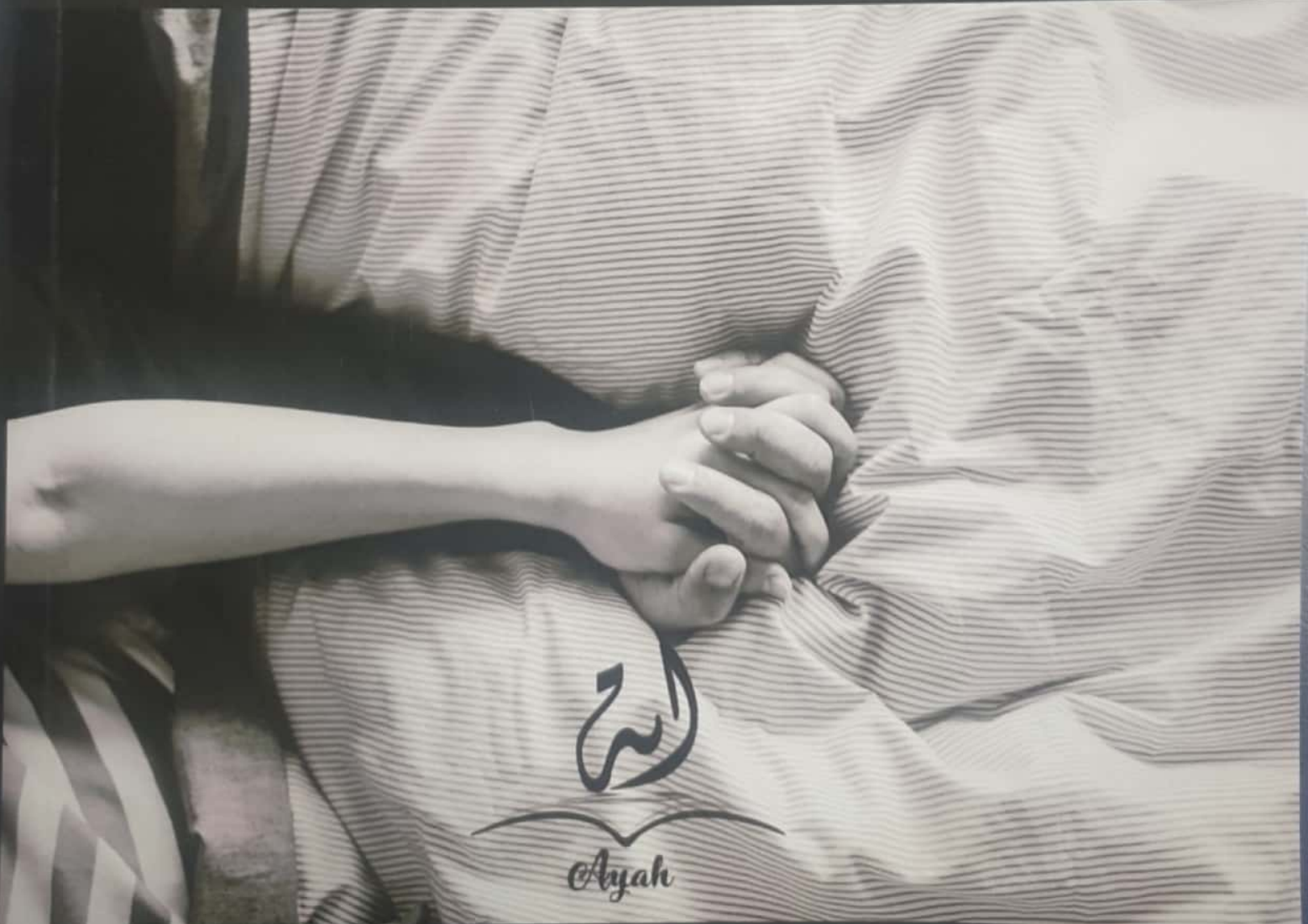


The Social  
Construction of Violence

# THE CASE OF SEXUAL AND DOMESTIC VIOLENCE

Editor: Dr. Yashfeen



# The Social Construction of Violence: The Case of Sexual and Domestic Violence

Editor: Dr. Yashfeen

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## About the Book

India is a land of unity in diversity where women are worshipped and considered sacred being the mother of life and humanity. Women constitute nearly half of the world population. From time immemorial considered to be a weaker and inferior class of the society the social and economic conditions were a detriment to the rights of the women. In the male dominated society women have been victims of violence and exploitation either physically, socially, economically for centuries. The worst aspect of violence against women is that it receives social sanctity. Neighbours, authorities and even police hesitate to intervene in cases of domestic violence. Women are vulnerable to acts of violence in the family which include feticides, infanticide marital cruelty, dowry, murder, child abuse, incest, battering etc. The World conference on Human Rights at Vienna held on June 25, 1993 for the first time recognized the violations of women's human rights and held that they are inalienable, integral and indivisible part of universal human rights and demanded equal status of women with men and favored eradication of all forms of discrimination against women. Despite these rights of women and setting up of women commission at the centre and state level, the plight of Indian women, by and large, has still remained miserable. The reason being that a vast majority of women are ignorant of the protective provisions of laws or even their existence.

Present volume consists of well written 11 papers, highlights the nature and extent of contemporary issues related to women and law in India. The book also focuses on policy and legal framework, various dimensions, aspects, issues and way forward. The book will be helpful to planners, administrators, policy makers, development activists and those who are interested in this subject in understanding the nature and extent of contemporary issues related to women and law in India besides evolving the action plan for prevention of women from violence.

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## CONTENTS

1.	<b>Gender Discrimination in Domestic Violence against Women: A Present Perspective.....</b>	<b>4</b>
	<i>Wasim Ahmad</i>	
2.	<b>Socio-Cultural, Economic and Educational Background of the Victims of Domestic Violence.....</b>	<b>13</b>
	<i>Adv. Mohd. Zayed Khan</i>	
.	<b>Impact of Domestic Violence Law in the Indian Society .....</b>	<b>25</b>
	<i>Ashraf Azmi</i>	
.	<b>Domestic Violence against Women: Determinants and Causes.....</b>	<b>36</b>
	<i>Santosh Goswami</i>	
