

Violence against Women with Special Reference to Domestic Violence Act, 2005

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ABSTRACT

This paper examine violence against women emanates from the social hypothesis of superiority of men over women. Insubordination of women legitimizes gender violence and grants social sanction to the ignoble treatment meted out to women. Manifestations of violence encompass physical aggression, such as blows of varying intensity, burns, sexual abuse and rape, physiological violence through insults, humiliation, coercion, blackmail, economic and emotional threats and control over speech, action and behavior. In extreme cases the result of this violence is death. The incidence of violence prevalent in man-woman relationship takes place in the context of the family, state and society. In most cases the male aggression towards women and girls remains tacit, hidden or unrevealed.

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KEYWORDS: *violence, women, physical aggression, sexual abuse*

INTRODUCTION

It is thoughtless to condemn them, or laugh at them, if they seek to do more or learn more than custom has pronounced necessary for their sex.

Jane Eyre by Charlotte Bronte

As more and more women's in the county started proclaiming their rights, got educated and took jobs, they increasingly became targets of attack. Violence against women in the country is on increase. In spite of the awful and alarming picture, the police reaction to violence against women continues to be exceptionally insufficient and unfortunate. Regrettably, the violence is still with us, many centuries on. In 2018, women still live in fear and mental, physical and sexual abuse, and who is one to explain the fact that men are still beating up women in our modern, democratic society? The increase in violence against women calls for a quick and proper response from the police and media agencies on all such complaints. But disparity in law enforcement, cold police response and fear of social indignation she deny her right to access to justice¹.

WHAT IS VIOLENCE AGAINST WOMEN

Violence against women is 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 acts, arbitrary deprivation of liberty, whether occurring in public or private life. It is one of the most pervasive of human rights violations, denying women and girls equality, security, dignity, self-worth and their right to enjoy fundamental freedoms. Violence against women is present in every country, cutting across boundaries of culture, class, education, income, ethnicity and age. The global dimensions of this violence are alarming. Violence against women continues to be a global epidemic that kills, tortures and maims - physically, psychologically, sexually and economically. Everywhere, women are vulnerable to violence and exploitation. Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over, and discrimination against, women by men and to the prevention of full advancement of women².

The term violence against women has been used to describe wide range of acts, Including rape, murder, sexual assault physical assault, emotional abuse, battering, Stalking,

¹ Heise,Lori, J. Pitanguy, and A. Germaine.1994. "Violence against Women-The Hidden Health Burden." Washington, D. C.:World Bank Discussion Papers

² Kabeer,N.1998."Money Can't Buy Me Love? Evaluating Gender, Credit and Empowerment in Rural Bangladesh." IDS Discussion Paper 363.Uk:University of Sussex.

prostitution, genital mutilation, sexual harassment and pronography. There is little consensus in the still evolving field on exactly how to define violence against women.

Indian women have always been considered to be oppressed or unfairly treated section of the society. Men have always treated women like dirt under ones's feet. Although, efforts were made, even in Shastras and Puranas too, electrify and exalt the image of women by associating it with Goddess Durga. Yet it is ironical that India became the patriarchal society in which a male person is considered to be the head of family or male dominated society. India has adopted the convention on the Elimination of All forms of Discrimination against women and the Universal Declaration of Human Rights, both of which ensure that women are given equal rights as men and are not subjected to any kind of discrimination. The Constitution of India also guarantees substantive justice to women. There are certain Conventions or laws on International as well as national level through which a woman can be protected from all forms of discrimination including domestic violence too.

As shown by latest masterminded by India's National Wrongdoing Record Agency, a wrongdoing has been recorded against ladies in at customary interims in India. At Standards interims, two women are struck in this country. At customary interims and energetic married woman is found beat the life out of, duplicated or gone to suicide. Savagery against woman is another ponder. ladies need to hold up under the devours of private, open, physical and moreover energetic and rationally brutality against them, which impacts her status in the overall population at the greater degree. The insights of expanding violations against ladies is stunning, where ladies are subjected to viciousness assaults i.e., Foeticide, child murder, therapeutic disregard youngster relational unions, lewd behavior at home at home and also work places ans so on. In all the above cases ladies is considered as disturbed person³.

