**DOMESTIC VIOLENCE AGAINST**

**WOMEN**

**Akramuzzaman Sarkar**

**Asst. Professor**

**Deptt. Of Political Science**

**Dhubri Girls’College,Dhubri**

**Mail id :akramuzzuman555@gmail.com**

**In the 21st century, domestic violence increases more due to the changing life style, i.e. increasing use of alcohol, luxuries of life beyond capacity, lost for more money etc. This is going to be a phenomenon. Domestic violence is working as a slow poison which destroys the happiness of family life. such a situation is causing problems of the members of the family and is a source of constant tension.**

**NCW (National Commission for Women)in its report, “A Decade of Endeavour,’’ vol. II, 1990-.rightly states, “Domestic violence is a serious human rights threat to women in every society-rich and poor, developed and industrialized. Particularly in Patriarchal societies, it is weapon for subjugating women and suppressing their rights as equal partners in the family structure.’’ Domestic violence is widespread and cuts across caste, creed, class and all educational levels. Around the world on an intimate relationship. It strikes in various forms physical, Sexual, emotional and psychological effect on their children, too, because of the constant fear and humiliation they live with. Largely viewed as a family matter, interfere in situations of domestic violence, because a wife is regarded as her husband’s property and there is a social acceptance of his rights to chastise her, if she displeased or disobeyed him in any way.**

**Unfortunately,there are not any separate legal provisions relating to domestic violence. We have to depend on the penal code for the protection of women against domestic violence. This kind of violence, however has certain special intractable characteristics because it is perpetrated in the privacy of the house .This victim is more vulnerable and the remedy is more difficult. Most women who are faced with chronic abuse, the only viable option is to an independent life, decent wages, educational training, jobs, child support, a house, an option which gives them the power to stand up inside the home. Most women do not have this option. They even forget to change their situation. Providing a counseling service alone merely provide a place where women can express their distress and possibly derive sufficient energy to cope with the abuse and nothing more.**

**According to section 498 of Indian Panel Code,1860 if the husband or his relatives subjects the women to cruelty both physically and mentally, then it is a serious offence. For example, beating, hitting starving is physical cruelty. Abusing , taunting, insulting is mental cruelty.**

**The term domestic violence is wide and encompasses in its scope the types of violence resorted to within the home. The overwhelming majority of violence restored to within the home. The overwhelming majority of domestic violence are women. Domestic violence not only includes conduct which amount to a women be her husband or any of his relative but also includes any act which is unbecoming of the dignity of women. The women are brutally beaten or abused by their husbands or in-laws-dowry is one of the most obvious causes of domestic crime prevalent in India.**

**However, a more recent ICRW study (2002) conducted on men, masculinity and domestic violence in four Indian States, finds that men are not naturally violent.**

**The menace of domestic violence is beyond description as it is like an iceberg and whatever we see outside in public, it is negligible. If we take up the definition of domestic violence in a broader sense then hardly any house is saved from its clutches. However, here we may take a narrow definition when domestic violence take physical form and results in torture, beating, causing physical and mental tension to women so that they get tired of their life. The women are denied food and good place to sleep, etc. It is not restricted to a particular area or types people. Its tentacles are spreading in every area. However, violence against women in rural areas are more prevalent as compared to cities. The interesting feature of this is that it is found even among educated religious minded people as well. Such a situation is often horrible and makes life of women miserable.**

**Domestic violence is a common occurrence as the life in this nuclear age is getting fast and complicated. It would be not an exaggeration to state that 90% of domestic violence go unreported. The needs of family members are on the increase causing frustration and tension. Our Ancient Indian Culture provides an answer to this and that is contentment. If people in India follow their culture then domestic violence can decrease and these teaching can also help foreigners to come out of this chaos.**

**The commission had in 1994 drafted a bill of domestic violence against women. Later, the women lawyers collective, New Delhi also drafted a bill on the subject. The Government desired to have the comments of the Commission on this bill. The National Women Commission examined both the bills.**

**The protection from Domestic violence Bill, 2002 was introduced in the Lok Sabha on the occasion of International Women Day on a March 2002. It was referred to the standing committee of Parliament attached to the Ministry of Human Resource Development for examination. The standing committee presented its report on the Bill to the both Houses of Parliament on 12 December 2002.While agreeing with the underlying philosophy, approach and most of the provisions of the Bill, the committee has recommended some changes the Bill ,Which are under consideration of the Depertment.**

