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DOMESTIC VIOLENCE: AN INCREASING THREAT IN TODAY'S SOCIETY

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ABSTRACT

Humans in their lifetimes, try who knows how many things to achieve their dreams and desired life but do not always end up with the same. The frustration from repeated failures turns the rationality of the person to go awry and his judgment clouded. In those times, instead of leaning on the family members for comfort, some try to abuse them to give themselves a sense of dominance and power and some tend to separate themselves from society. The sense of superiority from beating the family members only gets higher as time goes forward with the victims not voicing their abuse.

The abuse which starts with only verbal form slowly takes its turn into the physical one, making the victims feel self-conscious and have low self-esteem. This not only makes them forget themselves but also suffer mentally to the point that they become afraid of even meeting someone again after the trauma, whether it be their family or a stranger. It takes a lot of time and patience for the victims to get back to their normal selves but they are never able to become their former selves.

In this paper, we will talk about what domestic violence means along with its different forms. Followed by the different legislations we have in our country for the same and some reviews about the present-day situation unfolding in the time of the Covid – 19 pandemic due to lockdown.

INTRODUCTION

A person is the living being with the highest intelligence among all the other living beings as they can speak and express themselves through their words but what about the children, the elderly, and the daughter-in-law who are forced to endure everything in silence as no one hears them no matter how much they shout and try to get help as the other members of the family make it seem like they are just throwing a tantrum when their wish is not fulfilled.

Marriage is regarded as one of the most sacred bonds in Indian culture and its vows are regarded as sacred vows which are tied for seven lives once tied. The girl comes to her husband's house depending only on her husband and relying on him. But what happens when that husband instead of respecting and protecting his wife, abuses her not only physically but also exhausts her mentally?

The abuse is not only done by the husband but by the in-laws too and even the elderly and children of the house suffer abuse. The children are abused by the parents directly or indirectly such as by making them study vigorously until they get the first rank and good grades. When the child starts getting good grades, the expectation of the parents also start increasing and when the expectations are not met, the abuse in some cases becomes physical too. The parents who do this say that they do this for the children's good but they do this just so they can compete with the other parents of their known who have children of the same age as their child to prove that they are better parents who educate them better to get over their jealousy and envy they have for others.

The in-laws abuse the daughter-in-law in the demands of dowry even if it is punishable in today's legal society to abuse the daughter-in-law in demands of dowry but some people just don't get it and abuse the girl till she either becomes insane or dies.

Some men take pride in beating their wives as it proves that they are man enough to make their wives obey them even when they insult and humiliate them. But they should rethink their behavior as she is not a person who should be treated like this as all lives begins with her; the child starts every first step of their life with their mother. A mother is considered to be the first teacher of a child who teaches them what is what and who is who.

But what happens when that same person is beating her on the daily basis or whenever he is annoyed by anything? What self-respect of hers remains?

In this paper, we will see what domestic violence means, what effect it has on the victim, and what are remedies in different laws available to the victim.

WHAT IS DOMESTIC VIOLENCE?

Domestic violence is violence committed by someone in the victim's domestic circle. This includes partners and ex-partners, immediate family members, other relatives, and family friends. The term 'domestic violence' is used when there is a close relationship between the offender and the victim. There is usually a power gap between them. The victim is dependent on the offender. Domestic violence can take the form of physical, sexual, or psychological abuse.¹

From the above statement, many things become clear such as who can be a victim of domestic violence; the relation between the perpetrator and victim; types of domestic violence.

Generally, women are the largest victims of domestic violence which is conferred on them by their in-laws after their wedding in the demands of dowry or other valuables. But men, children, and the elderly can also become the victims. When taking care of them becomes harder for the family, it generally results in violence or abuse.

It is important to note that the violence committed is always committed on the people who are dependents in the family as they have no income whatsoever, and they are forced to endure the abuse.