.	<b>New Protection Laws against Domestic Violence in India .....</b>	<b>49</b>
	<i>Sameera Khan</i>	
.	<b>Gender Violence in India: An Analysis of Emerging Trends of Reported Crimes in India.....</b>	<b>72</b>
	<i>Amaan Ali Shah</i>	
.	<b>Domestic Violence against Women in India .....</b>	<b>89</b>
	<i>Shusneha Sarkar</i>	
.	<b>Domestic Violence- A Virulent Action against Women.....</b>	<b>105</b>
	<i>Akash Tandon</i>	
.	<b>Consequences and Impact of Domestic Violence against Women in India .....</b>	<b>116</b>
	<i>Shivam Bajaj</i>	
3.	<b>Domestic Violence in India: A Study of the Impact on Victims in Selected States .....</b>	<b>131</b>
	<i>Razia Chauhan</i>	
1.	<b>Impact of Social Media on Domestic Violence.....</b>	<b>174</b>
	<i>Shelja Singh</i>	

# Gender Discrimination in Domestic Violence against Women: A Present Perspective

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## **Abstract**

Legacy of female oppression has always been a persistent culture in Indian society. In Indian society, fact of gender discrimination has encouraged inequality in the areas of social, cultural and economic. Although applying various laws and legal steps related to women development and guaranty of equality by Indian constitution, but women oppression (persecution) is still present in all aspects or areas of human life. This paper tries to understand and estimate what all reasons due to behind gender discrimination in Domestic Violence related to women and how to remove these problems from the root so that women development can be improved and progressed successfully.

**Keywords:** *Gender discrimination, Domestic Violence, Oppression, Social, Cultural and Economic.*

## **Introduction:**

Nature has created men and women complementary of each other. Through their reciprocity, human life continuously runs. They have equal importance for each other. Although women is called weak or helpless but in actual, she is a real power of men and works as strengthener for a man in each aspect of life. But main point of concern is that power, admin and administration are always changed but women are still trying to find out their existence.

In Indian constitution, equal rights have been given to women and men but women are still facing inequality and gender discrimination. Women do not have enough opportunities for their development. Their social, economic, political conditions are in worse condition in comparison of men.

Gender is a common term whereas gender discrimination is meant only for women, because females are the only victims of gender discrimination. Gender discrimination is not biologically determined but it is determined by socially and the discrimination can be changed by the proper and perpetuate efforts. Denial of equality, rights and opportunity in any form on the basis of gender is gender discrimination.

