

existing softer legislations available in those countries. In our country as on today there is no exclusive and specific law is available to tackle the issues of traditional knowledge and it is right time to frame a separate and comprehensive enactment for the protection of traditional knowledge.

After reporting events of bio-piracy in western countries, the Government of India has embarked on digitalization of data of traditional knowledge, the Government should allot liberal funding to such projects which are not only protects our traditional knowledge resources but also act great treasure for traditional knowledge in years to come.

The digital libraries of traditional knowledge should be linked with every Patent offices in the world to avoid unauthorized persons shall be prevented to exploit valuable traditional knowledge commercially. When individuals or companies exploit the traditional knowledge in such scenario a share profits are to be allotted to communities whose traditional knowledge is exploited. In addition to above steps for monitoring the traditional knowledge matters a separate cell is to be constituted at every intellectual property offices. If we are not going to initiate proper and right steps we are miserably failing in duty of passing our traditional knowledge to our future generations.

DOMESTIC VIOLENCE IN INDIA: CAUSES, CONSEQUENCES AND REMEDIES

By

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Introduction

Women and children are often in great danger in the place where they should be safest: within their families. For many, 'home' is where they face a regime of terror and violence at the hands of somebody close to them – somebody they should be able to trust. Those victimized suffer physically and psychologically. They are unable to make their own decisions, voice their own opinions or protect themselves and their children for fear of further repercussions. Their human rights are denied and their lives are stolen from them by the ever-present threat of violence

: Verbal abuse

Verbal abuse is a form of emotionally abusive behaviour involving the use of

language. Verbal abuse can also be referred to as the act of threatening. Through threatening a person can blatantly say they will harm you in any way and will also be considered as abuse it may include profanity but can occur with or without the use of expletives¹

Verbal abuse may include aggressive actions such as name-calling, blaming, ridicule, disrespect, and criticism, but there are also less obviously aggressive forms of verbal abuse. Statements that may seem benign on the surface can be thinly veiled attempts to humiliate; falsely accuse; or manipulate others to submit to undesirable behaviour, make others feel unwanted and unloved, threaten others economically, or isolate victims from support systems.

In Jekyll and Hyde behaviours, the abuser may fluctuate between sudden rages and false joviality towards the victim; or may simply show a very different “face” to the outside world than to the victim. While oral communication is the most common form of verbal abuse, it includes abusive communication in written form.

: Economic abuse

Economic abuse is a form of abuse when one intimate partner has control over the other partner's access to economic resources. Economic abuse may involve preventing a spouse from resource acquisition, limiting the amount of resources to use by the victim, or by exploiting economic resources of the victim. The motive behind preventing a spouse from acquiring resources is to diminish victim's capacity to support him/herself, thus forcing him/her to depend on the perpetrator financially, which includes preventing the victim from obtaining education, finding employment, maintaining or advancing their careers, and acquiring assets. In addition, the abuser may also put the victim on an allowance, closely monitor how the victim spends money, spend victim's money without his/her consent and creating debt, completely spend victims savings limit available resources.

Physical abuse

One of the reasons for it being so prevalent is the orthodox and idiotic mindset of the society that women are physically and emotionally weaker than the males. Though women today have proved themselves in almost every field of life affirming that they are no less than men, the reports of violence against them are much larger in number than against men. The possible reasons are many and are diversified over the length and breadth of the country. According to United Nation Population Fund Report, around two-third of married Indian women are victims of domestic violence and as many as 70 per cent of married women in India between the

