

An Empirical Study on the Existing Legal Framework against Domestic Violence in India with Special Reference to Chennai

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Introduction

Domestic violence

Violence against women has become an important topic for discussion in India in recent years. Politicians and media have placed a great attention on the issue due to continuously increasing trends of violence against women. Domestic violence (also named as domestic abuse, family violence) is a pattern of behaviour. This involves violence or abuse by one person against another in a domestic setting [1]. According to a national family and health survey in 2005, total lifetime prevalence of domestic violence was 33.55 and 8.5% for sexual violence among women aged 15-49. 65% of Indian men believe women should tolerate violence in order to keep the family together, and women sometimes deserve to be beaten. Domestic violence can take place in number of forms including physical, verbal, emotional, economic, religious aspects. Domestic violence murders including stoning, bride burning, Honor killings and dowry deaths. Globally, the victims of Domestic violence are overwhelmingly women and women tend to experience more severe forms of violence. The Protection of women from Domestic Violence Act 2005 is an Act of parliament of India enacted to protect women from Domestic Violence [2]. The act of domestic violence towards women is a human rights violation as well as an illegal act under Indian law. The Domestic Violence Act of 2005 has been used to prosecute domestic violence cases, but activist's state that it discriminates against men. The Delhi high court clarified that the Act could be used to prosecute women.

Our Indian constitution defines violence against women as any act of gender-based violence that result in physical, sexual or mental harm or suffering to women [3]. Domestic violence occurs daily in homes throughout the world. The National Coalition against Domestic violence reports that 1.3 million women are victims of domestic abuse each year. The four causes of Domestic Violence to persist in India. They are Male dominated society, Lack of Awareness of laws, Laxity in implementation of existing Acts, Bureaucracy and Fear.

Objectives of Study

- To study about domestic violence in India with special reference to Chennai.
- To analyse the existing laws in India to prevent domestic violence.

Hypothesis

Null hypothesis

Domestic violence is not the cause for increase in death rate of married women.

Alternative hypothesis

Domestic violence is the cause for increase in death rate of married women.

Methodology

Descriptive methodology

A descriptive approach to research is called as the foundation for research. The researcher referred more descriptive information's from books, articles, journals to gain more knowledge for the study in Domestic violence [4].

Analytical methodology

Analytical approach concentrates on the process of the final result rather giving importance to the result. The researcher analyses various issues on Domestic violence and gives the major cause for domestic violence.

Sources of Study

The researcher obtained primary sources by interviewing with women who faced domestic violence in the form of questionnaire and by conducting a field survey in Chennai city for the factors influencing domestic violence [5].

The researcher obtained secondary sources from books, articles, journals.

Protection of women from domestic violence act, 2005

The Protection of Women from Domestic Violence Act 2005 is an Act of the Parliament of India enacted to protect women from domestic violence. It was brought into force by the Indian government from 26 October 2006. The Act provides for the first time in Indian law a definition of "domestic violence", with this definition being broad and including not only physical violence, but also other forms of violence such as emotional/verbal, sexual, and economic abuse. It is a civil law meant primarily for protection orders and not meant to penalise criminally [6]. The act does not extend to Jammu and Kashmir, which has its own laws, and which enacted in 2010 the Jammu and Kashmir Protection of Women from Domestic Violence Act, 2010. Protection of Women from Domestic Violence Act, 2005 contains five chapters and thirty seven sections. This article highlights some of the important provisions which are essential for the nuance understanding of the statute. Domestic violence is quite widespread in Indian society. Generally men are the perpetrators and women are the victims. It has become inseparable part and parcel of family life – men's right and

