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## Domestic Violence As A Human Right Issue

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### Abstract

A women who has been foundation stone of family and society in general who gives birth to life, nurtures life, shapes it, and strengthen it, who is transmitter of tradition and an instrument through which culture is preserved and transmitted from generation to generation, the greatest tragedy in our country is that grave injustice is done to her. She is subjected to domestic violence irrespective of her age, race, and caste, social and economic and political status. Her vulnerability in various forms is the common phenomenon in Indian society. The silent sufferings of a women is making her easy prey to the male domination which is supported by prevalent patriarchy. The authoritative, autocratic nature of male member in society and victimization of female makes the situation worst. Almost every home in India must be suffering from some kind of domestic violence where women either as a daughter, daughter-in-law, or as a wife are abused physically, mentally, verbally economically. Men and women both are equal in human right. Women are discriminated in this male dominating society. As a result most of women are unable to understand their own right and freedom. Thus domestic violence not only hampers women but also impedes the country growth. This paper deals with domestic violence against women in India, its various forms, its causes and solution for domestic violence are also discussed in this paper.

**Keywords:-** Human Rights, women, domestic violence, health and harassment.

### Introduction

In the contemporary world voice of women is increasingly being heard in the streets, in the courts and in Parliament. Yet issues concerning women are not given priority in society. While women in the West fought for a century to get back basic rights as that of right to vote, women in India were at an advantage where the constitution of India has granted equal rights to the men and women. The State shall not deny to any person equality before law or the equal protection of laws within the territory of India;<sup>1</sup> and State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth or any of them.<sup>2</sup> But today, it seems that there is a wide gulf between theory and practice. The women in India have always been considered subordinate to men. Though the provisions contained in the Indian constitution mandates equality and non-discrimination on the grounds of sex, women is always discriminated and dishonoured. Although various efforts have been taken to improve the status of women in India, the notion of gender equality as under the constitution is miles away from becoming a reality.

Indian Society has always revered women. In Hinduism, man and woman represent the two halves of the divine body. There is no question of superiority or inferiority between them. Hindu history is witness to the super-women, such as Gargi, Maitreyi and Sulabha, whose faculty of reasoning was far superior to that of ordinary mortals. Many female deities Saraswati, Durga, Laxmi, Kali etc., are worshipped across the country. According to the Mahabharat by cherishing the woman one virtually

worships the goddess of prosperity. On the darker side, the patriarchal system has continued since the time of Rig Veda. Customs and values were made by men to favour men. Women suffer this discrimination in silence. Historically, the Indian woman has been made to adopt contradictory roles. The strength of a woman is evoked to ensure that women effectively play their traditional roles of nurturance as daughters, mothers, wives, and daughters-in-laws. On the other hand, the stereotype of a weak and helpless woman is fostered to ensure complete dependence on the male sex.<sup>3</sup>

### Forms Of Domestic Violence-

#### Physical Abuse:

- Pushed or shoved you.
- Held you to keep you from leaving.
- Slapped or beaten you.
- Kicked or choked you.
- Hit or punched you.
- Thrown objects at you.
- Locked you out of the house.
- Abandoned you in dangerous places.
- Refused to help you when you were sick, injured or pregnant.
- Forced you off the road or driven recklessly.
- Threatened to hurt you with a weapon

#### Sexual Abuse :

- Minimized the importance of your feelings about sex.
- Criticized you sexually.
- Insisted on unwanted or uncomfortable touching.
- Withheld sex and affection.
- Forced sex after physical abuse or when you were sick.
- Raped you.
- Been jealously angry, assuming you would have sex with.
- Anyone insisted that you dress in a more sexual way than you wanted.

#### Psychological Abuse:

Psychological abuse which includes behaviour that is intended to intimidate and persecute, and takes the form of threats of abandonment or abuse, confinement to the home, surveillance, threats to take away custody of the children, destruction of objects, isolation, verbal aggression and constant humiliation.

**Economic Abuse:**

Economic abuse includes acts such as the denial of funds, refusal to contribute financially, denial of food and basic needs, and controlling access to health care, employment, etc.

**Emotional Abuse :**

- Continually criticized you called you names or shouted at.
- You insulted or driven away your friends or family
- Humiliated you in private or public.
- Kept you from working, controlled your money or made all.
- The decisions refused to work or to share money.
- Taken car keys or money from you.
- Regularly threatened to leave or told you to leave.
- Threatened to kidnap the children when the abuser was angry.
- With you abused pets to hurt you.