CAUSES AND CONSEQUENCES OF VIOLENCE AGAINST WOMEN

There is no one single factor to account for violence perpetrated against women. Increasingly, research has focused on the interrelatedness of various factors that could improve our understanding of the problem within different cultural context There is no one single factor to account for violence perpetrated against women. The important cultural factors are gender-specific socialization, cultural definitions of appropriate sex roles, expectations of roles within relationships, belief in the inherent superiority of males, values that give men proprietary rights over women and girls, notion of the family as a private sphere and under male control, customs of marriage (bride price/dowry) and acceptability of violence as a means to resolve conflict. The important economic factors responsible for domestic violence are women's economic dependence on men; limited access to cash and credit; discriminatory laws regarding inheritance, property rights, use of communal lands and maintenance after divorce or widowhood; limited access to employment in formal and informal sectors; and limited access to education and training for women. The important legal factors are lesser legal status of women, either by

written law and/or by practice; laws regarding divorce, child custody, maintenance and inheritance; legal definitions of rape and domestic abuse; low levels of legal literacy among women; and insensitive treatment of women and girls by police and judiciary.

Although alcohol and poverty are often identified as causes, they are triggers or contributing factors to violence. They are not the root cause of violence.

The physical consequences are physical injuries - fractures, concussions; poor health - chronic pain, gastrointestinal disorders, permanent disability; and death due to homicide or suicide. The sexual consequences are unwanted pregnancies; sexually transmitted infections, including HIV; miscarriages; and low birth weight babies. The emotional consequences are unhappy relationship with partner; emotional distance from, and mistrust by, children; stress, depression, hopelessness, lack of satisfaction, panic disorders, low self-esteem; and drug and/or alcohol abuse. The economic consequences are loss of economic productivity; fewer hours worked due to injury and illness; and reduction in family and community incomes as a result of costs of treatment.

The important political factors are under-representation of women in power, politics, the media and in the legal and medical professions; domestic violence not taken seriously; notions of family being a private sphere and beyond control of the state; risk of challenge to status quo/religious laws; limited organization of women as a political force; and limited participation of women in organized political system.⁴

EFFECT ON THE VICTIM AND FAMILY

Battered ladies need affinity should sit tight calm, anguished and earnestly pestered after the occasion of the tormented. A mental set back furthermore harm because of harsh conduct at home impacts ladies benefit altogether sorts for claiming an aggregation. Those suicide serial attacker example about such defrauded ladies may be Moreover an disappointment result and the amount for such instances will be growing . A working Indian women may drop out from work put as a result of the evil treatment at home or office, she may lose her wastefulness in work. Her well being may fall apart in the event that she is not well physically and rationally. A few ladies leave their home instantly after initial couple pf monstrous assaults asn attempt to wind up noticeably self-subordinate. Their survival ends up plainly troublesome and difficult when they need to buckle down for acquiring two suppers per day.

Numerous such women gone under safeguard of women welfare associations like Women Welfare Association of India (WWAI), Affud women Welfare Affiliation (AWWA) and Women's Emancipation and development Trust (WEDT). Some of them who leave their homes are stringly required in ladies trafficking and erotic entertainment. This outcomes in procuring a higher danger of turning into a medication someone who is addicted and experiencing HIV/Helps.

³ Black, et al. A Study of Battered Women in a Psychiatric Setting, in Women and Therapy 1982;13.

⁴ Causes and Consequences available at <https://www.nap.edu/read/5127/chapter/5#51lastvited> on april 9,2019.

EFFECTS OF DOMESTIC VIOLENCE ON SOCIETY

All the diverse types of violence talked about in this exposition a Household violence severely influence the general public. Savagery against ladies might stay with them secured homes capitulating the tormented they face. On the off possibility that they turn out in open Furthermore uncover the betyad done on them to help Furthermore protect, it affects those overall population both vehemently and oppositely. Towards one hand the place it dives something like Concerning illustration An inspiration and shaft of search following other persisting ladies, of course it similarly remnants nature's domain of the overall population. The point when something for this sort happens in the all public, couple about groups might witness the wickedness about harsh conduct at home pounding their passage steps. A couple groups endeavor to duplicate what others appreciate autonomous from claiming it being incredible alternately alarming the gang.