When the violence is committed by the in-laws of a girl, her own family brushes off it by saying it is a family matter and nothing serious which only makes the in-laws and her husband think that they have the right to beat her up if she does something against their

¹ <https://www.government.nl/topics/domestic-violence/what-is-domestic-violence>

wishes and tries to vent on her every single chance they get. No matter how much the girl complains to her parents about the abuse they just try to lecture her and try to persuade her not to pursue the matter any further as it will only make their reputation in society to be muddled and they will then have no right to show their face in front of the relatives when their daughter lives in their house even after getting married.

This not only makes the girl exhausted physically but also mentally which eventually results in her taking the ultimate step of taking her own life to free herself from all her sufferings. Only after losing their daughter in this way, her parents start the blame game on the in-laws and the husband of their daughter for killing their daughter just to elevate their guilt of not helping her when she asked for but honestly, they are equally responsible for their daughter's death as they ignored their countless pleas of freeing her.

TYPES OF DOMESTIC VIOLENCE

There can be many types of domestic violence in society, but most go unreported. The reason for the same is so simple: they don't know the symptoms of the abuse but it is impossible to understand when you are the one going through that situation as their mind is not in the condition to even function properly.

The main three types of domestic violence are

1. Physical abuse (beating, rape, etc.)
2. Emotional or Mental Abuse
3. Financial or Economic abuse

Physical Abuse

“YOUR ABUSIVE PARTNER DOESN'T HAVE A PROBLEM WITH HIS ANGER; HE HAS A PROBLEM WITH YOUR ANGER.” (Lundy Bancroft)

The quote above makes it quite clear that the reason for the physical abuse is not the anger of the person who is beating but the person who is being beaten. As the perpetrator thinks that no matter what sort of abuse they use on the victim, they will never raise their voice if they did so then they will again try to push that voice down the throat of the victim as soon as possible to prove how unreasonable they are and will continue to make the victim crazy by

increasing the abuse bit by bit until they are unable to bear it and takes drastic measures to like to kill or be killed as it becomes a do or die situation for the person being entrapped in their guilt of keeping silent and making the perpetrator bold enough to make their lives miserable.

The definition of physical abuse includes actions that hurt or injure a person by using physical force. These actions not only include a husband beating his wife but also the actions of choking, strangling, pushing, and other types of abuse.

Because of the bruises and injuries, it is quite easy to get remedies in cases of domestic violence as they provide enough evidence for the evil doings of the perpetrator as long as it is recorded by the doctor. Since marital rape is seen as an exception in the definition of rape given in section 375 of the Indian Penal Code, 1860, and is not seen as an act of abuse, the victims have to take refuge from the Protection of Women from Domestic Violence Act, 2005.

Emotional or Mental Abuse

Emotional or verbal abuse can refer to the verbal words spoken by someone. They inflict trauma, and depression, and intimidate them with either verbal or non-verbal actions. An example of such is Gaslighting².

In India, it is quite common for parents to emotionally abuse their children to control their behavior and have the children do what they have already decided for them. Some of the signs of emotional abuse can be belittling, name-calling, and undermining the self-respect and self-worth of another person.

The parents do so thinking that the kids will be able to succeed by taking their abuse as teaching and follow it even when they don't want to and are unhappy with it as they think that their parents will never be wrong and will never do anything which will make them regret in their life. But sometimes adults forget that the brain of a child is very delicate and

² Gas lighting is a type of emotional abuse in which the abuser denies the victim's reality. They make optimum use of their power and position and try to control others in a way that they influence their thinking ability and ruin the image of the other person. They isolate the target by spreading hatred and false accusation about them.

they tend to think what they see and observe to be true so every time you verbally abuse them they will not say anything but will remember it for a long time which is not good for their mental health and will affect their perspective the society. They will never be able to trust someone and always be on guard whether it be a friend or family as they don't want their heart to hurt more than it is already hurting.