**Individual based Violence :**

It is found that aged women and girl child particularly vulnerable to domestic violence. The condition of women in the families is undoubtedly still quite precarious. Unmarried girls, unwanted in their father's homes could also experience violence. a) Violence against Girl Child, (Unmarried Women) b) Violence Against Married Women c) Violence Against Aged Women.

**CAUSES OF DOMESTIC VIOLENCE**

There is no one single factor to account for violence perpetrated against women. Increasingly, research has focused on the inter-relatedness of various factors that should improve our understanding of the problem within different cultural contexts. Several complex and interconnected institutionalized social and cultural factors have kept women particularly vulnerable to the violence directed at them, all of them manifestations of historically unequal power relations between men and women. Factors contributing to these unequal power relations include: socioeconomic forces, the family institution where power relations are enforced, fear of and control over female sexuality, belief in the inherent superiority of males, and legislation and cultural sanctions that have traditionally denied women and children an independent legal and social status. Following are the causes which carry on domestic violence:

(a) Cultural (b) Economic (c) Legal (d) Political.

**SUGGESTIONS :**

- (i) Women's vulnerability is the Root Cause; the problem of domestic violence in India is required to be understood in the real sense. To understand the reason behind why women become vulnerable and positioned themselves to be exploited. Most of the women's are illiterate and face a silent violence and they

are also under the pressure of tradition in society.

- (ii) Attitudinal Change is needed among men and women; the basic social structure from long time in India is Patriarchal structure where we can see a male dominated society. There is unequal distribution of power relationship is the root cause of violent attacks. There should also be change in the attitudes between men and women to overcome the victimization of violence
- (iii) Internalization of Legal Norms with Public Consensus Domestic violence in our country is yet held to be “interfamilial affair” and disallow the intervention of the close relatives and outsiders and the state. The real effective implementation of any legislation has to undergo a security of strong public consensus and acceptance in democratic processes.
- (iv) The strong legal mandate prescribed for officers and stake holders; the officers and institution is responsible for the more effective implementation of Act. It is needed to wipe out the gender discrimination, traditional relation of patriarchal society and male dominance.
- (v) Gender Perspective training is necessary Gender perspective training should be mandatory by the law and is crucial for changing the crucial mind set of patriarchal society, police, service providers, medical practitioners, protection officers, and especially of magistrates, who often advise women to put up with the violence and “stop complaining”.
- (vi) Counselling by Expertise At the pre litigation stage, counselling to the aggrieved person for the restoring self-esteem, providing emotional support and assist her in making decision as to the initiation of legal proceedings.

**Conclusion-** Domestic violence is not only visible but it is a part and parcel of life of women in India. Violence starts with her from the day her mother conceives her existence in the womb and since then in every phase of her life span she has to fight for her survival in this rude society. Most of the women in our country are illiterate and they are not aware of the basic law provision and also about their rights, due to which most of the time they do not register the cases against those person who violate their rights and commit crimes against them. Lack of awareness about the law and rights guaranteed under that legislation for them but most serious problem is that the women’s are not aware about their rights which are due to traditional customs. Victims are unable to get the legal remedies which are guaranteed by the government for the protection of women. In our society which is said to be tradition bound and a male dominated, women are still treated as secondary sex which makes her to suffer the violence silently. The fact in India women is made to suffer human right abuses in a gender specific way. She is often ignored and underestimated. The Protection of Women from Domestic Violence Act (PWDVA), 2005 is passed by the Parliament in response to worldwide demand for such legislation and also the outcomes of the continuous efforts of Women Organizations working for women. The Act gives right and Protection to the women’s. The remedies available to the victim prior to the PWDVA 2005 were in the form of punishment of the offender under IPC, the civil remedy of divorce and maintenance were not giving her ultimate relief, the remedies which were available that were related to matrimonial proceeding and also according with court proceeding. The statutory provision and constitutional

provision were available to women but these provisions were insufficient and the most important problem about it was lack of awareness about their rights which constitution provide for the protection of women. Domestic Violence goes beyond the boundaries of race, caste, religion, and class. In 2013 according to the Global Review Data, 35% of women worldwide have experienced either physical and sexual intimate partner violence or non-partner sexual violence. However, some National Violence studies show that up to 70% of women have experienced physical or sexual violence in their lifetime from an intimate partner.<sup>153</sup> In New Delhi; a 2010 study found that 66 % of women reported experiencing sexual harassment between two and five times during the past year.

### Referances-

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