

# A STUDY ON AWARENESS & IMPLEMENTATION OF DOMESTIC VIOLENCE ACT, 2005 AMONGST WOMEN OF AGRA DISTRICT

**Ranu Jain**

*B.A.L.L.B, LL.M., MSW, MBA*

## DOMESTIC VIOLENCE

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 it's more subtle, like making someone feel worthless, not letting them have any money, or not allowing them to leave the home.

Laws to deal with domestic violence do exist and they include Section 113 A of the Indian Evidence Act, Sections 498 A and 304 B of the Indian Penal Code, and the Dowry Prohibition Act of 1961 and the Domestic Violence Act which came into force in October 2006. The effect of such laws is, however, currently limited. For example, a report by Amnesty International observes, "Analysis of court decisions in one particular district of Maharashtra, Yavatmal, for example, shows that only 2.2 percent of the cases brought under 498 A during the period of 1990-96 resulted in conviction." A more pressing problem, however, is that although these laws exist to combat domestic violence, it is extremely difficult to ensure that they are implemented. Judicial records show that the conviction

rates in cases of domestic violence are very low and these records don't take into consideration those cases which never even make it to court.

The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard.

Women are an integral part of Indian society but suffer from the violence in the family which doesn't seem to be substantially curbed by either education or awareness. Before the 2005 Act was passed, there had been attempts by the Government to help protect women (such as by introduction of The Protection from Domestic Violence Bill, 2002 was supposed to do). The Bill was, however, widely criticized as was the one which came before it and was not passed by Parliament.

Under Section 3 of the Domestic Violence Act, 2005, any of several possible perpetrators of domestic violence can be dealt with. These perpetrators are referred to as 'the respondent' in the statute and have been defined as any adult male person who is or has been, in a domestic relationship with the aggrieved woman and against whom she has sought any relief under the Act. The perpetrator may be the woman's husband or a man with whom she shares a relationship in the nature of a marriage. 'Woman' means any woman who is or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent and a 'domestic relationship' means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage or through a relationship in the nature of marriage, adoption or are family members living together as a joint family.

## **OBJECTIVE OF THE STUDY**

- A. To study the socio-economic Status of women under study.
- B. To find out the different types of Domestic Violence prevalent in the Agra.
- C. To analyze the existing types of violence in terms of:
  - Characteristics of the affected parties viz. Husband and in-laws ;
  - Nature of violence;

□ □ □ Causative factors for violence.

D. To find out the impact of violence on women in terms of personal, familiar , social and cultural levels.

E. To Analyse the prevalence, patterns and trends of DV (domestic violence) related cases filed under section 498A and to assess the need of this provision.

F. With the help of secondary and primary data, to understand and analyse whether section 498A is being used or misused.

G. To study the services which address domestic violence in terms of availability, and effectiveness and to suggest measures for improving them.

H. To Study the Awareness amongst women of the Domestic violence act,2005

To Study the Implementation of the domestic violence act in Agra District.

J. To suggest suitable measures for reducing the occurrence and prevalence of domestic violence.

## **RESEARCH METHODOLOGY**

This study is 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.

### **3.1 .Universe & Geographical Area: Agra District**

All women who are affected by Domestic Violence in the Agra districts of the state of Uttar Pradesh formed the geographical area of the study.

### **3.2 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, Counselling 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.

### 3.3 Tools of Data Collection

Interview schedules and guides were used to elicit data from the respondents. Discussions with the respondents were also made use of to draw maximum information about the scenario of violence.

### 3.4 Source & Method of Data's Collection:

The data used for the research are of three types:

- (a) Secondary information (Books, Journals, Research Article, Internet )
- (b) Primary data through interviews of a limited sample and FGDs (focused group discussions), Survey, Questionnaire.
- (c) Case Studies through case tracking in the courts.

## 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 recognised 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 is 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 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 Agra 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**

### **I. 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,

### **II. 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;

### **III. 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.

### **IV. 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;

#### **V. Judiciary**

(i) There should be a special court with a woman judge and magistrate in each district to handle domestic violence cases;

(ii) Only women magistrates should try cases of violence against women;

(iii) Mobile courts should be introduced as an effective strategy to provide justice to the victims of domestic violence;

(iv) Law enforcement should be done by the coordinated efforts of police

#### **VI. 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;

#### **VII. Role of police**

(i) Police should be trained to be respectful and courteous to women in distress;

(ii) A separate wing of police may be opened for dealing with women's issues, in all police stations and personnel of this wing should be exempted from other duties;

(iii) Only women police officials should be allowed to handle cases involving women;

#### **VIII. Role of Media**

(i) Discussions on women's issues with victims and key personnel could be promoted through the media, to give a new venue to the airing of the complaints and finding solutions to the offences;

(ii) Media should be used to sensitise the officials and the public about domestic violence so as to develop a positive attitude towards women in general, and women victims, in particular;

(iii) Censoring of the programmes should be implemented effectively, so that violence and negative impact programmes do not get undue attention of the public.

### **BIBLIOGRAPHY**

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