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women's due. Women in India have been resenting the practice in various forms and demanded legislative protection against violence [7]. Under the pressure of women's movements and international community the Government of India has enacted. Protection of women from Domestic Violence Act 2005 and its rules in 2006. The PWDVA Act 2005 is a unique enactment. This is a secular law applicable on all religious faiths. This is a civil law aimed to protect the women and not intended to penalise the perpetrators of violence. It defines domestic violence comprehensively – covering physical, psychological, economic and sexual violence. It is applicable on all relations – sister, daughter, wife, mother and live-in relationship. This act recognises various rights of the victim [8]. It laid down simple procedure for using these rights as to do not lay emphasis on evidence. The Act also seeks to protect the rights of women to secure housing. The worst form of verbal, physical, psychological and sexual violence are committed against women in their homes. The law envisages setting up a protection officer whose functions are spelt out in the law. Though this officer is appointed by the state government, he/she will be in the Court and monitor the cases of domestic violence [9-13]. The Protection officer will make the Domestic Incident Report on behalf of the Court and make an application for an order for an order on behalf of child. He/she will provide medical services, safe shelter and other requirements. The protection officer is liable for punishment if he/she fails or refuses to discharge his duty. The services provided play a major part in the implementation of the Act.

Beneficiaries of domestic violence Act 2005

Women: The domestic violence Act 2005 covers women who have been living with the respondents in a shared household and are related to him by blood, marriage or adoption include women's as sexual partners in a relationship that is in the nature of marriage. Women are fraudulent or bigamous marriages or in marriage deemed in invalid laws is also protection.

Children: The domestic violence Act 2005 also covers the children who are below the age 18 years and includes adopted, step or foster children who are the subject of physical, mental, or economical torture. Any person can file a complaint on behalf of a child [14].

Respondents: The domestic violence Act 2005 defines the respondents as any adult male person who is or has been a domestic relationship with aggressive person and includes relative's husband or male person (Tables 1-18 and Figures 1-18).

Categories	Respondents
Below 20	11
Between 21-30	19
Between 31-40	10
Above 40	10

Table 1: Interview schedule for domestic violence: Age.

Categories	Respondents
Domestic Worker	6
Public Servant	7
Private worker	12
Others	25

Table 2: Interview schedule for domestic violence: Occupation.

Categories	Respondents
Yes, Everyday	8
Yes, rarely	22
No	16
Not aware of Domestic Violence	4

Table 3: Domestic violence in marital house.

Categories	Respondents
Physical violence	13
Sexual violence	4
Mental / emotional violence	23
Others	10

Table 4: Kind of abuse or violence faced in marital house.

Categories	Respondents
Yes	16
Not all times	27
Not at all	2
Others	5

Table 5: Perpetrator of domestic violence is man.

Categories	Respondents
Yes	16
Not all times	14
Not at all	14
Others	6

Table 6: Does domestic violence occur due to economic disadvantages in family.

Categories	Respondents
More severe	22
Very less	17
No effect	8
Others	3

Table 7: Does exposure of domestic violence affect your children.

Categories	Respondents
Yes	35
No	10
Others	5

Table 8: Is it hard for women who are victims of domestic violence to report the abuse and leave their partners.

Categories	Respondents
Yes	20
No	27
Others	3

Table 9: Are you having problems with your partner.

Categories	Respondents
Good	11
Normal	22
Bad	14
Others	3

Table 10: How does your partner and marital family treat you.

Categories	Respondents
Yes	13
Sometimes	18
No	17
Others	2

Table 11: Have you been physically hurt or threatened by members of marital family.

Categories	Respondents
Yes	8
Only in some cases	18
No	20
Others	4

Table 12: Are your friends and family aware of what's going on.

Categories	Respondents
This week	16
A month ago	8
Last week	9
Three months ago	17

Table 13: The last episode of abuse.

Categories	Respondents
Yes	25
No	23
Not aware	2

Table 14: Does your partner have alcohol problem.

Categories	Respondents
Yes	13
No	27
Don't know	10

Table 15: Does your partner have any mental health problem.