EFFECT ON THE PRODUCTIVITY

As determined some time recently, forceful conduct at home impacts the proficiency level of the casualty contrarily. Men and ladies lose eagerness for family works out. If they are used they disregard to work with dull capacities in workplace. kids are found to concentrate less on thinks about. They drop out of school and don't get the guideline which else they may have in case they were not tormented and in this manner the county losses a beneficial asset. Along these lines, the country's efficiency through gets influenced as a result of abusive behavior at home in homes. At the point when old individuals are tormented and physically mishandled, they isolate themselves from relatives and their day by day exercises are confined to themselves. Individuals need to spend their piece of salary for prescription when they are met with more terrible types of aggressive behavior at home which again prompts misfortune in gainful utilization of family's pay. They aggregate impact of the abusive behavior at home at all levels and over all locales is the nation's upset improvement and moderate financial development⁵.

MISUSE OF DOMESTIC VIOLENCE ACT

The aggressive behavior at home act hereinafter alluded as dv act which was consolidated in the year 2005, The fundamental motivation behind this demonstration is to keep women just from abusive women behavior at home, from the uncovered pursuing of the meaning of the demonstration we can see that the expression "wronged individual" incorporates just women at standard with men and there have been numerous frequencies where a women are included in affront, embarrassment, Verbal and psychological mistreatment to men. It is not an uncommon plausibility that ladies are enjoying aggressive behavior at home against men yet this is a reality, our constitution ensure equity, implies men and ladies just and not for men, why ladies are secured and why there is assumption that men is the main sexual orientation which can do mercilessness, abusive behavior at home on ladies, why not the other way around⁶.

⁵ Supra note at 1.

⁶ Misuse of Domestic Violence Act, available at: <http://www.lawyersclubindia.com/Articles/Misuse-of-Domestic-Violence-Act-5409.asp>, visited on 9.4.2019.

The dv act has given an undue favorable position to the women and it is the most deadly weapon can use against men to blackmail, misuse, and debilitate men group simply like mongering. The dv act has arrangements like appropriate to habitation paying little mind to legitimate ideal on the property, support. The arrangement in law makes the law effectively helpless against abuse. Which is a reality measurements have demonstrated that exclusive 2% of the considerable number of cases have brought about conviction and 98% of the cases are esteemed to be fake and there is no arrangement in dv act if a fake case is stopped at that point there is no arrangement for discipline for the ladies. For the name of insurance of ladies the arrangement of pure men is against the govern of law, A ladies can abuse the law effectively like for instance A men can be reserved under DV Act on the off chance that she feels that she has been offended. Affront is a relative term, which is completely left to her tact. Curiously, on the off chance that affront and misuse law, even the minor contrasts in marital ties could conjure the arrangements of DV act, also the methodology of law is represented by CRPC that implies a man notwithstanding making a light affront to a ladies is dealt with like a criminal, if the cases is false the notoriety of man and his family is polluted and there are no means or lawful insurance accessible to men to ensure his notoriety. As it were this law treats men like sitting ducks⁷.

LOOPHOLES IN IMPLEMENTING DOMESTIC VIOLENCE ACT

Though the Domestic Violence Act, 2005 guarantees justice to women who suffer domestic violence, but the Act hasn't been implemented properly and there is a dire need to raise awareness among people, especially in rural India.

Considering the fact and problems regarding the domestic violence, government of **India** framed Protection of Women from Domestic Violence Act 2005, which came into force on October 26, 2006, but as far as the justice is concerned, victims are less aware about the provisions of the Act.

As per the Act, the victim can directly approach the Protection Officer (PO) for justice. But, it is found that, not a single person has directly approached PO in any domestic violence case. Most of the time, victims approached the police and then they informed the POs about the case. She said, "Government delivered the charge of Protection Officer to senior officers who already have other responsibilities. And those officials who are appointed as Protection Officers, are unaware about their responsibility. Similarly, no recruitment of Protection Officer was done in last seven years."

