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Awareness and implementation of domestic violence act: Amongst women of Gulbarga district

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Abstract

Domestic violence, also known as domestic abuse, spousal abuse, battering, family violence, and intimate partner violence (IPV), is broadly defined as a pattern of abusive behaviors by one or both partners in an intimate relationship such as marriage, dating, family, or cohabitation. Domestic violence, so defined, has many forms, including physical aggression or assault (hitting, kicking, biting, shoving, restraining, slapping, throwing objects), or threats thereof; sexual abuse; emotional abuse; controlling, intimidation; stalking; passive/covert abuse (e.g., neglect); and economic deprivation. Alcohol consumption and mental illness can be co-morbid with abuse, and present additional challenges in eliminating domestic violence. Awareness, perception, definition and documentation of domestic violence differs widely from country to country, and from era to era. Domestic violence and abuse isn't limited to obvious physical violence. Domestic violence can also mean endangerment, criminal coercion, kidnapping, unlawful imprisonment, trespassing, harassment, and stalking. Domestic Violence can be described as when one adult in a relationship misuses power to control another. It is the establishment of control and fear in a relationship through violence and other forms of abuse. The violence may involve physical abuse, sexual assault and threats. Sometimes its more subtle, like making someone feel worthless, not letting them have any money, or not allowing them to leave the home.

Keywords: domestic violence, awareness, implementation, and law

Introduction

The domestic violence against women can be viewed in different forms, which will include Physical, verbal, economic, sexual, emotional abuse and the threats to commit the same. Bride tortured to death for dowry issues', a women abandoned by her husband for no reasons', such kind of news always appears in the papers. This issue is very grave and requires much importance than just one or two lines in the news papers. To understand the depth of this issue we need to look at the statistics of this crime. Statistics should be collected to show that violence against women actually exists and we as users should try to use these statistics to lay foundation for our argument as to the extent to which violence against women exist. According to statistics published by the National Crime Records Bureau (NCRB) in 2002 a total of 147,678 crimes against women were reported in 2002 compared with 143,795 during 2001. This represents an increase of 2.7% over the previous year and Shows an increase of 12.3% over 1998. These NCRB figures record crimes specifically categorized as "Crimes against Women", although women may additionally be the victims of other crimes, robbery, murder etc. The proportion of IPC Crimes committed against women towards total IPC crimes increased continually during past years. The news is being published and that is it. After that it is never highlighted that what has happened to the case there after, because the men use their influence and get liberated always. It is very rare when a culprit of domestic violence gets punished for his crime. If we would leave the major issues like dowry death, and focus on the torture and harassment the tool will be increased much more. While physical injuries can be seen simply because they are visible and could be produced before people, mental and psychological injuries are not visible, though they cause equal or even greater damage. According to United Nation Population Fund Report, around two-third of married Indian women are victims of domestic violence and as many as 70 per cent of married women in India. Thus it is quite obvious that this crime is increasing in its magnitude day by day and influencing more and more destitute women and girls. It is very binding and obligatory at this

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point of time to creating public awareness, advocacy for better policy and legal framework and the need for necessary support services to end violence against Women and Girl and uncover this unseen pain. Keywords: Domestic, violence, acts.

Objective of the study

1. To study the socio-economic Status of women under study.
2. To find out the different types of Domestic Violence prevalent in the kalaburagi.

Methodology

This study is a preliminary research to understand the perceptions of different categories of people affected by the Domestic Violence, i.e., the victims, the accused, relatives of both sides and other role players like, police, NGOs, lawyers, judges and the community at large. The research methodology has been set keeping in mind the need to arrive at a perception regarding the domestic violence and reactions to it are perceived. This research is exploratory and qualitative in nature.

The Truth about Domestic Violence

Unbiased research on domestic violence the world over shows that:

1. Domestic Violence is not a gender issue.
2. Men and children are victims too.
3. Women are just as likely as men to commit domestic violence.
4. Women initiate domestic violence just as frequently as men do.
5. Men and children are less likely to report the incident when they are abused by their Wives/girlfriends and mothers respectively.
6. Women's organizations spread myths about domestic violence (e.g. Men are always the Aggressors and women are always the victims).
7. Media coverage is often biased (e.g. A young married woman committing suicide is Automatically reported as dowry death and a young married man committing suicide is attributed to financial/family problems or mysterious reasons).
8. Politicians and bureaucrats find no incentive in addressing domestic violence by women against men, children and fellow women.

Domestic Violence Act for Women's Empowerment in India:

Domestic Violence Act 2005 is the first significant attempt in India to recognize domestic abuse as a punishable offence, to extend its provisions to those in live-in relationships, and to provide for emergency relief for the victims, in addition to legal recourse.

Why A Legislation for Domestic Violence?

Domestic violence is among the most prevalent and among the least reported forms of cruel Behaviour. Till the year 2005, remedies available to a victim of domestic violence in the civil courts (divorce) and criminal courts (vide Section 498A of the Indian Penal Code) were limited. There was no emergency relief available to the victim; the remedies that were available were linked to matrimonial proceedings; and the court proceedings were always protracted, during which period the victim was invariably at the mercy of the abuser. Also the relationships outside marriage were not recognized.

This set of circumstances ensured that a majority of women preferred to suffer in silence. It is essentially to address these anomalies that the Protection of Women from Domestic Violence Act was passed.

Who Are The Primary Beneficiaries of This Act?