age of 15 and 49 are victims of beating, rape or forced 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 Statistics are grim no matter where in the world one looks. Data from industrialized and developing countries as well as from transitional countries (see Table 2) provide an overview of the global problem. The data in this table focus only on physical assault. There are few comparable statistics on psychological violence, sexual abuse and murder of women in the hands of intimate partners and other family members. As already mentioned, physical violence is usually accompanied psychological abuse, and in many cases by sexual assault psychological and emotional abuse because psychological violence is in order to capture in quantitative studies, a full picture of the deeper and more insidious levels of violence defies quantification. Victim-survivors report that ongoing psychological violence – emotional torture and living under terror – is often more unbearable than the physical brutality, with mental stress leading to a high incidence of suicide and suicide attempts. A close correlation between domestic violence and suicide has been established based on studies in the United States, Fiji, Papua New Guinea, Peru, India, Bangladesh and Sri Lanka. Suicide is times as likely to have been attempted by a woman who has been abused than by one who has not. In the United States, as many as 35 to 40 per cent of battered women attempt suicide. In Sri Lanka, the number of suicides by girls and women 15-24 years old is 55 times greater than the number of deaths due to pregnancy and childbirth.

Different Forms of Domestic Violence in India and their Causes

Domestic Violence against Women

This form of domestic violence is most common of sex. In India, more than 55 per

cent of the women suffer from domestic violence, especially in the States of Bihar, U.P., M.P. and other northern States.

The most common causes for women stalking and battering include dissatisfaction with the dowry and exploiting women for more of it, arguing with the partner, refusing to have sex with him, neglecting children, going out of home without telling the partner, not cooking properly or on time, indulging in extra marital affairs, not looking after in-laws *etc.*

In some cases infertility in females also leads to their assault by the family members. The greed for dowry, desire for a male child and alcoholism of the spouse are major factors of domestic violence against women in rural areas. There have been gruesome reports of young bride being burnt alive or subjected to continuous harassment for not bringing home the amount of demanded dowry. Women in India also admit to hitting or beating because of their suspicion about the husband's sexual involvement with other women. The Tandoor Murder Case of *Naina Sabni* in New Delhi in the year 1995 is one such dreadful incident of a woman being killed and then burnt in a Tandoor by his husband. This incidence was an outcome of suspicion of extra marital affairs of *Naina Sabni* which led to marital discord and domestic violence against her.

In urban areas there are many more factors which lead to differences in the beginning and later take the shape of domestic violence. These include more income of a working woman than her partner, her absence in the house till late night, abusing and neglecting in-laws, being more forward so working women are quite often subjected to assaults and coercion sex by employees of the organization.

Other forms of physical abuse against women include slapping, punching, grabbing, burdening them with drudgery, public

humiliation and the neglect of their health problems. Some of the other forms of psychological torment against them could be curtailment of their rights to self-expression and curbing the freedom to associate with the natal family and friends.

Domestic Violence Against Children/Teens

Children and teenagers in our society are not spared from the evil of domestic violence. In fact, this form of violence is second in terms of number of reported cases after the 'violence against women'. There is a lot of variation in the form of its occurrence in urban and rural areas and in upper/middle class and lower class families in India. In urban regions, it is more private and concealed within the four walls of homes. The possible reasons could be disobeying parental advises and orders, poor performance in academics or not being at par with other children in neighbourhood, debating with parents and other family members *etc.* In addition to this, factors like not being socially intelligent or as active as the parents expect them to be, abusing the parents or speaking ill about other family members, not returning home on time are some other factors.

In rural areas the reasons could be harassment for child labour, physical abuse or harm for not following family traditions, forcing them to stay at home and not allowing them to go to school *etc.* Domestic violence against girls is in fact more severe at homes. As the common mob mentality of India prefers to have at least one male child after marriage, the girls in most of the occasions are cursed and assaulted for having taken birth in the home. This kind of abuse is prevalent both in cities and villages but is more common in latter case. Then there are cases of paedophilia causing sexual harassment of children in homes by family member themselves. In fact the number of rape cases of prematured girls has been rising since last few years. A survey of teens and

college students found that rape accounted for 67 per cent of sexual assaults in girls. Apart from sexual abuse and rape, pushing, slapping, punching, stalking and emotional abuse are other forms of domestic violence against children.