**REASONS FOR INCREASING DOMESTIC VIOLENCE**

1. **Joint families disintegrated into nuclear families. Joint family system has disintegrated resulting into jack of guidance, control and affection to newly married. Joint family system was a shock absorder.**
2. **Husband dominates wife causing irritations. When a husband dominates his wife, the wife revolts. It happens basically when a wife is also employed. As a result, they have no understanding at all.**
3. **Husband and wife star doubting about extra-marital relations causing quarrels, fights and even suicides. It very difficult to amicably settle such issues.**
4. **Interferences of the parents of the girl in the husband’s family-Frequent visit of parents and other family members of girl’s side cause tension and interference. The husband and his family often are found not to support this sort of interference of the wife’ parents and relatives resulting in domestic violence This makes the husband and his family angry resulting into quarrels and disputes.**
5. **Husband if in business or services starved of funds., he asks the wife to make arrangements from her parents causing domestic violence. This is not one time activity but a long term problem.**
6. **Drinking habits of the husband make the life of the wife a hell. Drinking is becoming a common phenomenon. As a result of which there occurs wastage of money, poor health and bad habits like beating wife, children causing Domestic Violence.**

**JUDICIAL INSTITUTIONS TO SETTLE DOMESTIC VIOLENCE FAMILY COURT**

**The Family court is a theatre of unimaginable conflicts. The nusual issues behind these conflicts are : feminists us. Anti- feminists, individuals us. Society and the legal system us. The Family Court Act of 1984 was passed by various non-governmental organizations, which unanimously felt that matrimonial and family law cases were suffering from long days in the civil courts. Special courts were required for quick disposal of such cases , so that the parties to a divorce or separation could go on with their destines.**

**JURIDICTION OF FAMILY COURTS**

**In response, the Family Courts Act, 1984 was enacted providing for establishment of family Courts with a view to promote conciliation in, and speedy settlement of disputes relating to marriage and family affairs and also for other matters connected with them The Family court part of the trend of legal reforms concerning women. The president gave assent to the Family courts Act September 14, 1984.**

**The Family Courts are ‘civil court” where the following matters are discussed exclusively:**

1. **Declaring a marriage as null and void,**
2. **Restitution of conjugal rights,**
3. **Judicial Separation,**
4. **Dissolution of marriage,**
5. **Declaration as to matrimonial status of any person,**
6. **Declaration as to the ownership of property of the party.**

**ESTABLISHMENTS OF FAMILY COURTS**

**The Establishment of Family court under the family courts Act.1984 is to responsibility of the State Governments. Section 3 of the Act empowers the State Government after consultation with the High Court to establish a Family Court in a city or town with a population exceeding one million. With regard to other areas in the state, the State Government may establish Family Courts as it deems necessary. The committee regret observe that even after seventeen years of the enactment of the Act , only 84 family courts are yet to be set-up in States/ UT’s such as Arunachal Pradesh, Chhattisgarh , Goa , Haryana , Himachal Pradesh , Jammu & Kashmir , Madhya Pradesh , Meghalaya , Mizoram, Punjab , Nagaland , Tripura , A & N Island , Chandigarh , Delhi , Daman & dew , Dadrs & Nagar Haveli ,and Lakhshadeep**

**Various reasons have been advanced by the states for non – establishment of family courts such as not having requisite population of non million, insufficient number of matrimonial cases , lack of financial resources b, prevalence of customary courts dealing with matrimonial cases etc.**

**FACTS AND SUGGESTIONS**

**As a result of information discussions with Chairpersons and Members of the National and State Commissions for Women. NGO, Advocates and representatives of the State Governments and based on impressions gained by the committee on its visits to some States, the committee noticed a number of shortcomings / deficiencies regarding the functioning of the Family Court and suggests:**

**1) Selection of family court judges should not be limited to judicial officers alone but extended to administrators , Social Workers, etc. Judges should be psychologists, psychoanalysts , Social Workers and Social Engineers.**

