
Role Of Police In Physical Domestic Violence

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Abstract

Police is an integral and important component of criminal justice administration. They constitute the first line of defense and their functions are no less important than those relating to the defense of the country from external aggression. They are the most visible organization vested with responsibilities in respect of crime prevention and control and other related problems of internal law and order situation. The role of the police in providing immediate protection to the victim is central to the issue of domestic violence. After independence and with the advent of democratic rule in the country, the role of police has acquired new dimensions and objectives. It is no longer limited to the role envisaged by the Police Act. The socio-legal, economic and political changes that have taken place in the last five decades after independence have created new pressures and tensions in the society. Many methods and techniques that were sufficient yesterday are perfect today. However, the police are often criticized for lack of intervention. The purpose of this study is to explore how police officers view and describe their role in responding to physical domestic violence.

Keywords:- Domestic violence, Human rights, Role, Police and Women.

Introduction

“Violence against women is perhaps the most shameful human rights violation. And it is perhaps the most pervasive. It knows no boundaries of geography, culture or wealth. As long as it continues, we can not claim to be making real progress towards equality, development and peace.”- **Kofi Annan**

Domestic violence is a pattern of abusive and threatening behaviour that may include physical, emotional, economic and sexual violence as well as intimidation, isolation and coercion. Every individual on the planet has right to have good health and well-being in all aspects of their sexuality, body and reproductive choices. Ensuring these rights is the integral to addressing poverty, education, violence against women and gender equality. Sexual and reproductive health rights are agreed in the law. The purpose of domestic violence is to establish and exert power and control over other.

Forms of Domestic Violence:

1. Physical Abuse
2. Sexual Abuse
3. Psychological/Emotional Abuse
4. Economic/Financial Abuse

Physical Abuse: Physical violence is the threat of any harmful and forceful physical behavior. That causes bodily harm or destruction.

Sexual Abuse: Sexual abuse is sexual act or behavior using force and motivated to acquire control over the partner. Not only sexual contact but even the contact that humiliates the partner.

Emotional /Verbal Abuse: Emotional abuse is the use of words, or action to hurt or humiliate another person. Some behavioral indicators are verbal threats, name calling and use of abusive language, manipulating the partner with words, ideas, lies etc.

Financial Abuse: Financial abuse is the use or misuse of monetary and financial resources without partner's free consent in the partnership, it can also be forbidding a partner from seeking a job or going out to work Controlling shared resources including bank accounts and common property can also be forms of financial abuse.¹

Domestic Violence & Human Rights:

Domestic violence is an issue that affects vast numbers of women throughout the world; however, it has only been recognized as being a human rights issue relatively recently. In recent years, the European Court has now clearly established that domestic violence can constitute a violation of the right to life; the right to be free from torture or inhuman or degrading treatment; the right to respect for private and family life; and the prohibition of discrimination.² International human rights law evolved to protect individual rights from limitations that could be imposed on them by states. States are bound by international law to respect the individual rights of each person and are thus accountable for abuses of those rights. The human rights movement aims to enforce the obligations of states in this regard by denouncing violations of their duties under international law. The application of International human rights law is prima facie gender-neutral. The rights embodied in the **Universal Declaration of Human Rights** are defined as belonging to "all human beings," not just men". All major human rights instruments include sex as one of the grounds on which states may not discriminate in the enforcement of stipulated rights.³

During last seven decades, the government of India has launched massive programmes concerning socio-economic transformation and development of women through planned approaches and time bound programmes, policies and projects. But even today Indian women are awarded stereotype, traditional and rigid role, in spite of the fact, that they tie up with men in every field. In spite of various rights guaranteed to women and the noble observation that discrimination against women violates the principles of equality and respect for human dignity, discrimination against them has been going on. The word "violence" refers to an Act of aggression that crosses the boundary of other person's autonomy and identity. It is a coercive instrument to arrests one 's will over another to prove or feel a sense of act of illegal criminal use of force. Violence within the family has become a global problem affecting families of all classes and cultures.

Women constitute almost half of the Indian population but due to gender discrimination and prejudice, they are kept in various harmful positions. Women have been victims of violence and exploitation in the male-dominated society. Indian is a tradition bound society; Women have been exploited economically, socially, physically, psychologically and sexually for centuries. After the Constitution of India came into force on 26 January 1950, concepts like gender-equality, women empowerment etc. have come out of the constitutional provisions. But the true equality of status provided by the constitution is only a myth for millions of women who are subjected to various forms of violence in their domestic home. Domestic violence manifests as verbal, physical or psychological abuse of women. The victim being able to reach the law makes the legal remedy effective and the inability of the law to reach the victim is even more tragic.

Marital rape is a common form of domestic violence. A government organization for women's rights dealt with a case where in a middle aged women called up human rights commission and accused her husband for forcing sexual contacts with her. She wanted to avoid any such contact as her husband apparently visited sex workers quite often and she suspected him of having contact venereal and related disease. There is a proposal before law commission of India for inclusion of marital rape in the law but many believe that the provision may be misused and the Indian society is not prepared for such provision as yet. However, there is no doubt that the problem of marital rape is grey area of law and evidence.

