**THE OVERLOOKED PART OF CRIME: DOMESTIC VIOLENCE**

**By: -**

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**ABSTRACT**

The crime rate against women is on a stake in India. Delhi is often called the rape capital which shows us the integrity of the heinous crimes and the need of urgent attention towards it. Indian Constitution provides for equality to all its citizens but often women are not considered to be on the equal pedestal to that of men. Domestic violence has attracted the attention of everyone in the current pandemic situation especially when the rate of this type of crime has increased on a rapid rate. There is often a debate as to whether domestic violence should be considered as a crime or not. It should not be neglected that the ambit of domestic violence is not limited to the physical injury and rather it includes many other things which has been discussed in the article. It is high time for us to realise the importance of rights of others and the need to empower women of the rural areas who are facing these crimes a lot.

Key Words- Crime, Domestic Violence, Injustice, Rights

**INTRODUCTION**

Women from the very beginning have been considered under the category of vulnerable groups because of the discrimination and negligence they used to face which can be traced from the history and can be seen even today in different parts of the country. The most common practise is of domestic violence reflected the suppression of women by the men. The violence is not only from their husbands but even from their family members and relatives.

There is no universally accepted definition of violence against women. Some human rights activists prefer a broad-based definition that includes "structural violence" such as poverty, and unequal access to health and education. Others have argued for a more limited definition in order not to lose the actual descriptive power of the term. In any case, the need to develop specific operational definitions has been acknowledged so that research and monitoring can become more specific and have greater cross-cultural applicability. The United Nations Declaration on the Elimination of Violence against Women (1993) defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."[[1]](#footnote-2)

Domestic violence, also known as domestic abuse, spousal abuse, battering, family violence, intimate partner violence(IPV), is defined as a pattern of abusive behaviours by one partner against another in an intimate relationship such as marriage, dating, family, or cohabitation.[[2]](#footnote-3)

Spain and Portugal, for instance, have created special legal provisions which apply specifically to violence within the family. In Poland, under article 184 of the Penal Code of 1969, domestic violence is a crime and the punishment includes paying damages, and the draft Penal Code of 1992 has a similar provision. Also, in many European countries, the legal framework for prosecuting physical or sexual violence has been or is currently being, reviewed to clarify legal definitions of violence, the responsibilities of perpetrators and the interests of victims.[[3]](#footnote-4)

**DOMESTIC VIOLENCE IN INDIA**

The ubiquity of domestic violence (DV) can be gauged from the fact that it has been documented in different cultures and societies all over the world. There is growing awareness that DV is a global phenomenon and is a serious issue in developing countries as well.[[4]](#footnote-5)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 or domineering; intimidation; stalking; passive/covert abuse (e.g., neglect); and economic deprivation[[5]](#footnote-6)

In India, it is now that women have been able to come to realize their rights and actions against the injustice which is being done to them in one way or the other. As stated above, domestic violence can not only be in the form of physical injury but also in the form of mental injury. The workload and the strict behaviour from their mother-in-laws in many families makes the life of such vulnerable women more miserable.

The cycle of abuse, plea for forgiveness and promise to change is portrayed as a continuing phenomenon that escalates unless there is effective intervention. This book explains how the law can help in the process of escaping an abusive relationship. Restraining orders, stalking laws, and other aspects of the justice system are explained so they can be used effectively. An understanding of the law is designed to provide women with a resource they can use to make changes that will protect themselves and their children. [[6]](#footnote-7)

A growing body of research studies confirms the prevalence of physical violence in all parts of the globe, including the estimates of 20 to 50 per cent of women from country to country who have experienced domestic violence.[[7]](#footnote-8)

Statistics are grim no matter where in the world one looks. Data from industrialized and developing countries as well as from transitional countries provide an overview of the global problem. There are few comparable statistics on psychological violence, sexual abuse, and murder of women at the hands of intimate partners and other family members. As already mentioned, physical violence is usually accompanied by psychological abuse and in many cases by sexual assault.[[8]](#footnote-9)