Categories	Respondents
Yes	31
No	19

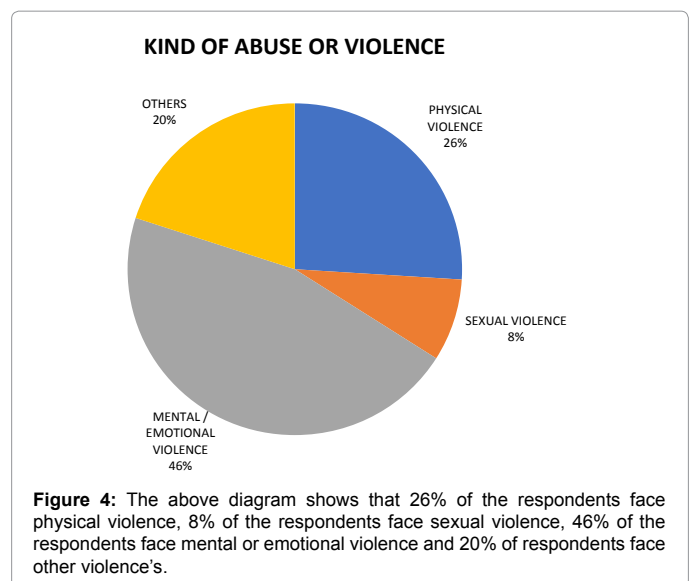
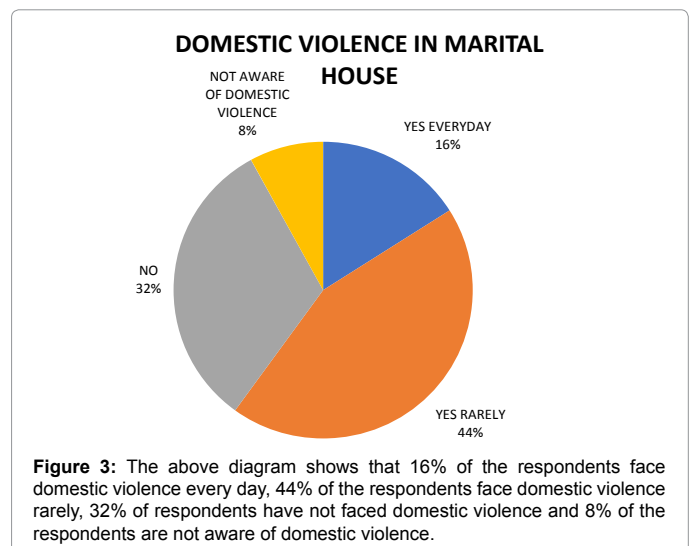
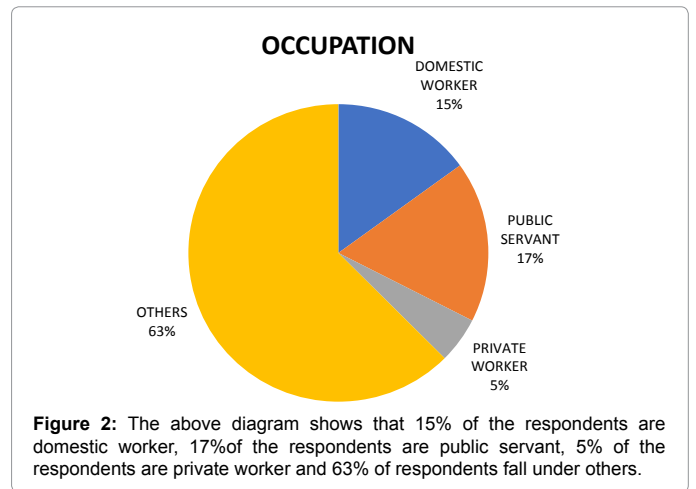
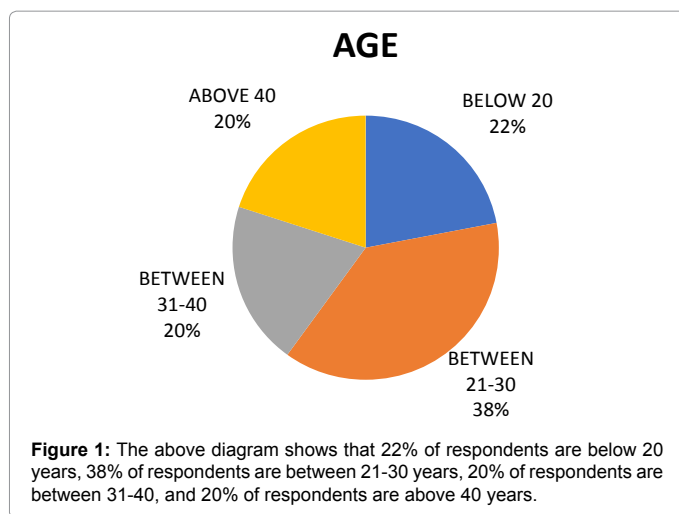
Table 16: Do you have safe place to go in emergency.