Gender discrimination focuses on the different types of dimensions as profit and loss, exploitation and control, action and emotion, significance and identification are showed or reflected, according to discrimination, among men and women.

The Declaration on the Elimination of Violence against Women, adopted by the UN General Assembly in 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 private life”. The status of women in India is not equal to the status of men in terms of access, participation, and reward. This situation owes its existence to the patriarchal and feudalistic structure of the society.

### **Objectives:**

- 1: This paper is analyzing all reasons, which are responsible for Gender Discrimination in Domestic Violence in our society.
- 2: which factors are responsible due to gender problem in Domestic Violence.

### **Different kinds of abuses originate due to gender discrimination in Domestic Violence:**

Half of the world population is females. They are doing two-third of work of the total work in the world but they received only one-tenth of the world's total income. Nearly two-third of the women is illiterate and they have possessed only one percent of the total world's assets. In the world only one-fourth of the families are headed by female. India is a male dominant society and Gender Discrimination in Domestic Violence is customized habitually.

Gender discrimination in Domestic violence as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner.

**Physical Abuse:** physical abuse includes hitting, slapping, shoving, grabbing, pinching, biting, hair pulling, etc .there are also includes denying a partner medical care or forcing alcohol and/or drug use upon him or her.

**Sexual Abuse:** sexual abuse includes coercing or attempting to coerce any sexual contact or behavior without consent.

**Emotional Abuse:** emotional abuse is undermining an individual's sense of self-worth and/or self-esteem is abusive. It is include, constant criticism, diminishing one's abilities, name-calling, or damaging one's relationship with his or her children.

**Economic Abuse:** **Economic Abuse** is making or attempting to make an individual financially dependent by maintaining total control over financial resources, withholding one's access to money, or forbidding one's attendance at school or employment.

**Psychological Abuse:** psychological abuse include causing fear by intimidation; threatening physical harm to self, partner, children, or partner's family or friends; destruction of pets and property; and forcing isolation from family, friends, or school and/or work.

Gender Discrimination in Domestic Violence not only affects those who are abused, but also has a substantial effect on family members, friends, co-workers, other witnesses, and the community at large. Children, who grow up witnessing domestic violence, are among those seriously affected by this crime. Frequent exposure to violence in the home not only predisposes children to numerous social and physical problems, but also teaches them that violence is a normal way of life - therefore, increasing their risk of becoming society's next generation of victims and abusers.

**From web to death females are facing lots of Discrimination in Domestic Violence against them. Some of them are:**



- Abortion of female
- Not giving enough and nutritious food
- Not giving needy health care while in ill health
- Eve teasing, Rape and Sexual harassment
- Dowry death
- Sexual abuse
- Divorce, Destitution even for silly or without any reason.

Women development is importance for our society and nation. It is possible when remove all these problems. Nearly 50 per cent Females are in the total population but their representation in public life is very low. Women continue to bear the major load of the household work. Her primary role is often viewed by the society as housewife.

In cardinal goals of democracy “of the people, by the people and for the people” cannot be atomically accomplished if the female population remains out of political empowerment. Subordination of women in society acts a structural constraint to their participation in political activities. This constraint operates more or less for all classes and communities of women. Prevalent culture which is very complicated and often decisions are taken behind the scene may be regarded as another constraint in this regard.

Recognizing women’s rights and believing their ability are essential for women’s empowerment and development. Females should realize their own capabilities and potentials which will strengthen their self-image and foster them with confidence to take action in life. Political empowerment does not imply just a right to role silently but to discuss, share and empower politics by knowing its pros and cons and thereby to influence policies and decision making.

Empowering women is the basic to the basics of human rights where she wants neither to beg for power nor search for power hierarchy to exercise power against others. On the contrary she demands to be accepted as human first of

all. She as a person in command of herself and for that necessarily all the resources physical, social, economical, political, cultural and spiritual to be equally accessible to her, are pre-requisite for considering the whole question of empowerment.

Indian society is inherited with male chauvinism but now the society has started to realize women's importance and has being accepted women's empowerment, women as an active agent for development and guiding their own development.