A total of 3,27,394 cases of crime against women (both under various sections of IPC and SLL) were reported in the country during the year 2015 as compared to 3,37,922 in the year 2014, thus showing a decline of 3.1% during the year 2015. These crimes have continuously increased during 2011 - 2014 with 2,28,650 cases in 2011, which further increased to 2,44,270 cases 2012 and 3,09,546 cases in 2013, to 3,37,922 cases in 2014. It declined to 3,27,394 in 2015. The crime rate under crimes against women was reported as 53.9 in 2015. Delhi UT has reported the highest crime rate (184.3) compared to 56.3 at all India level during the year 2015, followed by Assam (148.2), Telangana (83.1), Odisha (81.9), Rajasthan (81.5), Haryana (75.7) and West Bengal (73.4).[[9]](#footnote-10)

**FORMS OF DOMESTIC VIOLENCE**

Violence against women can be physical, sexual, psychological, and threat of physical or sexual violence. Physical violence includes acts of physical aggression such as slapping, hitting, kicking and beating. The common sexual abuses women endure are forced intercourse, and other forms of sexual coercion. Psychological abuse includes acts like intimidation, constant belittling, humiliating, nagging and various controlling behaviours such as isolating a person from their family and friends, monitoring their movements, and restricting their access to information or assistance. When abuse occurs repeatedly in the same relationship, it reduces into an act of “battering”.[[10]](#footnote-11)

Domestic violence is also discussed in terms of its traumatic impact on the children in the family. Recognizing that the decision to leave the home and take the children is the most dangerous time for a woman, as well as the children, this book provides guidelines that can help ensure a safe escape from a controlling partner. Also included are a list of resources and organizations that can help abused women and some examples of how communities are addressing domestic violence.[[11]](#footnote-12) The violence is not limited to the one stated above but extendes to many other types , fields and various acts.

Physical injury, mental health problems, and complications of pregnancy are some of the health consequences that result from violence inflicted on women by their male partners or former partners. Domestic violence is also associated with other abusive experiences that may occur during adulthood.[[12]](#footnote-13)Because domestic violence is common, serious, and often not identified, a recent British government publication recommended that health professionals should consider routinely asking all women, or selected groups of women, about a history of domestic violence.[[13]](#footnote-14)

Ten years ago, the American Medical Association recommended screening all women presenting to primary care and many secondary care specialties[[14]](#footnote-15); recently, this policy has been questioned.[[15]](#footnote-16)Research findings do not clarify whether screening women for domestic violence meets accepted criteria for a valid screening procedure.[[16]](#footnote-17)

The author profiles the psychological dynamics of the abusive relationship, including how the abuser manipulates the environment and the mind of the victim. Through isolation, verbal abuse, and physical intimidation, the abuser conditions the victim to believe there is no means of escape from the situation.[[17]](#footnote-18)

**AN EXTENDED VERSION OF DOMESTIC VIOLENCE**

“There are varied consequences of domestic violence depending on the victim, their age group, the intensity of the violence and frequency of the torment they are subjected to. Living under a constant fear, threat and humiliation are some of the feelings developed in the minds of the victims as a consequence of an atrocious violence. According to the DVA, 2005; Domestic Violence includes-

1. Any harm or injury that endangers health, safety, limb or well being either mental or physical abuse, sexual abuse, verbal and emotional abuse or economic abuse;
2. If one harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other 151 person related to her to meet any unlawful demand for any dowry or other property or valuable security;
3. If one injures or causes harm, whether physical or mental to the aggrieved person;

Any person who believes that an act of domestic violence has been or is being committed may give exempts such persons from any liability, civil or criminal.”[[18]](#footnote-19) There have been many cases which have come into limelight in recent times. A kind of social change is seen in the society related to their attitude towards women and people are now taking strict actions and are being aware of their rights and that of the others.