Categories	Respondents
Yes	21
I don't know in detail	15
No	12
Others	2

Table 17: Have you come across deaths caused due to domestic violence.

Categories	Respondents
Yes	19
I don't know in detail	20
No	9
Others	2

Table 18: Are you aware of "protection of women from domestic violence act".



Findings

1. The analysis shows over 60% of the respondents have faced domestic violence in their marital house.
2. It shows 31% of respondents face domestic violence due to economic disadvantages.

PERPETRATOR OF DOMESTIC VIOLENCE IS MAN

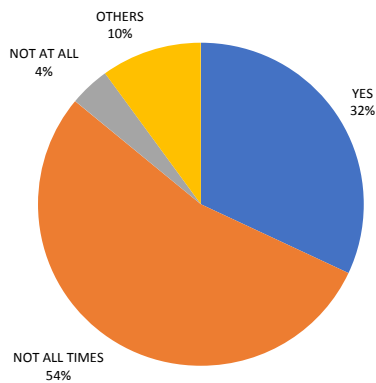


Figure 5: The above diagram shows that 32% of respondents reported that men is the perpetrator of domestic violence, 54% of respondents report it is not all times that men is the perpetrator, 4% of respondents report men is not at all a perpetrator of domestic violence, and 5% of respondents report other reasons.

IS IT HARD FOR VICTIMS TO REPORT ABUSE AND LEAVE THEIR PARTNERS

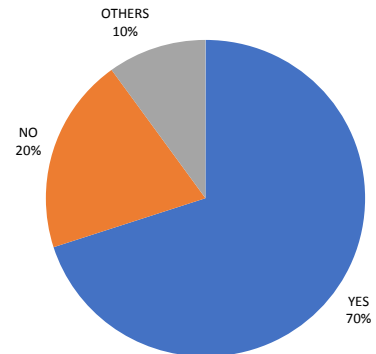


Figure 8: The above diagram shows 70% of respondents said it is hard to report the abuse and leave their partners, 20% respondents said it's not hard to report abuse and leave their partners and 10% respondents said other reasons.

DOMESTIC VIOLENCE AND ECONOMIC DISADVANTAGES

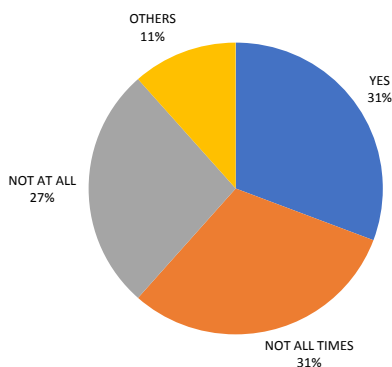


Figure 6: The above diagram shows that 31% of respondents said domestic violence is due to economic disadvantages, 31% of respondents said it is not in all times that domestic violence occur due to economic disadvantages, 27% of respondents said economic disadvantage is not at all a cause for domestic violence and 11% of respondents said other reasons.

ARE THERE PROBLEMS WITH YOUR PARTNER

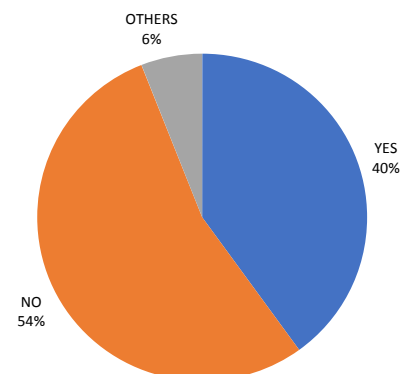


Figure 9: The above diagram shows 40% of respondents have problems with their partners, 54% of respondents have no problems with their partners, and 6% respondents said other reasons.