### **Legislation for Women:**

In India, different types of laws, legislations, policies and institutional reforms have been enacted to carry out the gender action plan for the women development. In pre-independent India, few laws were passed in response to social demands and on the basis of humanitarian consideration. They are Bengal Sati Regulation Act of 1829 and similar Anti-Sati laws in Madras and Bombay, Hindu Widow Remarriage Act 1856, the Hindu Women's Right to Property Act in 1937, (The Muslim Personal Law) the Shariat Act 1937 and the Dissolution of Muslim Marriages Act 1939.

After Independence, there have been important changes in legislation and litigation which have facilitated the increased participation of women in different types of field's activities and the increase appear to be more likely at the lower level than at the highest centre of decision making. Hindu marriage act 1955, The Sexual Harassment of Women at Workplace (PREVENTION, PROHIBITION and REDRESSAL) Act, 2013, The Dowry Prohibition Act, 1961 (28 of 1961) (Amended in 1986) , Protection of Women from Domestic Violence Act, 2005 , The Married Women's Property Act, 1874, The Pre-Natal Diagnostic Techniques (Regulation and Prevention of misuse) Act 1994 etc. acts are supporting for Women Development.

Article 14 of Indian Constitution says that the state shall not deny to any person equality before or equal protection of the law, Article 15 says that no women can be discriminated against on the ground of sex, Article 15 (3) emphasis that the state shall make special provisions for women and children and Article 16 provides equality of opportunity in matters relating to employment by the state.

## **Gender Discrimination in Domestic Violence against Women: A Present Perspective**

In Article 39(a) emphasis that the citizens men and women equally, have the right to an adequate means of livelihood, in Article 39(d) it says that the state should secure equal pay for equal work for both men and women and in Article 34 it provides that the state shall make provision for securing just and humane for work and for maternity relief.

The 73rd and 74th Amendments of Indian Constitution in 1993 are the milestone in the history of India, which provides lot of powers for the local bodies. It paves the way for de-centralization, empowers the poor people as well as women.

According to these amendments not less than one third of the seats, meant for direct election of members at each tier of Panchayats are to be reserved for women and not less than one-third of the seats of chairperson at any level reserved for women.

### **Recommendation:**

#### **Use of ITC:**

It is true that in a poverty group, women are in majority than men and they are very weak and helpless than men. Due to this, main issues are women to reach at ITC Technology and to get meaningful and valuable information from it. Women approach to ITC and their control on it can play an auxiliary role in women. So that gender discrimination Gender Discrimination in Domestic Violence can be depleted.

#### **Development of Congenial Ethics and Sufficient Environment:**

To deplete gender Discrimination in Domestic Violence and women development, congenial ethics has to be developed which can provide women a healthy and safe environment.

#### **Ensure Women range in education and Training:**

To deplete gender discrimination in Domestic Violence, education and training play strong role. Education tunes in mental ability and training tunes in occupational capability which play very important role in women.

### **Positive Image Representation of Women via Media:**

To remove the factors which results women discrimination in Domestic Violence, to destroy violation against women and orthodox thinking, mass media must be used to represent all those images and factors which are favorable and helpful in women development and human principle.

Changes are made slowly but society which has strong orthodox mentality and thinking about women discrimination in domestic violence, cannot be changed easily. It is really a big challenge.

### **Influence of Gender Equality On public:**

Via radio, telephone, television, and internet gender equality can be spread out in public and through which women development can be increased rapidly.

### **Women Involvement in Politics:**

To reduce gender discrimination in Domestic Violence, reservation can be helpful. Through reservation in every area, women can independently participate in every area which will be very helpful in their development.

### **Compulsion of Research for Women:**

Researcher must be concentrated on gender discrimination in Domestic Violence related to women. Research will definitely be helpful in improving women-men equality, women image and highlighting their importance towards society and ultimately it will improve women.

### **Reinforcement Civil Society Committee:**

NGO's work group and other social committees can play important role to reinforce welfare policies for women. These can run hostels, canteens and many other such type of structures for female labors and they can encamping in working areas. Society can be aware through all such committees and their efforts.

### **Security on Working Areas:**

Security on working areas will only be possible when orthodox thinking and men predominance will be reduced from society and equality will be improved. Only after equality, women development can be improved.

### **Improvement of Mental Maturation:**

Women's mental ability and reasoning capability must be improved. These improve women knowledge and experience which will forward women towards development by reducing gender discrimination in Domestic Violence.