Women and Torture:

The role of women in India is confined to that of a daughter, house wife and mother. Unfortunately, women are not safe even within the four walls of houses. women are subjected to physical torture and psychological harassment irrespective of their economic status, religion, caste and creed. The worst aspect of violence against women is that it receives social sanctity. Neighbours, authorities and even the police hesitate to intervene in domestic violence cases because they feel it as a very private domain. Perhaps family conflict stress, sexual inequality and cultural norms contribute to wife battering. Women are vulnerable to acts of violence in the family which include feticide, infanticide marital cruelty, murder, child abuse, incest, battering etc. At the community level, they face violence in the form of sexual harassment, molestation, trafficking and gender discrimination. Custodial violence and institutional deprivations and types of gender violence that emerge at the level of state.

The world conference of human rights at Vienna held on Jun 25, 1993 for the first time recognize the violation of women's human rights in many ways and held that they are inalienable, integral and indivisible part of the universal human rights and demanded equal status of women with men. It favoured eradication of forms of discrimination against women. Despite these women's rights and the establishment of women's commissions at the central and state levels, the plight of Indian women as a whole still remains pitiable. The reason being that a vast majority of women are ignorant of the protective laws or even their existence. The parliament has already enacted numerous legislations to⁴ eradicate gender bias and discrimination against women. The Constitution also provides adequate protection to women against gender injustice and ensures them a life of dignity.⁵

Sexual Harassment of Women by Police:

Police as a law enforcement agency has a social and legal responsibility to protect women from crimes. However, with an increasing number of women and young girls coming into contact with the police as complainants or accused or victims of crime, there is a growing possibility of the police abusing their power and authority and abusing women or harassing them for sex. Therefore, adequate safeguards have been incorporated in the Code⁶ as also the police Acts and Rules of the state for the protection against possible harassment by the police. The Criminal Procedure Code provides that whenever it is necessary to search a woman, the search shall be done by another woman with due regard to decency.⁷

History and Development of Police:

While the history of policing crime in India goes back to ancient times, the "police system", as we understand it today, is a system originally designed by the British. This system evolved from the

ruins of the old Mughal system of policing which existed until the East India Company acquired Diwani authority in Bengal. Then they started making changes in the prevailing police system in the country. Initially, the functions of the police were also assigned to the revenue officers. Later in 1808, a separate police officer with the designation of Superintendent of Police was appointed for Calcutta. Subsequently, this system was extended to other territories acquired by the East India Company and later by the British Crown. These important settlements of the East India Company, the policing the British thought would serve their interests well.⁸

The Indian police system and its structure, as it is currently organized, are basically based on the 149-year-old Police Act, 1861. Earlier the British had adopted the then existing system of policing, which had its roots in the criminal justice system prevalent in ancient times and medieval times. In 1770, the British initiated measures to build a police system to exercise effective control over the Indians in order to continue their dominance. This system first started in the Presidency towns of Bombay, Madras and Calcutta. Various police rules came into force in the years 1782, 1792 and 1816. The first Police Commission was appointed in the year 1860 by Shri M. H. Court was formed under the chairmanship of this commission made wide-ranging recommendations for the reorganization of the police, which included, inter alia, the separation of "Army and Police" and "Police and Judiciary"; and creation of the post of Inspector General of Police as the head of the State Police. Based on the recommendations of the commission, the Governor General promulgated the Indian Police Act of 1861 on 22 March.⁹

Function of Police:

As an agency ensuring the essentials of civilized life, the police have traditionally been responsible for the maintenance of law and order, protection of life and property; Prevention and detection of crime, and prosecution of criminals. Their functions fall under two broad categories, investigative and preventive. Maintenance of public order is in a way a part of the preventive functions. The manner in which the investigative functions of the police are to be performed has been described in detail in the Code of Criminal Procedure. The preventive functions of the police fall under four broad types – regulation, restraint, deterrence and control.

The police being the most important law enforcement agency have special responsibility to ensure that they are not violated by an individual, group or instrument of the state. It can use force and take legal action to ensure that no one violates them. It is physically weak section of the society: women, children, sick and old-the physically weak; poor and destitute-economically weak and minorities; Dalits and backward - socially handicapped. Although in a sense, traditional police tasks have remained essentially unchanged, they have undeniably increased in range and variety and are used in more difficult situations. The police force has to perform its duties in a restless, turbulent era against the changing backdrop of rapid social and economic change, declining moral standards and apparent disrespect for authority.¹⁰

Conclusion and suggestions

Domestic violence against women is a violation of human rights of women and it is a humiliating situation to which thousands of women all over the world are subjected to. The act is not free from certain problems. It has been found the Police do not file a case of domestic violence. Mostly the cases of domestic violence or sexual violence are not reported due to lack of trained people or legal aid.

Government should use some preventive steps so that domestic violence should reduce. The police force, of course, must be made more professional through better training and equipment. Police reforms are overdue and must be under taken without further delay. The living and the working condition of the police must be improved. Police performance cannot improve in isolation. It is an integral part of the criminal justice system and therefore, its performance and effectiveness will very much depend on the performance of the other components of the system. Reforms do not necessarily mean that the police be given more powers but it does not mean that we take a fresh look at the functioning of the criminal justice system and amend the some of the laws and procedure to enable the police to perform its legitimate role more effectively. The trend of growing adversarial relationship between the police and other components of the criminal justice system must be reversed at the earliest if the rule of the law is to be established in the country.

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