EXPOSURE OF DOMESTIC VIOLENCE AND CHILDREN

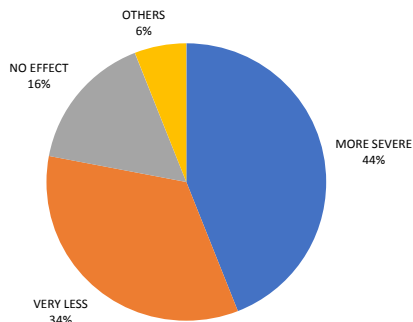


Figure 7: The above diagram shows 44% of respondents reported that exposure of domestic violence affect the children more severe, 34% of respondents reported exposure of domestic violence affect children very less, 16% respondents report that exposure of domestic violence to children have no effect and 6% of respondents report other reasons.

HOW DO PARTNER AND MARITAL FAMILY TREAT

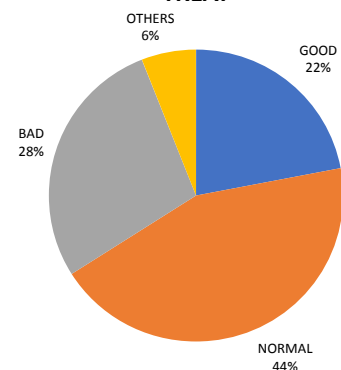


Figure 10: The above diagram shows that 22% respondents report their marital family treats them well, 44% respondents report their marital family treats them normal, 28% respondents report their marital family treats them bad and 6% respondents report other reasons.

HAVE YOU BEEN PHYSICALLY HURT OR THREATENED

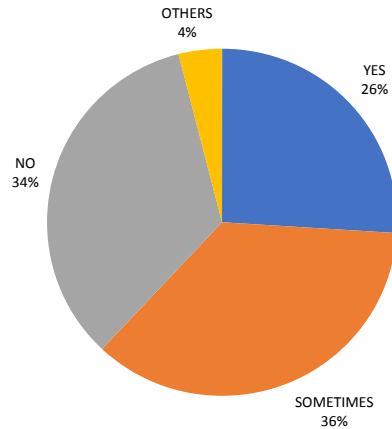


Figure 11: The above diagram shows that 26% of respondents are physically hurt and threatened often, 36% of respondents are physically hurt and threatened sometimes, 34% of respondents are not physically hurt or threatened and 4% respondents state other reasons.

PARTNER-ALCOHOLIC PROBLEM

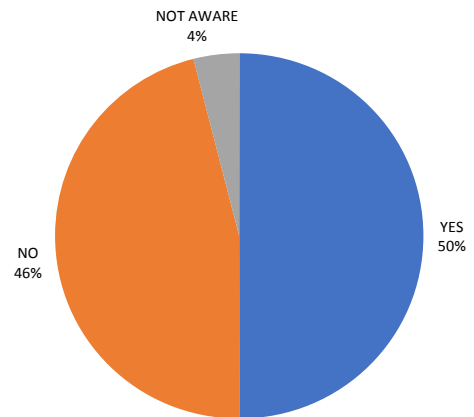


Figure 14: The above diagram shows 50% of respondents report that their partner have alcoholic problem, 46% of respondents report their partner do not have alcoholic problem and 4% respondents are not aware about their partners alcoholic problem.

ARE FRIENDS AND FAMILY AWARE OF WHATS GOING ON

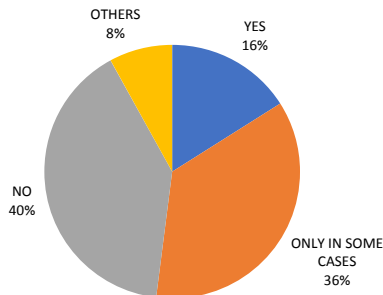


Figure 12: The above diagram shows 16% of respondents said their friends and family are aware of domestic violence taking place in their marital house, 36% of respondents said their friends and family are aware of some cases of domestic violence taking place in their marital house, 40% of respondents said their friends and family are not aware of domestic violence taking place in their marital house and 8% respondents stated other reasons.