### **Development of Self-Awareness:**

Gender discrimination in Domestic Violence will only be reduced when women will step forward by themselves for their rights and raise their voice for their authority.

### **Conclusion:**

It is well known that active participation of women has capacity and strength to speed up development of nation. But first of all women's basic development is necessary for nation development. We have to remove gender discrimination in Domestic Violence because it plays an important role to slow down women development. Gender discrimination in Domestic Violence can only be reduced when women will not only get complete education, nourishment, medical facilities, training, employment, social security but chance of political participation, decision making also.

Healthy, educated, and conscious women can give her active participation in her family, society, and nation development. And this is only possible when we get success to reduce and ultimately remove gender discrimination in Domestic Violence. A nation or society, without the participation of women cannot achieve development. If we eliminate gender discrimination in Domestic Violence, women will deliver all the potentials, skills, knowledge to develop the family, the nation and the whole world.

## Gender Discrimination in Domestic Violence against Women: A Present Perspective

### References:

- 1- [http://en.wikipedia.org/wiki/Gender\\_discrimination\\_in\\_India](http://en.wikipedia.org/wiki/Gender_discrimination_in_India)(1April 2014)
- 2- [http://www.sagepub.com/upm-data/18296\\_5070\\_Sumner\\_Ch01](http://www.sagepub.com/upm-data/18296_5070_Sumner_Ch01). (1April 2014)
- 2- [https://editorialexpress.com/cgi-bin/conference/download.cgi?db\\_name=IAFFE2009&paper\\_id=16](https://editorialexpress.com/cgi-bin/conference/download.cgi?db_name=IAFFE2009&paper_id=16)(10july2014)
- 4- <http://www.ovw.usdoj.gov/domviolence.htm> (10july 2014)
- 5- <http://www.bridge.ids.ac.uk/reports/re55.pdf>(21April 2014)
6. [http://mpra.ub.uni-muenchen.de/10901/1/MPRA\\_paper\\_10901.pdf](http://mpra.ub.uni-muenchen.de/10901/1/MPRA_paper_10901.pdf)(21April 2014)

# Impact of Domestic Violence Law in the Indian Society

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## Abstract

Domestic Violence is described as any incident of threatening behaviors, violence or abuse (psychological, physical, sexual, financial or emotional) between adults, aged 18 and over, who are or have been intimate partners or family members, regardless of gender and sexuality.' (Family members are defined as mother, father, son, daughter, brother, sister and grandparents, whether directly related, in-laws or step-family.) There are several different definitions for domestic violence, many of which are myths, propagated by abusers, and also, the majority of the time, by men and women who are in denial about being abused. Violence is not just hitting, or forced intercourse; rape. Domestic violence is characterized by hundreds of situations in which one individual harms another while they are in a relationship, regardless of whether or not the couple are married or live together. This can be verbal or emotional abuse, such as shouting at you or your children, manipulation, being controlled or often humiliated by your partner. Or it can be physical or sexual abuse, if one partner hits you or your children, or forces sex on you, and/or touches your children inappropriately.

**Keywords:** *Domestic Violence, Abuse, Gender and Sexuality.*

## Introduction

Domestic Violence law may be classified under both Criminal law and Tort law, and certain aspects overlap with Family law. This area of law deals with violence that occurs in a family setting or within an intimate relationship, referred to as domestic violence, domestic abuse and spousal abuse. This type of violence includes psychological harm and threatened acts of violence, as

## Impact of Domestic Violence Law in the Indian Society

well as physical acts, such as stalking, assault, battery, rape and homicide, and is marked by one individual's attempt to dominate and control another, often through a pattern of intimidation. The family relationships include parents of a child or children, married couples, and domestic partners. This type of violence occurs among all economic classes, religions, genders, nationalities and ethnicities.

Across Connecticut, domestic violence invades the public and private lives of women, men, and children, impacting families, friends, co-workers, and communities. Domestic violence crosses all socioeconomic and cultural boundaries. Violence occurs in families for whom money is not an issue and for those who have lived in poverty their entire lives. Violence is reported across all ethnic and racial groups. Domestic violence respects no barriers related to age, social status, abilities, sexual preference or religion. The human costs of domestic violence are devastating for individual victims, their children, and their families.

