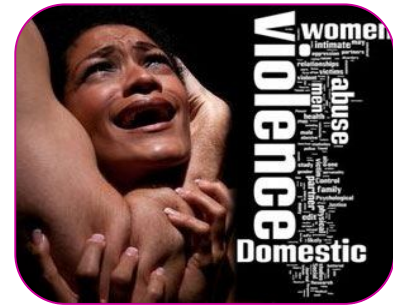




DOMESTIC VIOLENCE AND WOMEN'S SUFFERINGS: A SOCIOLOGICAL STUDY

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ABSTRACT:

Women in India through the ages have been victimized, humiliated, tortured and exploited. There have been incidents of murder rape, abduction and torture from time immemorial. In spite of such a dark past violence against women has not been given much attention. Domestic violence is a widespread problem throughout the developed and developing world and makes serious impact on quality of human life and broader development. Violence against women is the manifestation of a historically unequal power relationship between men and women. It is a conditioned response and is not natural or born of biological determinism. In the olden days, violence against women was a result of the prevalent atmosphere of ignorance and feudalism. Today violence against women is an uncontrollable phenomenon, which is a direct result of the rapid urbanization, industrialization and structural adjustment programmes which are changing the socio-economic scenario of our country.

KEYWORDS : *victimized, humiliated, tortured , socio-economic scenario.*

INTRODUCTION:

In Indian society the problem of violence against women in the family is not new. Women in our society have been the victims of humiliation, torture and exploitation from the time immemorial irrespective of the fact that they were also worshipped. Family is considered as the first agency, which provides not only emotional and material support to its members but also serves as basic source of personal satisfaction, socialization and social control. It works as a link between continuity and change and as an important source of stability and support. Human development can only be enhanced by enriching family life. On the other side actual practice, due to patriarchy in our family system, the family does not give equal importance to all members as role, power and status are strictly determined by age and gender. Moreover, family being considered as a private domain, even, abuse, exploitation, injustice, discrimination and violence are allowed in our patriarchal structure. Gelles (1983) in his writings gave a clear picture of the family role. He not only considered family as the source of love, sympathy and support, but also the source of inequality, exploitation and violence.

More so, no attempts was made on the issue of why such a socially relevant theme has been left neglected and ignored. Violence affects the lives of millions of women world wide in all socio-economic and educational classes. It cuts across cultural and religious barriers, impeding the rights of women to participate fully in society.

THE TERM DOMESTIC VIOLENCE:

The family is the first and the foremost agencies of socialization and social control. In India, domestic violence has been directly related to status and role of the individuals in the family. Family, apart from providing security and emotional support, fulfills certain essential and non essential functions. It provides

the safest and the most secure environment to an individual to grow. But due to the fact family consists of the crystallized and legitimized, socially and culturally constructed rigid gender based roles and in a patriarchal set up there are fundamental inequalities between men and women. These inequalities have been a part and parcel of the Indian families for year. From vedic times, the traditions and practices showed women enjoying equal status but later on in the Smritis, the status of women began to decline. The women's freedom and rights were curtailed. The practice such as child marriage, denial of education to women and polyandry etc became quite prevalent during those times.

WOMEN'S SUFFERINGS:

Domestic violence in India came in to sharp focus in 1980s when there was a widespread coverage by the mass media of the growing incidence of torture of brides, dowry deaths and protests against some heinous incidents of domestic violence. India's commitment to eliminate violence against women becomes more obvious when India became a signatory to convention on elimination of all forms of discrimination against women in 1980. The reporting increased even more, after 1981 and then 1984, after the amendment of social laws and when the women's liberation movement identified and responded to the issue of women violence recognized by the eleven critical areas of concern after being a part of the 4th world conference on women at Beijing in 1995.

Domestic violence victimization of women, within the boundaries; usually by men (or his family) to whom they are married or with whom they have marriage like relationship. Violence can be both physical and psychological. It indicates the art or aggressive behaviours towards her not only to her physical being but towards her self respect and self confidence. Psychological violence is carried out with psychological weapons (threats/insults/humiliating treatment/ denial of human existence) rather than physical attack. Physical violence includes all types of aggressive physical behaviour by husband or his family towards the women's body (victim). Sexual violence could include both passive (denial) or active violence. Domestic violence could include occasionally be seen in other relation also (i.e. by parents; brothers or others in parents family).