Adding to the above mentioned causes, there are also instances of abuse against children who are physically and/or mentally challenged. Instead of providing them proper health care and treating them politely, these children are beaten and harassed for not cooperating and attending to what family members ask them to do. They are even emotionally abused by cursing them having been in such retarded or handicapped state. In fact in poor families, there have been reports of selling body organs of the retarded children for getting money in return. It reflects the height of cruelty and violence against innocent children.

Other Forms of Domestic Violence in India

There are some more possible forms of domestic violence prevalent in India other than the ones listed above. On a serious note, family wars or clan wars are deadly forms of domestic violence across the country. The reason of such type of violence include dispute over property, physically or emotionally abusing any member of other family or clan, any religious cause or conflict arising during a religious ceremony, jealousy because of progress and financial status of other family, inter-caste marriage *etc.* This form of violence is common in many States like Haryana, Punjab, Andhra Pradesh *etc.*

One of the other forms of domestic violence is ill-treatment of servants and maids in households. In many of the affluent homes, servants are deprived of their salary and basic necessities. They are harassed and beaten and to work without even taking adequate rest. Similarly maids are molested by males in the family. Atrocities against small children

working as servants are common and increasing.

To some extent media is also responsible for contributing to all the above forms of violence. The exaggerated news coverage of reports of domestic violence, the daily soaps screening the torture of a daughter-in-law at the hands of family members, the films portraying an element of violence against people of all age groups *etc.*, are some of the menaces which media is causing. It is influencing the mindset of the viewers strongly. The problem arises when instead of taking a lesson from those news clippings, films, and television shows, people start enacting the same in their homes. Comparatively, the visual media is far more influencing than the print and electronic media in these cases. Illiteracy and mob mentality of majority of Indians misguides them in all these cases.

Consequences of Domestic Violence

There are varied consequences of domestic violence depending on the victim, the 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. The consequences of the domestic violence in detail can be broadly categorised under – the Effect on the victim himself/herself and the family, Effect on the society and the Effect on nation's growth and productivity. The 'Effect on the victim' has been further subcategorized for women, men, children and olds.

Effect on the victim and the family

Consequences of Violence against Women

Battered women have tendency to remain quiet, agonised and emotionally disturbed after the occurrence of the torment. A psychological set back and trauma because of domestic violence affects women's productivity in all forms of life. The suicide

case of such victimised women is also a deadly consequence and the number of such cases is increasing.

One of the severe effects of domestic violence against women is its effect on her children. It is nature's phenomenon that a child generally has a greater attachment towards the mother for she is the one who gives birth. As long as the violence subjected to the mother is hidden from the child, he/she may behave normally at home. The day when mother's grief and suffering is revealed, a child may become upset about the happening deeply. Children may not even comprehend the severity of the problem. They may turn silent, reserved and express solace to the mother. When the violence against women is openly done in front of them since their childhood, it may have a deeper and gruesome impact in their mindset. They get used to such happenings at home, and have a tendency to reciprocate the same in their lives. It's common in especially in rural homes in India which are victimised by the evil of domestic violence.

In cases of Intimate Partner Violence (IPV), violence against women leads them to maintain a distance from their partner. Their sexual life is affected adversely. Many of them file for divorce and seek separation which again affects the life of children. Some continue to be exploited in lack of proper awareness of human rights and laws of the Constitution.

Consequences of violence Against Children

Consequences of Violence against Children/Teens. The consequences in case of children are far more drastic and its effect is long lived. Children are sensitive to issues related to violence of any kind as they are not mature enough to comprehend them. In their growing years they try to imitate things which they see happening around them. In the process of following their parent's advice or instructions they become firm in their opinion and approach towards life. Now if

the approach of parents itself is negative, children are bound to get influenced by it. They may adopt the negative traits of the ill they see around them or develop a hostile approach in life because of the ill-treatment they are subjected to. If a child is beaten badly for under performing in school, he may do the same to his children, thinking it might be the only possible way of making a person to work hard.