- Each year, women experience about 4.8 million intimate partner related physical assaults and rapes. Men are the victims of about 2.9 million intimate partner related physical assaults.
- Domestic Violence resulted in 2,340 deaths . Of these deaths, 70% were females and 30% were males

### Laws Related to Domestic Violence

According to the American Bar Association, domestic violence affects millions of people each year. This includes teens abused by their parents and men or women abused by their intimate partners. Domestic violence has continued to rise since the 19th century, necessitating the need for federal laws to protect victims. These laws help victims of domestic violence by providing states with funds. These funds allow states to develop resource centers and hotlines for victims of domestic violence.

### Victims of Crime Act

This act aims to recognize the concern for victims of crime. This ensures that law enforcement agencies, prosecutors and judges will look after victims.



## **Impact of Domestic Violence Law in the Indian Society**

rights. Programs receive funds from the collected fines of those convicted of committing domestic violence crimes. The first \$10 million collected goes to child-abuse prevention programs. Other funds become available to states as grants. The money can be given directly to the state governor. The governor then provides funds to assistance programs. Each state offers assistance programs for victims. Victim-compensation programs can also be eligible to receive funds directly by meeting five requirements. Either way, programs receive funds to provide victims with assistance.

### **Family Violence Prevention and Services Act**

Passed in 1984, this act provides federal funding for shelters and programs for domestic violence victims. The Family Violence Prevention and Services Act (FVPSA) receives the most funding from the government than any other domestic violence law. FVPSA uses the funding to develop resources for victims of domestic violence and their children. Resources include emergency shelters, call hotlines, counseling and victim assistance. Emergency services include over 2,000 domestic violence shelters in the U.S. Each state provides domestic violence shelters for victims' to use.

### **Keeping Children and Families Safe Act**

Enacted in 2003, this act gives states grant money to help issues related to domestic abuse. These areas include; child abuse, adoption opportunities, assistance for abandoned infants and family violence prevention. Eligibility requirements must be satisfied for the state to receive funding.

### **Violence against Women Act**

Passed in 1994, this act prevents any person from crossing state lines to commit a crime. It also gives battered women 24-hour hotlines along with domestic violence programs to help fight violence. The Violence against Women Act offers protection against domestic violence, dating violence, sexual assault and stalking. In 2005, the act improved protection for immigrant women. During this year the act also developed rape crisis centers. This act created over 660 laws fighting domestic violence in order to help protect and prevent more people from being victimized.

### Violence Against Women Act (VAWA)

The first major law to help government agencies and victim advocates work together to fight domestic violence, sexual assault, and other types of violence against women. It created new punishments for certain crimes and started programs to prevent violence and help victims. Over the years, the law has been expanded to provide more programs and services. Currently, some included items are:

- Violence prevention programs in communities
- Protections for victims who are evicted from their homes because of events related to domestic violence or stalking
- Funding for victim assistance services like rape crisis centers and hotlines
- Programs to meet the needs of immigrant women and women of different races or ethnicities
- Programs and services for victims with disabilities
- Legal aid for survivors of violence
- Services for children and teens

The National Advisory Committee on Violence against Women works to help promote the goals and vision of VAWA. The committee is a joint effort between the U.S. Department of Justice and the U.S. Department of Health and Human Services. Examples of the committee's efforts include the Community Checklist initiative to make sure each community has domestic violence programs and the Toolkit to End Violence Against Women, which has chapters for specific audiences.

### 10 Years of Progress and Moving Forward

The Violence against Women Act (VAWA) is a landmark piece of legislation that sought to improve criminal justice and community-based responses to domestic violence, dating violence, sexual assault and stalking in the United

## Impact of Domestic Violence Law in the Indian Society

States. The passage of VAWA in 1994, and its reauthorization in 2000 and 2005, has changed the landscape for victims who once suffered in silence. Victims of domestic violence, dating violence, sexual assault and stalking have been able to access services, and a new generation of families and justice system professionals has come to understand that domestic violence, dating violence, sexual assault and stalking are crimes that our society will not tolerate. VAWA is currently scheduled for reauthorization in 2010. Hearings and briefings were underway in mid-2009 for the reauthorization effort which falls under Commerce, Justice and Science, and Labor, Health and Human Services and Education committees.