“The scars from mental cruelty can be as deep and long-lasting as wounds from punches or slaps but are often not as obvious. Even among women who have experienced violence from a partner, half or more report that the man's emotional abuse is what is causing them the greatest harm.” (— Lundy Bancroft)

The people sometimes threaten to commit suicide which will not only implicate the other person being threatened mentally but also will have to face the legal punishment of abetting to commit suicide. This generally makes it impossible for the victims of verbal abuse to refuse any type of request whether it be reasonable or unreasonable as they will feel guilty if the other person commits suicide.

This makes it hard for the abuse victims to keep a sane mind all the time and it has a lifelong effect on their minds even making them go into depression and suffer from nightmares of the time they were abused.

The parents underestimate the memory of a child and think that they can only remember the good but they forget that the bigger the scar the longer it stays with them. The children are very sensitive beings who just want the love and care of their parents nothing more and nothing less. The more the child is ridiculed, the longer he will remember it and the further he will drift.

They only need your love, care, and encouragement, not humiliation and berating or comparison with some random person's child.

Sometimes, the abuse does not stop in their childhood. It follows through their adulthood which further affects the mental health of the child. The child never forgets the pain which follows them. The parents never try to understand the damage they are causing to the child

while comparing the child to some other child who has no relation to the child whatsoever. The same goes for the elderly in the house. As they grow older, their memory starts to fail them on many occasions which makes them feel embarrassed and dependent on others despite not wanting the same.

Economic Abuse

The families not only have a physical or emotional type of abuse but also include an economic type of abuse. When a person takes the right to earn a living or limits their financial capacity then it is considered economic abuse. Regrettably, this is also a type of abuse that is quite common in Indian families, as much as physical and emotional abuse.

Economic abuse can take many forms. An abuser might do any of the following:

1. Sabotage how you acquire money and economic resources

They might:

- prevent you from being in education or employment
- limit your working hours
- take your pay
- to refuse to let you claim benefits
- take children's savings or birthday money
- refuse to let you access a bank account

2. Restrict how you use money and economic resources

They might:

- control when and how money is spent
- dictate what you can buy
- make you ask for money or provide an allowance
- check your receipts
- make you keep a spending diary
- make you justify every purchase made
- control the use of property, such as a mobile phone or car

3. Exploit your ability to maintain economic resources

They might:

- steal your money or property

- cause damage to your property
- refuse to contribute to household costs
- insist all bills, credit cards, and loans are in your name and make you pay them
- to build up debt in your name, sometimes without your knowledge

The members of the family who don't have their source of earnings are dependent on the members who are earning. The earning members often make it hard for the dependents of the family to even ask for money in case they need it for any sort of purpose. Instead of providing financial aid, they start interrogating the person about their reason for the want of money, how much do they want? Why do they want so much? What about the money which was provided to them recently? All sorts of questions follow the plea for money.

Financial abuse vs. economic abuse

People commonly use the terms economic abuse and financial abuse interchangeably, since they involve similar behaviors. It can be helpful to think of financial abuse as a subcategory of economic abuse.

Financial abuse – Controlling finances, stealing money, or coercing someone into debt
Economic abuse – Financial abuse plus restricting, exploiting, or sabotaging other resources, such as housing, food, property, transportation, and employment.

LEGISLATIONS IN INDIA AGAINST DOMESTIC VIOLENCE

LEGISLATION FOR THE WOMEN

Domestic Violence is everywhere in India, in every house we see or know, even in our own house too we must have seen our mother being subjected to cruelty just because our father had a bad day at work or she started complaining about something which displeased him very much. Not only the women but also the children are being subjected to abuse just because they made a mistake, like accidentally slapping their father while swinging his hand in the sky. The child after that abuse is not able to forget the abuse he went through no matter what excuse the father gives in the evening. And if he witnesses his mother being abused that

would be the worst trauma for him as he will be unable to do anything to help his mother even if he wanted to.