**2) One of the reasons for delay in disposal of cases is that there is death of judges specially women judges and support systems.**

**3) Judiciary ought to be sensitized about women’s problem. Judges of the Courts should be given suitable training from time enable to understand complicated family disputes and to help them in rendering justice to the wife who is generally the weaker party in the dispute.**

**4) The atmosphere in the family courts should be such as to enable a women to express herself freely.**

**5) Judges should also have limited number of cases to be decided and should not be over-burdened.**

**6) Family Courts are working more or less like ordinary Civil Courts. The Family Court Judges follow the Cr.P.C. and as a result many times justice is delayed. Family Courts should be more in the nature of friendly conciliatory type and procedure laid down in Cr.P.C. should not be strictly followed otherwise the family courts will not serve the purpose and timely justice will not be afforded to the parties.**

**7) Information centres should be set up at all family courts to explain the procedure and functioning of Family Courts to all potential litigants.**

**8) The Committee calls upon the respective State Governments/State Commission for Women to undertake legal literacy programmes and issue pamphlets in regional languages giving basic information relating to functions and working of Family Courts, legal rights and procedures.**

**9) A list of cases should be prepared by the Registrar’s Office which are ready for hearing and be presented to the Court each day. A provision should be made in the Rules that cases should be disposed within one year from the date of institution, so that the objectives of the Act are achieved.**

**10) A standard proforma should be worked out and published in all regional languages papers setting out the list of documents required to be field in court. The proforma should be simplified , requiring the parties to state only facts without substantiating each fact with evidence.**

**11) The procedure for serving of summons through bailiff is cumbersome and results in undue delay of proceedings . Therefore , serving of summons should be made possible through registered post.**

**12) In cases where has been repeated history of physical violence or where the husband has committed bigamy or adultery, women should not be compelled to attempt reconciliation. Where reconciliation has been already attempted by other organisations such as women’s organisations., community organisations or Aid committees, the court should dispose with attempting reconciliation , and should accept a certificate issued by any of .**

**CONCLUSION**

**Darshan Singh has suggested the following to promote harmony in**

**First of all change is need in the perception of society towards the dignity of women. She should be treated as per with her male counterpart because threat to male authority is the main cause of Domestic Violence against women.**

**1. Violence against women is primarily a gender issue. So awareness against gender biases is necessary to the problem. `Legal education to fight against injustice must be imparted to girls at high school or secondary school level so that they stand up and fight for their rights**

**There is a need to motivate poor families to utilize the various schemes started by the government for their welfare. The women in particulars may be motivated to benefit from the on-going programmes for their economic empowerment.**

**Strict legal action should be taken against those who are involved in violence –related activities against women. There is also a need to strictly implement the legal provisions of the various legislations which are meant for the protection of women. Moreover , there is a need for specific legislations which make wife beating and other similar problems a criminal offence and a ground of immediate divorce.**

**2. There is need to strengthen and increase the non-governmental organizations which could take–up individual women’ s problems with their in-laws and court, etc.**

**Women in general must be educated about their rights and also about the agency take approached if they have any problem of violence in their family.**

**Family counselling centre must be set-up all lower levels , so that at risk families may be identified and through counselling , support and help may be given to such families before it takes the shape of conflict.**

**Violence against women does not end by merely bestowing of judicial rights or by making women literate. Most urban women are literate today but they are also the victims of domestic violence against women it is imperative that women must be morally strong or empowered.**

**Inspite of the provision of family courts , women and men and children in a family would not co-operate with one another until and unless we make them follow our ancient values enshrined in our ancient literature.**

**REFERENCES**

1. **UNIFEM and Support Service to Counter –Violence against Women in Hariyana.**

1. **Multiple Research Group , New Delhi and Union Fund for Women , New Delhi Support Service to Counter-Violence against Women in Hariyana: A Resource Directory, 2003**
2. **NCW: annual report , 2000-2001,New Delhi.**
3. **Quoted I n Madhurima Violence against Women , Gyan Publishing House, New Delhi .**
4. **K.N.Gupta, Violence Impediment to Power, Social Welfare , February, 2002.**
5. **Fifth Report , Committee on Empowerment of Women , 2001-03, 13th Lok Sabha, Functioning of Family Courts, Nov. 2001.**