started harnessing the social media avenues and online initiatives to stand against the injustice and aware others so that the society could move in a well way. But the irony is that, there is a large segment of women who still bear all the injustice and evil practices silently which is the biggest problem. So it is now really imperative to educate and aware women to raise their voice to withstand the wrong practices done to subjugate and hurt them. Women must come forward, to muster the strength and fight against it. Besides, there is a dire need to persuade the men to respect women and try to aware other men to put a halt over such violence against the most imperative segment of the society. **It is rightly said by M.K. Gandhi; "Be The Change that You wish to see in the world"**.

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