As per the survey, the victim should get protection within 60 days of the registration of a case. Even, the first hearing will be done within that 60-day period, but due to the delay by officials it takes a long time. Most of the time, the cases reach the officials at the last stage of the domestic violence, due to lack of awareness.

Women are the soft targets for domestic violence, but 88 per cent Protection Officers are male and just 12 per cent are female. 52 per cent lawyers who deal with domestic violence are male and 48 per cent are female.

⁷ Ibid

To solve the domestic violence cases, experience is the most important factor. As per the survey, 30 per cent Protection Officers have the experience of more than 25 years while 28 per cent lawyers have the experience of 5 to 10 years⁸.

CASE LAW:

In, Kailash v.State of M.P

Wife died under suspicious conditions. Court held that regardless of the possibility that passing is not caused by consumes or substantial damage in the event that it occurs in surprising course and evidently under suspicious conditions that can be brought under the domain of S. 304 B IPC⁹.

Again in, Ram Badan Sharma v. State of Bihar

There was steady request of settlement and on account of not satisfying it, spouse was subjected to harassment, embarrassment and constant beating by husband and in-laws. They were indicted under Sec. 304 B of IPC

The marital home is the family unit a women imparts to her better half, regardless of whether it is leased, authoritatively given, or claimed by her significant other or his relatives. A women has privilege to stay in the wedding home alongside her better half the length of she is hitched. On the off chance that a women is being pressurized to abandon her marital home, she can approach court for a directive or limiting request shielding her from being tossed out¹⁰.

The Supreme Court in the case of D. Velusamy vs. D. Patchaiammal Held that, a relationship in the way of marriage under the 2005 Demonstration should likewise satisfy some fundamental criteria. Simply putting in closure of the week together or a one night stand would not make it a private relationship. It similarly held that if a reason or possibly as an employee it might not, as we want to believe, be a relationship in the method of marriage¹¹.

CONCLUSION

Domestic violence is one of the most horrendous kinds of abuse suffered women in our society today. The statistics show that 85 percent of domestic violence victims are female. Only 15 percent of victims are men. Domestic violence can happen to anyone, it does not matter the race, creed, religion, or standing in society of the victim. If the issue of domestic violence is not dealt with in a manner, which is sufficient, then this type of abuse will continue among all classes of society with no ending. In order for us as a society to eradicate this horrendous type of abuse, we need to stand together and make tougher laws, which will protect the victims of this abuse.

World Bank can help encourage governments, other lenders, and the world community to do likewise. As a financial and policymaking institution with considerable leverage, the Bank could lend visibility and legitimacy to the issue by incorporating violence into its policy-oriented sector work on poverty, health, education and women in development, and by supporting projects addressing violence against women. Already the Bank is supporting the construction of a

government-run shelter for battered women in Papua New Guinea. The Bank can also urge governments to take action in all of the ways suggested here, in consultation with women's NGOs and advisors with experience in combating violence, pushing legal reform, and working with victims.

Much of the necessary preventive action will require persistent and extensive work through the Bank's sectorial divisions, and a commitment to community-based organizations, public education, and women's empowerment. In the short run some of the most effective action can be taken by health and family planning agencies and providers. As Racquet Edralin Tiglaio, director of the Women's Crisis Center in Metro Manila, observes, recognizing violence as a health issue is an essential first step. When "iced by an interviewer about the most important thing that we can do about violence against women, she replied that:

People should start taking violence seriously, particularly health organizations because it is a life threatening issue. When you're talking of family planning, why are there women who cannot do family planning? You must see whether some of these women are actually battered women who have no choices. Or those who seek abortions? They could be rape or incest victims. They should be asked. If health workers would be more vigilant in detecting incidents of violence against women, we could make people more aware that this is a very crucial issue for women's health and women's lives. (Datinguino 1991.)

⁸ Loopholes in Domestic Violence Act available at <http://www.merineews.com/article/loopholes-in-domestic-violence-act/15876451.shtml>, visited on 10.4.2019.

⁹ Kailash V. State of M.P AIR 2007 SC 107.

¹⁰ Ram Badan Sharma V. State of Bihar, (2006) SCC 2855.

¹¹ D. Velusamy V. D.Pathaiammal,(2010)10 SCC 469