Girls also develop a feeling of insecurity in their homes when they are sexually exploited. They lose their self-confidence and desire for living. A girl child from violent home can withdraw from society and become completely depressed. Children from violent homes become disobedient and violent and start using aggression to solve their problems. Adolescents may succumb to drugs and alcohol when treated harshly. Some helpless and abandoned children are picked up gangs who sell their organs for making huge amount of money. In most of the cities, the group of beggars at traffic lights or railway platforms are the abandoned children who are physically deformed forcefully for begging. The children who escape being a part of this vicious circle are looked after by children welfare organizations like, Indian Child Welfare Association (ICWA), Child Relief and You (CRY) and Child Line *etc.*

Effect of Domestic Violence on the society

All the different forms of violence discussed in this essay adversely affect the society. Violence against women may keep them locked in homes succumbing to the torture they face. If they come out in open and reveal the wrong done to them for help and rescue, it influences the society both positively and negatively. At one hand where it acts as an inspiration and ray of hope for other suffering women, on the other hand it also spoils the atmosphere of the society. When something of this kind happens in the society, few families may witness the evil of

domestic violence knocking their door steps. Some families try to imitate what others indulge in irrespective of it being good or bad for the family.

Remedies for Domestic Violence

What exactly do we want?

A very important question in wake of domestic violence remedies is that what exactly we are looking for in the process of minimising their occurrences. Is it so that we want to gather more information about such cases for just expressing our concern over this issue with more accuracy, having facts and figures at hand? Or instead of just raising our voices, we want to clean up the mess with sheer force and determination?

Fighting the 'Domestic Violence' Evil

A recent study has concluded that violence against women is the fastest-growing crime in India. According to a latest report prepared by India's National Crime Records Bureau (NCRB), a crime has been recorded against women in every three minutes in India. Every 60 minutes, two women are raped in this country. Every six hours, a young married woman is found beaten to death, burnt or driven to suicide.

The response to the phenomenon of domestic violence is a typical combination of effort between law enforcement agencies, social service agencies, the Courts and corrections/probation agencies. The role of all these has progressed over last few decades, and brought their activities in public view. Domestic violence is now being viewed as a public health problem of epidemic proportion all over the world – and many public, private and Governmental agencies are seen making huge efforts to control it in India. There are several organizations all over the world – Government and non-Government – actively working to fight the problems generated by domestic violence to the human community.

Need for Stringent Laws

The Government of India passed a Domestic Violence Bill, 2001, "To protect the rights of women who are victims of violence of any kind occurring within the family and to provide for matters connected therewith or incidental thereto"*

An Act called Protection of Women from Domestic Violence Act, 2005 [DVA, 2005] also has been passed". This Act ensures the reporting of cases of domestic violence against women to a 'Protection Officer' who then prepares a Domestic Incident Report to the Magistrate "and forward copies thereof to the police officer in charge of the police station within the local limits of jurisdiction..."**

Unfortunately, at present there is no single law in the Indian Constitution which can strictly deal with all the different forms of 'Domestic Violence' as discussed in this essay. There is an urgent need for such a law in the country. In fact, there has also been misuse of Section 498-A and DVA, 2005 because of restricted definition of cruelty subjected to married women.

Domestic violence is a complex problem and there is no one strategy that will work in all situations. To begin with, violence may take place within very different societal contexts, and the degree to which it is sanctioned by a community will naturally influence the kind of strategy needed. Considering the interconnections between the factors responsible for

Domestic violence gender dynamics of power, culture and economics – strategies and interventions should be designed within a comprehensive and integrated framework. A multi-layered strategy that addresses the structural causes of violence against women while providing immediate services to victim-survivors ensures sustainability and is the only strategy that has the potential to eliminate this

scourge. When planning strategies and interventions, there are a variety of stakeholders that should be borne in mind.

