

AN ANALYTICAL STUDY OF DOMESTIC VIOLENCE ACT 2005

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ABSTRACT

There are many provisions in Indian constitution for the empowerment of women, such as dowry Prohibition Act 1961, The Protection Of Women From Domestic Violence Act 2005, The Commission Of Sati (Prevention) Act 1987, The Immoral Traffic Prevention Act, 1956, Civil Procedure Code, 1973, Indian Penal Code, 1960, Hindu Marriage Act, 1955, Child Marriage Restraint Act, 1929, The Medical Termination Of Pregnancy Act, 1971, National Commission Of Women Act, 1990, The Minimum Wages Act, 1948, Bonded Labor System Abolition Act, 1976, The Special Marriage Act, 1954, Foreign Marriage Act, 1969, Indian Divorce Act, 1969, The Indecent Representation of Women Prohibition Act, 1986, Guardians & Wards Act, 1869, Equal Remuneration Act, 1976 etc. The constitutional and parliamentary provisions had undoubtedly empowered the Indian women. But nobody tried to see the darker side of these acts that is misuse of acts and endangered joint family system in India. Findings of the present study are that the provisions had empowered the women but on either side the misuse of acts and breakups of Indian traditional joint family system is weakened that led to social insecurities and increasing crime against women.

Key words: Domestic Violence act 2005, Analytical, Dowry, Women, Empowerment

INTRODUCTION

After attaining independence, the Government of India, initially decided to pave a path to bring about social change based on three major areas, viz., constitutional and legal reforms, planned development based on mixed economy and state support to social welfare activities. All these three policies are expected to create a democratic, just and prosperous society. All these

three steps have their impact on the status of women^[1]. The constitution of India has given special attention to the needs of women to enable them to exercise their rights on equal footing with men and participate in national development^[2].

An Act to provide for more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental there to.

Definition of domestic violence.-For the purposes of this Act, any act, omission or commission or conduct of the respondent shall constitute

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domestic violence in case it - (a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or (b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or (c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or (d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person.

Explanation I.-For the purposes of this section,- (i) "physical abuse" means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force; (ii) "sexual abuse" includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman; (iii) "verbal and emotional abuse" includes- (a) insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and (b) repeated threats to cause physical pain to any person in whom the aggrieved person is interested. (iv) "economic abuse" includes- (a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children,

if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance; (b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person; and (c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household.

The overall objectives of research on domestic violence against women in India were to identify:

- the extent of domestic violence including physical and sexual violence, emotional, economic types of violence against women by their husbands/partners
- the extent on underage (below 15) sexual abuse
- attitudes of women toward gender roles and violence
- violence in pregnancy and injuries due to violence
- the methods of coping with violence by women who experienced domestic violence
- effects of violence on general health of women and children witnessing violence

The study was designed to provide the data that could be used to develop national policies on prevention of domestic violence in Georgia, informing, communicating and educating the public on gender rights and issues, engendering laws, policies and plans, supporting establishment of service mechanisms to prevent, protect and respond to gender-based violence acts and increase the efficiency and

effectiveness of efforts aiming at addressing gender based violence.^[3]

REVIEW OF LITERATURE

The Fifth Year Plan was happened to be during the decade of International Women's decade and the submission of the Report of the Committee on the status of women in India (CSWI) "Towards Equality". The CSWI had comprehensively examined the rights and status of women in the context of changing social and economic conditions and the problems relating to the advancement of women. The CSWI reported that the dynamics of social change and development had adversely affected a large section of women and had created new imbalances and disparities^[4].

During the 7th Plan period, the Indian Parliament adopted a National Policy on Education 1986 included a chapter on Education for women's equality.^[5]

The Seventh Five Year Plan sought to generate awareness among women about their rights and privileges.^[6]

Under the plan, a new scheme, "Women's Development Corporation" has been taken up for promoting employment generating activities by supporting schemes from women's group and women from poorer sections of society.^[7] A women's development planning and monitoring cell was also set up for collection of data and monitoring of plan programmes.^[8]

OBJECTIVES

1. To know about the sociocultural and economic background of the respondents.
2. To know about the status of knowledge and awareness among

the respondents against domestic violence.