The scar the child got when he was abused will be much less painful than seeing his mother beaten helplessly. But honestly, thinking what can a child do to protect his mother when he doesn't even know?

For starters, they can call the helpline numbers such as women's helpline number 1091 for help in case they witness any abuse or violence.

Many legislations also make it possible for women to get justice if they have suffered any kind of violence. Some of these are listed below:

1. Protection of Women against Domestic Violence Act, 2005

This is an act of the Indian Parliament enacted to protect women from Domestic Violence. It prohibits a wide range of Physical, Sexual, Emotional, and Economical abuse against women, and all these are broadly defined under the Act. It provides security to women in a family from men. The extent of the Act covers not only the protection of women who are married to men but also women who are in Live-in-relationships, just as family members including Grandmothers, Mothers, etc. A woman has the right to be liberated from any type of violence under this Act. Under this law, women can look for security against Domestic Violence, Financial Compensation, Right to live in their mutual house and they can get maintenance from their abuser in case they are living separated.

This law is to guarantee that women don't get kicked out of their own houses and can support themselves if they have been abused. It also ensures the protection of women from their abusers.

2. Section 498A of the IPC (Indian Penal Code)

This is a Criminal Law, which applies to husbands or family members of husbands who are merciless to women. Under Section 498A of the IPC, harassment for Dowry by the family members of the husband or my husband is recognized as a Crime. This harassment can be of any type either Physical or Mental. Although Marital Rape isn't considered a Crime in India, forced sex with one's wife can be viewed as

Cruelty under this Section. Section 498A has a vast scope. It also includes any intentional behaviors against women which force the women to attempt suicide or risk to life or grave injury or risk to limb or overall health. Here, health incorporates the physical and mental health of the women.

3. Dowry Prohibition Act, 1961

This is a Criminal Law that punishes the giving and taking of Dowry. The tradition of dowry itself is banned under the Dowry Prohibition Act, of 1961. According to this law, gives, takes, or even demands dowry, they can be imprisoned for a half year (i.e. for 6 months) or they can be fined up to Five Thousand Rupees.

LEGISLATION FOR CHILDREN

Children are the most sensitive beings and they get affected by every little thing which is occurring in their surroundings whether it be happy or sad things. They also learn to adapt according to their surroundings to the point where it is difficult for people to distinguish their behavior normally from that of when they are not stressed. Children suffer from emotional and psychological damage after suffering the abuse or watching abuse for a long period. The behavior of the adults around their children affects their relationship and the child's social life after becoming an adult too. There is a saying that a child is a blank blackboard, he will perceive what is written on him. The meaning of the saying is the child will learn from his surroundings not from elsewhere.

The child whether expresses or not always carries his/her scars all their life just in the hope to one day be free of the trauma the abuse caused the child in his/her childhood.

Many legislations also make it possible for children to get justice if they have suffered any kind of violence. Some of these are listed below:

1. POCSO Act, 2012 (Protection of Children from Sexual Offenses Act, 2012)

This act focuses on criminalizing any kind of sexual offense including harassment of any kind and rape or abuse the child under the age of 18 years has been through. It also criminalizes the exploitation of a child in any kind of pornographic content. This act also establishes special courts for the proceedings regarding the offenses committed under this act.

2. Juvenile Justice Act, 2016

This act provides for the reformation and improvement of the children convicted by the court. The act also focuses on the treatment of children. The purpose of the enactment of the act was to provide the child – friendly environment in the judicial proceedings.

Unfortunately, there are still many who try to misuse the acts by making the children give false testimonies just to get the other person frustrated and penalized, and jailed for satisfaction. It does not matter to those people what their child will have to suffer in the process of their vengeance.

LEGISLATION FOR ELDERS

The number of the aged (60+) was likely to be around 599 million in 2005 as per UNESCO estimates. The figure will double by 2025. By 2025, the world will have more elderly than young people and cross the two billion mark by 2050.