### History of Progress:

- Creating new system responses – VAWA programs, funding and law reforms have changed federal, tribal, state and local responses to domestic violence, dating violence, sexual assault and stalking by:
- Securing buy-in from formerly unengaged systems, like law enforcement, courts, and social services
- Creating a federal leadership role that has encouraged tribes, states and local government to improve responses to victims and perpetrators
- Establishing new federal crimes of domestic violence, sexual assault and stalking to fill in jurisdictional gaps in prosecuting these crimes
- Defining the crimes of domestic violence, dating violence, sexual assault and stalking, as well as identifying promising practices to respond to these crimes
- Focusing on the needs of underserved communities, such as immigrant and Native American women

**VAWA 1994**-Congress, in passing VAWA 1994, envisioned a nation with an engaged criminal justice system and coordinated community responses. VAWA 1994 fostered:

### Impact of Domestic Violence Law in the Indian Society

- Community-coordinated responses that brought together, for the first time, the criminal justice system, the social services system, and private nonprofit organizations responding to domestic violence and sexual assault
- Recognition and support for the efforts of domestic violence shelters, rape crisis centers, and other community organizations nationwide working everyday to end this violence
- Federal prosecution of interstate domestic violence and sexual assault crimes
- Federal guarantees of interstate enforcement of protection orders
- Protections for battered immigrants
- A new focus on underserved populations and Native victims of domestic violence and sexual assault

**VAWA 2000**-Congress improved on the foundation established in VAWA 1994, including:

- Identifying the additional related crimes of dating violence and stalking
- The creation of a much-needed legal assistance program for victims of domestic violence and sexual assault
- Promoting supervised visitation programs for families experiencing violence
- Further protecting immigrants experiencing domestic violence, dating violence, sexual assault or stalking, by establishing U- and T-visas and by focusing on trafficking of persons

**VAWA 2005**-Congress took a more holistic approach to addressing violence against women. In addition to enhancing criminal and civil justice and community-based responses to violence, VAWA 2005 created notable new focus areas such as:

### Impact of Domestic Violence Law in the Indian Society

- Containing provisions that exclusively serve to protect immigrant victims of domestic violence but also include immigration protections to alleviate violence against immigrant women that previous legislation had tried, but failed to alleviate
- Developing prevention strategies to stop violence before it starts
- Protecting individuals from unfair eviction due to their status as victims of domestic violence or stalking
- Creating the first federal funding stream to support rape crisis centers
- Developing culturally-and linguistically-specific services for communities
- Enhancing programs and services for victims with disabilities
- Broadening VAWA service provisions to include children and teenagers

### Suggestions:

- Develop a safety plan and discuss it with your children. Review the plan as often as possible. Change the locks and install devices to secure your windows. Make sure your children's school, day-care center, or camp know who is authorized to pick up your children. Tell your neighbors and landlord that your abuser no longer lives there and ask them to call the police if they see him or her near your home. Before you resume a potentially abusive relationship, discuss alternatives with someone you trust.
- If you have an order of protection, keep it with you at all times. Inform building security and coworkers you trust of your situation. If possible, provide a photograph of your abuser to building security. Vary your routes to and from work and arrange for someone to escort you to your car, bus, or train. Plan what to do in various situations if the abuser confronts you.

- If an argument seems unavoidable, move to a room or area with easy access to an exit - not a bathroom, kitchen, or anywhere near weapons. Identify which door, window, stairwell or elevator offers the quickest way out of the home - and practice your route. Have a bag packed and ready. Keep it in an undisclosed but accessible place where you can retrieve it quickly. Find neighbors you can tell about the violence and ask that they call the police if they hear a disturbance. Devise a code word to use with your children, family, and friends when you need the police. Decide where you will go if you have to leave, even if you do not think it will come to that. Use your instincts and judgment. Consider giving the abuser what he or she wants to defuse a dangerous situation. You have a right to protect yourself when you are in danger. You do not deserve to be battered or threatened.
- The following steps represent my plan for increasing my safety and preparing in advance for the possibility for further violence. Although I do not have control over my partner's violence, I do have a choice about how to respond to him/her and how to best get myself and my children to safety.

**Step 1: Safety during A Violent Incident.** Women cannot always avoid violent incidents. In order to increase safety, battered women may use a variety of strategies.

**Step 2: Safety When Preparing To Leave.** Battered women frequently leave the residence they share with the battering partner. Leaving must be done with a careful plan in order to increase safety. Batterers often strike back when they believe that a battered woman is leaving the relationship.