The infamous “Nirbhaya” case which generated widespread outrage and was widely condemned in India and abroad. The 2012 Delhi gang rape case involved a rape and fatal physical assault, which occurred on 16th December 2012, in Munirka, in South Delhi. Victim died from injuries and infections. The victim was named and quoted as “Nirbhaya”, which means "fearless". The protests in December 2012 led to setting up a judicial committee to study and take public suggestions for the best ways to amend laws to provide quicker investigation and prosecution of sex offenders. In 2013, the Criminal Law (Amendment) Ordinance, 2013 was promulgated by Hon’ President Pranab Mukherjee, several new laws were passed, and six new fast-track courts were created to hear rape cases. Following the BharatiyaStree Shakti 12 incident the government set up the Nirbhaya Fund, administered by Department of Economic Affairs, Ministry of Finance, to address violence against women.[[19]](#footnote-20)

This case showed the rigorous cruelty which is still being done to girls. They are not safe to roam around without the fear of getting raped. This is not only for outsiders but even for insiders where girls are not safe in their own house.

We do not know if screening for domestic violence in primary care is acceptable to women. Some evidence, mostly from community surveys, indicates that women want to be asked about domestic violence.[[20]](#footnote-21)Empirical results have suggested that education of women have an association with domestic violence, which reflects a shift in the thinking pattern and burgeoning down the balance of power between husband and wife.[[21]](#footnote-22)

IS DOMESTIC VIOLENCE A CRIME?

The Children's Depression Inventory, Child Behavior Checklist, and Youth Self-Report were completed by mothers, fathers, and their 8–12 year old children to assess the effects of various types of domestic violence on children's behavior problems and depression.[[22]](#footnote-23)The substantial consequence for women's physical, mental, and reproductive health and ultimately the risk of death from domestic violence is also reported to be high, which is committed by a spouse or partner.[[23]](#footnote-24)

Making domestic violence crime may cause serious harm to the victim. For instance, in traditional societies and minority populations, which prefer the mediation approach, criminalization may lead to a victim’s isolation from her extended family and her community. The perpetrator’s family may even take revenge on her.[[24]](#footnote-25)

Special laws are necessary because domestic violence is a crime that takes place within the family, between people who are emotionally and financially involved with each other.[[25]](#footnote-26)The wife-abuse management strategy in London, Ontario, is one model for responding to domestic violence.[[26]](#footnote-27)

The community has A police policy whereby perpetrators will be charged with the crime of assault; Intensive training for police on how to deal with wife-battering; a family consultation service that provides 24-hour-a-day crisis intervention; emergency shelter for women and children; a battered women’s advisory clinic to provide legal and emotional counselling for women; and a treatment group for men who assault their wives.[[27]](#footnote-28)Some of the laws’ procedural requirements also limit access to this remedy. There may be a high fee to pay the court before starting the procedure.[[28]](#footnote-29)Criminalization finds support among people who believe that assault is a crime no matter who the victim is.[[29]](#footnote-30)Some research suggests that therapy and mediation are very successful means of reducing recidivism in cases of domestic violence.[[30]](#footnote-31)

The criminal process acknowledges that the victim is entitled to the State’s protection. Her needs are placed first, before the need to preserve the relationship with the perpetrator or to maintain the family unit.[[31]](#footnote-32)Policies for dealing with domestic violence must also be appropriate to the country context. Most importantly, policies need to take into account the needs and desires of the victim. She should not be treated as incidental to the issue.[[32]](#footnote-33)

Issues faced by women are not what can be neglected so easily. We are in the 21st century where everyone is equal and this thing should not be forgotten by anyone. The respect which is given to men and the authority which they have should be given to women too. This concept is by some of the people is considered as utopian concept but it is not.

**CONCLUSION**

The current situation has been a drastic one especially for women who live in rural areas and were a victim of domestic violence before. The people in rural areas are still not aware of their rights and women still bear all the injustice which is done to them by their husbands and family members. Even when we say about urban areas, there are huge numbers of crimes which are done against women but there is positive point here that women are more aware of their rights and therefore active enough to take an action against the odds.

The impetus for developing coordinated responses may come from any of these groups. Community advocacy groups and women’s groups have played an important role in developing many of the formalized responses now in place. Practitioners within systems may also look for opportunities to work together to streamline responses. Besides, professional associations, non-governmental organizations or various levels of government may coordinate the responses of members and personnel.[[33]](#footnote-34)

It is often accepted by people that women is equal to goddess but still heinous crimes are done against them. It is high time for the people of India to reduce the number of crimes and work towards the development of the society as a whole and not limited to some majority groups. It is the duty of every citizen to safeguard other if any wrong is being done to them.

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