3. To know the views of respondents about use and misuse of domestic violence act 2005.
4. To suggest the solutions.

METHODOLOGY

Personal interviews are held to collect primary data, with the help of direct interview schedule. In the block Iglas of district Aligarh, Uttar Pradesh, 150 middle class families are selected randomly for the purpose. One adult woman from each family is selected for interview. And for secondary data, different research papers, journals police reports and government reports are consulted.

Characteristics of Domestic Violence (In Indian context):

In Indian families, Hindu cultural traits are followed. There is an existing importance of morals and rituals among the relations. The main characteristics of domestic violence in Indian context are as follows -

1. It is silent violence and is related to the members of same family.
2. Dominant people of the family are always accused and the members who joins family after marriage, are always victims.
3. Intolerances are the base of domestic violence.
4. It is hidden type of violence.
5. It is known to the relatives and neighbours only when the matter becomes serious.
6. The police, generally do not interfere in such matters considering family matters and try to make a compromise.

7. Domestic violence irritates the victimized up to the psychological disorders.

RESULTS

The women's self-esteem is necessary and it requires in-depth analysis together with the social perception of their own role, duties and responsibilities. This way it would be possible to provide deeper analysis of the "subordinated" attitude of women and resilience towards their own rights. The research group also is thinking about studying the distribution of dispositions and opinions, which would be beneficial for the purposes of empowering the women and for various strategies in the future. No separate analysis is done for the ethnic minorities and other high-risk groups in the context of the people facing double risk. Besides, there is no special emphasis laid on the children who are victims or witnesses of domestic violence or the results of violence. The research results clearly show that fighting against the domestic violence gets a woman closer to her biological family. On the other hand, the women who have had an experience of domestic violence since childhood, are more likely to become the victims of violence as adults.

By the analysis of the raw data it is found that the respondents that belongs to rural or semi urban areas have no knowledge of domestic violence act 2005. The respondents who file a case under the provisions, were advised by their relatives or by their well-wishers to do so. Most of them file cases for their personal benefits such as to have a luxurious life and to be separate from a joint family system. Only 11 (approximately 8%) respondents are really suffering from domestic violence such as mental, verbal, physical and economically violated. The conclusion is

that the said act is in favour of women empowerment or is a challenge to the ancient and glorious joint family system. It is typical to decide (judge) the nature of the case such filed against family members.

There is a very little number of women who respond to the perpetrator and hit them in response. In the future it is necessary to study the issues on how the past trauma influences the woman and how it degrades the ability to fight with the perpetrator when they turn adults (social study of the violent behavior). Besides, the impact of violence on the family is interesting as well. All these aims at building the democratic society where the human rights are considered to be the most important value of the social life.

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Table: 1 - Information regarding Sociocultural - economic status of respondents

S. No	Status of respondents				Total
1	Religion	Hindu 95	Islam 43	Other religion 12	150
2	Caste	General 48	Backwards 81	Scheduled C. 21	150
3	Education	Literate 31	Educated 102	Highly educated 17	150
4	Marital Status	Married 135	Unmarried 07	Others (widow, divorced) 08	150
5	Economic(average income per annum)	Less than 3 lakhs 26	3-5 lakh 93	More than 5 lakhs 31	150

Table: 2 - Responses "if they know about the domestic violence act 2005 and it's provisions

S. No.	Type of knowledge	Number of respondents	Percentage of frequency
1	Have knowledge	19	12.67
2	Have no knowledge	113	75.33
3	Neutral response	18	12.00
	Total	100	100%

Table: 3- Responses "if they themselves or their any relative is involved in domestic violence case and have knowledge of use or misuse of the act"

S.No.	Response	Frequency	Percentage
1	Yes, the act is misused	98	65.33
2	No, the act is not misused	11	07.33
3	Not answered (neutral)	41	27.33
	Total	150	100%

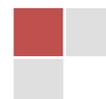


Table: 4 – “Reasons to file a case under domestic violence act” according to respondents

S.No.	Responsible reason to file the case	Frequency Out of 109 (from table 3)
1	To get luxurious life (for separation) and to threaten the dominant family members	63
2	To threaten the spouses (to force them for nuclear family)	35
3	Really violated, demanded for dowry or harassed	11
	Total	109/150