DOES YOUR PARTNER HAVE MENTAL HEALTH PROBLEM

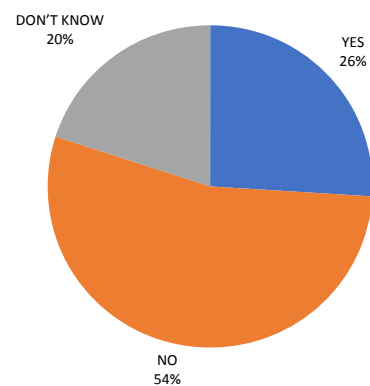


Figure 15: The above diagram shows 26% of respondents report that their partner have mental health problem, 54% of respondents report their partner do not have mental health problem and 20% respondents are not aware about their partners mental health problem.

THE LAST EPISODE OF ABUSE

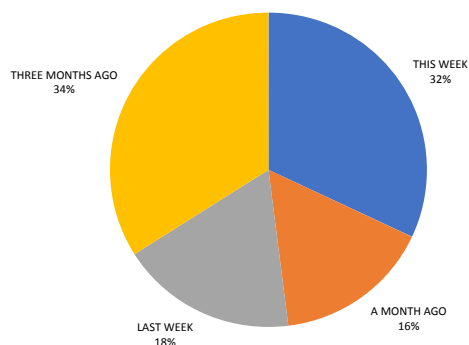


Figure 13: The above diagram shows 32% of respondents report last episode of abuse is this week, 16% of respondents report last episode of abuse is month ago, 18% of respondents report last episode of abuse is last week and 34% of respondents report last episode of abuse is a month ago.

- It shows 44% of respondents reported that the exposure of domestic violence affects their children in a severe manner.
- It shows 70% respondents reported that it is hard to report domestic violence and leave their partners.
- It shows 40% of the respondents have problems with their partners.
- It shows 62% of the respondents have been physically hurt or threatened by members of the marital family.
- It shows 50% of the respondents reported that their partner have alcoholic problem.
- It shows 26% respondents reported that their partners have mental health problem.

SAFE PLACE TO GO IN EMERGENCY

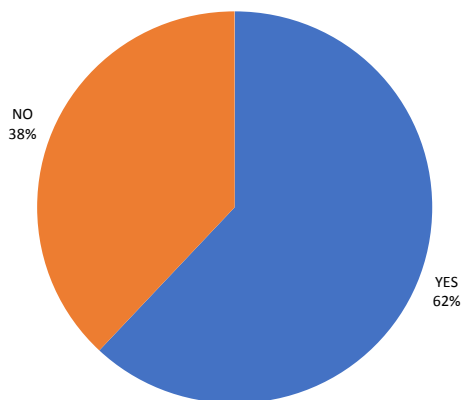


Figure 16: The above diagram shows 62% of respondents have safe place to go in case of emergency and 38% of respondents have no safe place to go in emergency situations.

DEATHS DUE TO DOMESTIC VIOLENCE

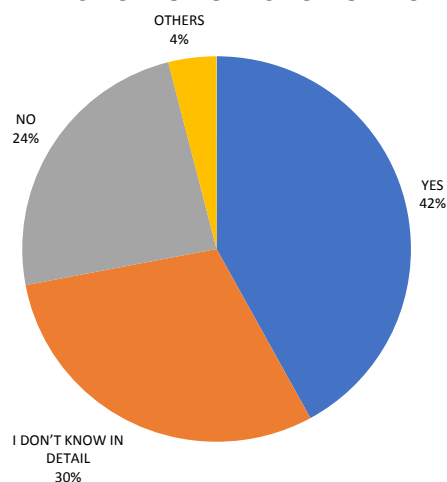


Figure 17: The above diagram shows that 42% respondents have come across the deaths due to domestic violence, 30% respondents don't know about the death in detail, 24% respondents have not come across deaths due to domestic violence, 4% respondents stated other reasons.

PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT

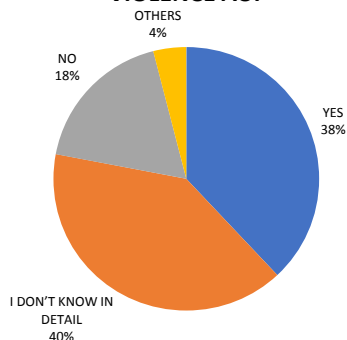


Figure 18: The above diagram shows 38% respondents are aware of domestic violence act, 40% respondents don't know about the domestic violence act in detail, 18% respondents don't know about the domestic violence act and 4% respondents stated other reasons.

9. It shows 42% respondents have come across the deaths due to domestic violence.

10. It shows 40% of respondents don't know about the domestic violence act in detail and 18% respondents don't know anything about domestic violence act.

Conclusion

Domestic violence against women is a problem around the world. It affects women of all races, ethnic groups, classes and nationalities. It is a life – threatening problem for individual women especially married women and it is a serious problem for societies. Violence affects the lives of millions of women worldwide in all socio-economic and educational classes. Society is in continuous process of evolution [15]. It will take several decades for these imbalances to be rectified. Education of both men and women will lead to change in attitudes and perceptions. It is not easy to eradicate deep-seated cultural value or alter tradition that perpetuates discrimination. In the final analysis, we come to a perspective that gender violence is a violation of human rights that needs to be combated by both men and women who believe in justice for all citizens irrespective of their class, caste, racial, religious and ethnic backgrounds. Starting from childhood to the end of her life women has to be under the control of father or husband or the son. The subordinate status of Women combined with socio cultural norms that are inclined towards patriarchy and masculinity can be considered as an important factor determining the domestic violence [16]. Domestic violence gradually grew day by day with growing nature of aggressiveness of Men. The following consequences are health effects, injuries, death, sexual and reproductive health, social and economic costs etc. The researchers are finally proving the alternative hypothesis that domestic violence is the cause for increase in death rate of married women.

Suggestions

On the basis of above discussion, it is clear that crimes against women are on the rise. Hence, it becomes necessary to suggest some measures to prevent woman's abuse and exploitation in our society, for tackling various crimes against women, and for dealing with female depersonalisation trauma. For our convenience, the suggested measures may fall into five categories:

Socially redefining patriarchal norms and removing gender bias

Women have to now say things publicly against gender discrimination and against women's humiliation and exploitation which they did not dare earlier [17]. The masses have to be awakened by holding conferences, pressurizing legislatures, demonstrating before police stations, and in many other ways to make them realize and accept the need for changing old patriarchal norms. Only collective acceptance of new norms can help in understanding victimization of innocent women.

Change in women's values and their parent's thinking

Women don't realize that a divorce is better than continuing with a marriage where money is the be-all and end-all of all relations. They don't think that by committing suicide, they are creating problems for their children and an emotional trauma for their own family. Suffering violence is so deep-rooted in our cultural milieu that not only illiterate, less educated and economically dependent women but also sophisticated, highly educated and economically independent women don't seek legal or police protection [18].

Strengthening women organizations

The voice of individual women perhaps carries no weight. However, if a number of women of like-minded views join hands, from an organization and raise their voice against women's suffering, they can make their presence felt as also make impact [19]. It is thus through these organizations alone that women can attack outdated social norms and values which need to be discarded or overhauled.

Adopting humanistic approach to victims

It is necessary to develop a humanistic approach to victims of crimes committed against females by males. This approach may include two things:

Changing of sex roles: this suggestion implies that woman is not to be blamed for the aberrant and deviant behavior of man against her [20].

Evaluation of organizational procedures: for protecting the rights of victims and providing benefits to victims, an evaluation of organizational procedures of police, courts, rescue homes, etc. is necessary from time to time.

Changing criminal justice system

Before the public loses faith in the judiciary, as it has lost faith in the police, before the judicial judgments have a dampening and demoralizing effect on the people, magistrates have to learn to depend on sociological interpretation of law rather than continue to rigidly stick to legal precedents.

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