In India, the population of elderly persons has increased from nearly 2 crores in 1951 to 7.2 crores in 2001. In other words, about 8% of the total population is above 60 years. The figure will cross the 8% mark by 2025. A senior citizen is an Indian citizen of 60 years of age or all parents having children above 18 years of age.

Many legislations provide rights to the elder people to claim maintenance from their children as their right. Such as:

1. Hindu Maintenance and Adoption Act, 1956 (HAMA)

The act provides for the elders to claim maintenance from their children legally. The act further provides that if the child refuses to pay the maintenance or neglects to pay the maintenance then the child might have to face legal consequences of the same. The act further provides that it is the child's responsibility to maintain his elder parents in case they are unable to maintain themselves. But it is important to note that this act is only applicable to Hindus.

2. Code of Criminal Procedure, 1973 (CrPC)

The act is a secular one that applies to all the citizens of India irrespective of their

religion, caste, etc. Section 125 of the code provides for the grant of maintenance to parents and wives which covers the interim maintenance of the parents ensuring their economic safety. To claim maintenance under this section, it is mandatory to establish that they are neglected and they do not have sufficient means to maintain themselves.

DOMESTIC VIOLENCE STATISTICS IN INDIA

In 2019, over 19 women out of every 100 thousand across India experienced domestic abuse in some form. In the past few years, the number of these cases went down gradually except in 2019. The Protection of Women from Domestic Violence Act was enacted by the Indian parliament in 2005 to protect women from domestic violence. However, many varieties of crime go unreported.³ It is unfortunate but due to the lockdown, domestic violence cases have increased. This can be due to the women being forced to stay indoors while being abused due to family changes. The common reasons for violence against women in India include alcohol consumption, patriarchal family, etc. Children who are abused act like adults due to the trauma they suffer and try to do everything on their own to depend on their own as they start to lose trust in others when they are subjected to violence for a long time. They start fearing not even strangers but also family members as the abuse leaves a deep effect on their minds and they get scared whenever they make even a small mistake to avoid getting beaten.

They start getting scared when someone shows them kindness as they cannot bring themselves to trust anyone and they start to lose themselves, even forgetting to live even like a human. The children who see their one parent abuse their spouse sometimes tend to become like them after growing up and start to abuse their spouse the same way their parent did, just as the saying goes “the children learn from their parents.”

Today, the situation has become a lot drier due to the continuous lockdown which has affected us not only economically but also physically and emotionally. We are all now so exhausted and frustrated that we are slowly losing the ability to think rationally. If the situation is not changed shortly then there is no chance for the country to become as developed as the US or any other developed country.

³ <https://www.statista.com/statistics/1155126/india-prevalence-of-domestic-abuse-against-women/>

CONCLUSION

It may be true that India has a lot of laws to protect women and there are amendments made on regular basis to keep up with the modernization of the society but it is also true that those laws are very often misused and ignored due to many factors such as family. Being the biggest factor in the security and safety of a woman, they sometimes end up becoming the shackles of that woman which bind her down whenever she tries to move on from the hell she is living in.

The laws made are not being properly implemented. The reason is the large population and our patriarchal society which always ignores that when a woman is mistreated by her husband, it goes unnoticed by the family members. Not only that, the saddest part is that the women of the family are the ones who try to make her give up when she is exhausted by the torture of abuse and violence by saying that the husband is god and whatever he does is always right. There must be something wrong with you that made your husband angry.

But society is changing slowly. Nowadays the number of women who are reporting cases against their in-laws is increasing due to the awareness being spread in society and women being independent. The major reason before for enduring violence was that women were completely dependent on men but as that started to change the image and position of women started to come to the same ground as men in terms of economy. Society is changing slowly but surely.

Unfortunately, there are still women who are unaware of the rights and respect they deserve due to being illiterate and unaware of the topic. The reason for this same can be the unavailability of the resources which can make them up to date with the changes in society and their surroundings better.