**Step 3: Safety in My Own Residence.** There are many things that a woman can do to increase her safety in her own residence. It may be impossible to do everything at once, but safety measures can be added step by step.

**Step 4: Safety with An Order Of Protection.** Many battered women obey protection orders, but one can never be sure which violent partner will obey and which will violate protection orders. I recognize that I may need to ask the police and the court to enforce my protection order.

**Step 5: Safety on the Job And In Public.** Each battered woman must decide if and when she will tell others that her partner has battered her and that she may be at continued risk. Friends, family and co-workers can help to protect women. Each woman should consider carefully which people to invite to help secure her safety.

**Step 6: Safety and Drug or Alcohol Use.** Most people in this culture use alcohol. Many use mood-altering drugs. Much of this use is legal and some is not. The legal outcomes of using illegal drugs can be very hard on a battered woman, may hurt her relationship with her children and put her at a disadvantage in other legal actions with her battering partner. Therefore, women should carefully consider the potential cost of the use of illegal drugs. But beyond this, the use of any alcohol or other drug can reduce a woman's awareness and ability to act quickly to protect herself from her battering partner. Furthermore, the use of alcohol or other drugs by the batterer may give him/her an excuse to use violence. Therefore, in the context of drug or alcohol use, a woman needs to make specific safety plans.

**Step 7: Safety and My Emotional Health.** The experience of being battered and verbally degraded by partners is usually exhausting and emotionally draining. The process of building a new life for me takes much courage and incredible energy.

Step 8: Items to take when leaving. When women leave partners, it is important to take certain items with them. Beyond this, women sometimes give an extra copy of papers and an extra set of clothing to a friend just in case they have to leave quickly.

### **Conclusion:**

VAWA's effectiveness is evident in the progress that has been made since implementation. We know that local, state, and national laws are changing; programs, businesses, and communities are responding to victims' needs; and studies show that rates of violence and reporting of crime are changing. Consider these highlights from 10 years of VAWA:

- States have passed more than 660 laws to combat domestic violence, dating violence, sexual assault and stalking. All states have passed

## Impact of Domestic Violence Law in the Indian Society

laws making stalking a crime and changed laws that treated date or spousal rape as a lesser crime than stranger rape.

- Since 1996, the National Domestic Violence Hotline has answered over 2 million calls. The Hotline receives over 21,000 calls a month and provides access to translators in 170 languages.
- Businesses also have joined the national fight against violence. Hundreds of companies, led by the model programs established by Altria, Polaroid, Liz Claiborne, The Body Shop, Aetna and DuPont, have created Employee Assistance Programs that help victims of domestic violence.
- More victims are reporting violence: among victims of violence by an intimate partner, the percentage of women who reported the crime was greater in 1998 (59%) than in 1993 (48%).



Reference:

1. Centers for Disease Control and Prevention (CDC). Costs of intimate partner violence against women in the United States. Atlanta (GA): CDC, National Center for Injury Prevention and Control; 2003. [cited 2006 May 22]. Available from: URL: [www.cdc.gov/ncipc/pub-res/ipv\\_cost/ipv.htm](http://www.cdc.gov/ncipc/pub-res/ipv_cost/ipv.htm).
2. Department of Justice, Bureau of Justice Statistics. Intimate partner violence [online]. [cited 2011 Jan 07]. Available from URL: <http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=971#summary>.
3. Max W, Rice DP, Finkelstein E, Bardwell RA, Leadbetter S. (2004) The economic toll of intimate partner violence against women in the United States. *Violence and Victims* 19(3):259–72.
4. Tjaden P, Thoennes N. Extent, nature, and consequences of intimate partner violence: findings from the National Violence Against Women Survey. Washington (DC): Department of Justice (US); 2000. Publication No. NCJ 181867. Available from: URL: [www.ojp.usdoj.gov/nij/pubs-sum/181867.htm](http://www.ojp.usdoj.gov/nij/pubs-sum/181867.htm).
5. Women and Work, Proposal for income generating activities in Kanpur and Mirzapur, Annex III, p A19-A25.
6. *Women at Work: Organizing Home-based workers*, Newsletter of the IUF (trade Union federation) winter 1994-1995.
7. *Working Women: Myth and Reality* (Experiences of a Group of Muslim womenworkers), Renana Jhabvala, SEWA.