Domestic violence and abuse can happen to anyone, regardless of size, gender, or strength, yet the problem is often overlooked, excused, or denied. This is especially true when the abuse is psychological, rather than physical. Emotional abuse is often minimized, yet it can leave deep and lasting scars. Noticing and acknowledging the warning signs and symptoms of domestic violence and abuse is the first step to ending it. No one should live in fear of the person they love. If you recognize yourself or someone you know in the following warning signs and descriptions of abuse, don't hesitate to reach out. There is a provision of Domestic Violence Act 2005, in India to have support at the time, when one becomes the victim of any kind of violence.

Violence generally means physical abuse but it does not include only this. The scope is wider than we think. In short we can describe as following.

Physical abuse is abuse involving contact intended to cause feelings of intimidation, pain, injury, or other physical suffering or bodily harm. Physical abuse includes hitting, slapping, punching, choking, pushing, burning and other types of contact that result in physical injury to the victim. Physical abuse can also include behaviors such as denying the victim of medical care when needed, depriving the victim of sleep or other functions necessary to live, or forcing the victim to engage in drug/alcohol use against his/her will. If a person is suffering from any physical harm then they are experiencing physical abuse. This pain can be experienced on any level. It can also include inflicting physical injury onto other targets, such as children or pets, in order to cause psychological harm to the victim. Sexual abuse is any situation in which force or threat is used to obtain participation in unwanted sexual activity. Coercing a person to engage in sex, against their will, even if that person is a spouse or intimate partner with whom consensual sex has occurred, is an act of aggression and violence.

Domestic violence has many forms including physical violence, sexual violence, emotional abuse, intimidation, economic deprivation or threats of violence. There are a number of dimensions of domestic violence:

PHYSICAL VIOLENCE AND SUFFERINGS:

Physical violence is the intentional use of physical force with the potential for causing injury, harm disability, or death, for example, hitting, shoving, biting, restraint, kicking or use of a weapon.

SEXUAL VIOLENCE AND SUFFERINGS:

Sexual violence is divided into three categories. Use of physical force to compel a person to engage in a sexual act against their will, whether or not the act is completed. Attempted or completed sex act involving a person who is unable to understand the nature or condition of the act, unable to decline participation, unable to communicate unwillingness to engage in the sexual act. Abusive sexual contact.

PSYCHOLOGICAL VIOLENCE AND SUFFERINGS:

Psychological/emotional violence involves violence to the victim caused by acts, threats of acts or coercive tactics. Emotional abuse can include, but is not limited to humiliating the victim, controlling what the victim can and cannot do, withholding information from the victim, deliberately doing something to make the victim feel diminished or embarrassed, isolating the victim from friends and family, and denying the victim access to money or other basic resource. It is considered emotional violence when there has been prior physical or sexual violence or prior threat of physical or sexual violence.

ECONOMIC RESTRICTIONS:

Economic abuse is when the abuser has complete control over the victim's money and other economic resources. Usually, this involves putting the victim on a strict 'allowance', withholding money at will and forcing the victim to beg for the money until the abuser gives them some money. It is common for the victim to receive less money as the abuse continues.

SPIRITUAL VIOLENCE AND SUFFERINGS:

It includes:

Using the spouse's or intimate partner's religious or spiritual beliefs to manipulate them; and Preventing the partner from practicing their religious or spiritual beliefs, ridiculing the other person's religious or spiritual beliefs. Spiritual violence has not been included into The Domestic Violence Act, 2005.

CONSTITUTIONAL SAFEGUARDS TO WOMEN:

The recognition of domestic violence as a social problem and keeping in view the available statistics the government of India from time to time took following measures to address domestic violence and curb the societal pressures leading to this form of violence against women.

Some major provisions related to this issue are granted in our constitution.

Article -15(3) provides for the states to make special provisions for women and children.

Article 23 prohibits traffic in human beings, means selling and buying men and women like goods and includes immoral traffic in women. Article 39 directs state not to discriminate on the ground of sex and it should direct its policy towards securing equal pay for equal work irrespective of sex. Article 42 directs the state to make provisions for securing just and human conditions of work and for maternity benefit. Article 51 declares it a fundamental duty of every Indian citizen to renounce practices derogatory to dignity of women. Article 243 added by the 73rd & 74th amendment, in 1992; provide reservation of 33 per cent seats for women in the direct elections to every panchayats and municipalities.