Women and children. Section 2(a) of the Act will help any woman who is or has been in a domestic relationship with the respondent 'in the case. It empowers women to file a case against a person with whom she is having a domestic relationship 'in a 'shared household', and who has subjected her to domestic violence'. Children are also covered by the Act; they too can file a case against a parent or parents who are tormenting or torturing them, physically, mentally, or economically. Any person can file a complaint on behalf of a child.

Sampling

As a preliminary step an enlistment survey of the recorded cases were conducted to identify the various typologies of domestic violence. Women Cells, family courts, police stations, Counseling centers, NGO's working for women, Social workers, Women activists and members of the general public were contacted for this purpose. Based on the enlistment survey 25 victimized women from district were selected, considering the seriousness of the problem and interviewed for collecting the information in Kalaburagi.

Review of literature

Wife can't be simply evicted from home after divorce: Supreme Court : A Hindu woman cannot be evicted out of the matrimonial home after divorce except through procedure established by law, as there is no provision for her automatic eviction, the Supreme Court has ruled.

Laws alone not enough

In India too, domestic violence is a punishable offense under the law, even if only rather recently. The Protection of Women from Domestic Violence Act, 2005, which became effective, starting October 26, 2006, clearly recognized domestic violence as a punishable offence.

In India, we saw the Bell Bajao campaign, by the non-profit Breakthrough in 2008. TV, radio, online and print media were employed to circulate catchy calls for action by society to take a stand against domestic violence. To break the uneasy silence.

In India, the National Family Health Survey (NFHS), 2005-06, recorded that 37 per cent women reported being survivors of spousal abuse; that is more than 1 in 3. These statistics show that most of us know someone who is a survivor of such violence, and all of us then are in fact „that kind of a family.

Move beyond campaigns

Campaigns such as „bell bajao“ or „standing silent witness“ or „remembrance days“ focus on cases where there are identifiable victims, in already violent relationships. Some of us might then still participate in these campaigns and still claim, “We aren't that kind of a family!” What would truly make us not one of „those“ families are if we start to check our everyday responses to gender inequalities and discrimination? Unless we stop calling street harassment „eve teasing;“ stop worrying about protecting our girls“ reputations even at the costs of their safety; stop spending more time, money and energy on weddings than on talking about healthy relationships and marriages, we will not stop domestic

violence. Only when three friends can walk with safety as well as the security of the knowledge that they will not be judged should they face harm by someone, whether on the street or in the home, can we begin to feel assured that we are progressing towards equal justice for all.

It is reminiscent of Bhanwri Devi's case, a Sathin volunteer in Rajasthan, when she tried to stop a child marriage in 1992, she was gang raped by five men, including Ramkaran Gujjar, whose daughter's marriage she had tried to stop. The male doctor at the primary health centre refused to conduct medical examination and at a Jaipur hospital the doctor certified only her age. Subjected to sustained humiliation, she was asked by the policemen to leave her lehenga as an evidence of rape. Bhanwri's case inspired Visakha case, which brought about legislation against sexual exploitation of women at work place but Bhanwri could not get justice in a caste-ridden system.

Observation

The findings derived from the data gathered from the women subjected to domestic violence in the kalaburagi District are scripted below under the heads viz.: socio economic profile of the victims, characteristics of the affected parties causes for domestic violence, manifestation and frequency of Violence, consequences of victimization and organizations addressing domestic violence and their effectiveness resolving the cases.

Findings & conclusion

Educated women are aware of their rights; they are no longer willing to follow Commands blindly. When they ask questions, it causes conflicts, which in turn, leads to Violence. The study identifies the main types of violence which were related to Alcoholism, Dowry, Financial crisis, Extra-marital affairs, Rape, Personality disorders, Intrusion of in-laws, marital maladjustment, property disputes, drug addiction and Divorce. The study suggests that educating of girls should aim at strengthening their Inherent abilities and utilizing them for their own development as well as for the society's Development.

Many of the organizations refused to reveal the identity of the victims reported by them since they held that it would be against their professional ethics to do so. Another Limitation is that even in the cases in which the identity of victims was revealed, the Victims were reluctant to divulge information. The presence of family members during Interviews also proved to be a great handicap; the victims refused to open up and to furnish all the details.

Suggestion

Awareness generation and sensitization

- (i) Awareness about gender equality and women's rights should be instilled in boys and girls from a very early age in order to bring about a change in the mindset of the future generation;
- (ii) Stigma attached to victims of domestic violence should be removed by community through outreach programmes ;
- (iii) Legal literacy camps should be conducted on a regular and systematic basis at the local community level;
- (iv) List of NGOs and governmental organizations dealing with women's issues should be made known to the public;
- (v) Health care providers such as doctors, nurses, and other Para-medical staff should be properly sensitized to treat women experiencing violence;
- (vi) Sensitization programmes should be organized for the

policy makers,

Health care support:

- (i) Domestic violence should be recognized as a health issue;
- (ii) The prevalence and the health consequences of domestic violence should be documented

Counseling

- (i) Pre-marital counseling should be made compulsory; post-marital counseling is to be arranged as follow-up, in order to prevent breakdown of families.

Laws

- (i) Separate laws should be enacted to deal with domestic violence;
- (ii) There should be strict laws for the prevention of vices such as alcoholism and drug addiction and social evils such as the dowry system;

Role of Government

- (i) Government should ensure proper enforcement of existing laws related to women's rights;
- (ii) Women should be made aware of Women's Commission; offices of the Women's Commission should be opened at the district and lower levels;

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