LAWS PROTECTING DOMESTIC VIOLENCE:

Apart from Civil laws, The Hindu Marriage Act, 1955, The Indian divorce Act, 1869, The Dissolution of Muslim Marriage Act, 1930, The Parsi Marriage and Divorce Act, 1939, The Special Marriage Act (1954), The Muslim Women (Protection of Divorce) Act, 1986, The Hindu Adaptation and Maintenance Act, 1956. IPC (Indian Penal Code) Provides Number of Laws in Protecting Women Rights and Domestic Violence. Under section 125, the wife can file a suit against her husband if the husband fails to maintain her. Section 302 and 304 (B) define the meaning and punishment relating to homicide for dowry, dowry death or their attempts. It says that with death of a woman within seven years of her marriage shall be deemed to have been caused by any demand for dowry. Section 306 says that any person who commits suicide, who so ever abets the commission of such suicide is punishable with imprisonment up to 10 years and also fine. The offence is cognizable non-bailable and non-compoundable. Under section 312 to 314, a person causing miscarriage is punished with imprisonment which may extend up to 3 years or with fine or both. Section 339 and 348 deals with wrongful restraint and wrongful confinement. Section 354 deals with outraging modesty of women. Any act of molestation with intent to outrage the modesty of a woman is punishable. Under section 359-396 kidnapping of women is punishable. Under section 363 to 373 clarifies to act what constitute kidnapping and abduction. Importation of girl up to 21 years of age from a foreign country shall be punishable under section 366 of IPC. The punishment can extend up to a term of 10 years and also fine. Section 375 and 376 specify the punishment for rape. Section 376 (A) deals with sexual intercourse during separation who so ever commits this offence is punishable with imprisonment up to 2 years and also fine. The offence is non-cognizable, non-bailable compoundable. Under section 407, a person who commits adultery shall be punished with imprisonment for a term which may extend up to 5 years or with fine or both. Section 493 deals with deceitfully causing a person to believe that she is lawfully married. Section 494 and 495 declare bigamy as an offence. It is punishable with imprisonment for a term extending up to 7-10 years Section 496 deals with fraudulent marriage ceremony and section 497 declares adultery as offence. It is punishable with imprisonment for a term for 5 years of fine or both. Under section 498(A), a FIR can be lodged at any police station or a women cell for future, both mental and physical by the husband or in-laws. The offence is cognizable, non-bailable, and non-compoundable. The punishment is imprisonment which may extended up to 7 years with fine. Section 509 is related to the suit of modesty of a women (sexual harassment). Such an act shall be punishable with imprisonment which may extend up to 10 years and also fine.

CONCLUSION:

Education, community mobilisation and awareness-raising to change attitudes, norms and stereotypes have shown to be effective for reducing violence against women. Through localised approaches in schools, workplaces or communities, mobilisation or awareness raising programmes can tackle myths or assumptions about violence and establish social norms that do not accept violence as the norm. Large scale media campaigns or education and entertainment can also reach broad audiences with messages challenging violence. Community mobilisation and awareness raising programmes play a particularly important role in contexts where enforcement of gender inequality laws has proved particularly challenging as a result of deeply engrained social norms and practices

Legal reform, including the harmonisation of laws to ensure equality before the law for women and men and specific laws to criminalise violence against women is a critical first step for changing discriminatory social norms and practices. Laws, along with social norms, provide a set of standards by which behaviours and practices are considered accepted and unaccepted in a society. While legal reform is a necessary first step in tackling discrimination, it is not sufficient to achieve the objectives of gender equality without proper mechanisms for enforcement and steps to improve women's access to the judicial system. There is also a great need for gender sensitisation of the legal systems and practitioners, including judges, to promote greater gender justice, especially within the family courts system.

Since the above provisions were dealing with the problem different platforms. They were unable to counter the issue as a whole in an appropriate manner. This led to formation of a separate legislation to cater to all dimensions of domestic violence under an umbrella. This legislation not only gave a formal definition to domestic violence in India but also gave provisions for protection of women against domestic violence as a whole.

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