Partnerships with these stakeholders can operate on several levels at once.

- At the level of the family, the stakeholders include women, men, adolescents and children.
- Within the local community, partnerships have to be developed with traditional elders, religious leaders, community-based groups, neighbourhood associations, men's groups (*e.g.*, village farmers' associations), local councils and village level bodies.
- Within civil society, the range of partners include professional groups, women's and men's groups, NGOs, the private sector, the media, academia, and trade unions.
- At the State level, strategies must be designed in partnership with the criminal justice system (the police, judiciary and lawyers); the health care system; Parliament and provincial legislative bodies; and the education sector.
- At the international level, the stakeholders include international organizations (such as the United Nations Agencies, the World Bank, and the regional development banks). Domestic violence is a health, legal, economic, educational, developmental and human rights problem. Strategies should be designed to operate across a broad range of areas depending upon the context in which they are delivered. Key areas for intervention include:
 - advocacy and awareness raising .
 - education for building a culture of nonviolence.
 - training
 - resource development

- direct service provision to victim survivors and perpetrators
- networking and community mobilization
- direct intervention to help victim survivors rebuild their lives
- legal reform
- monitoring interventions and measures
- data collection and analysis.
- early identification of 'at risk' families, communities, groups, and individuals.

These areas are not mutually exclusive; interventions may touch upon several areas at once. Above all, five underlying principles should guide all strategies and interventions attempting to address domestic violence:

- prevention
- protection
- early intervention
- rebuilding the lives of victim-survivors
- accountability

This section of the Digest attempts to formulate a framework for coordinated action at the policy and programme level. An effective strategy is one that is designed to be culture-and region-specific, providing victim-survivors easy access to wide-ranging services, and involving the community and individual stakeholders in the design of interventions. By focusing on the stakeholders and by highlighting responsibilities of the family, the local community, the civil society, the State, and international organizations, this framework points to relevant areas of action.

Role of Non-Governmental Organizations (NGOs)

The role of non-Governmental organizations in controlling the domestic

violence and curbing its worse consequences is crucial. Sakshi – a violence intervention agency for women and children in Delhi works on cases of sexual assault, sexual harassment, child sexual abuse and domestic abuse and focuses on equality education for Judges and implementation of the 1997 Supreme Court's sexual harassment guidelines. Women's Rights Initiative – another organization in the same city runs a legal aid cell for cases of domestic abuse and works in collaboration with law enforcers in the area of domestic violence.

References

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- (4) Articles from internet (www.youthkiawaz.com)

WHETHER PRIOR LEGAL NOTICE BEFORE FILING THE SUIT AS MENTIONED UNDER SECTION 138-A OF A.P. PANCHAYAT RAJ ACT IS NECESSARY IN THE CASE OF A SUIT FOR INJUNCTION

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Section 138-A A reads "Notice of action against Gram Panchayat (1) Subject to the provisions of Section 138, no suit or other legal proceeding shall be brought against any Gram Panchayat or the Sarpanch or the executive authority or any member, officer or servant of such Gram Panchayat or against any person acting under the direction of such Gram Panchayat, Sarpanch, executive authority, member, officer or servant, in respect of any act done or purporting to be done under this Act or in respect of any alleged neglected or default in the execution of the provisions of this Act or any rule, bye law, regulation or order made under it, until the expiration of two months next after notice in writing stating the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of residence of the intended plaintiff,

has been left at the office of the Gram Panchayat and if the proceeding is intended to be brought against any such Sarpanch, executive authority, member, officer, servant or person, also delivered to him or left at his place of residence, and unless such notice is given, the Court shall not entertain such suit or legal proceeding. (2) Every such proceeding shall, unless it is a proceeding for the recovery of immovable property or for a declaration of title thereto be commenced within six months after the date on which the cause of action arose or in case of a continuing injury or damage, during such continuance or within six months after the ceasing thereof. (3) If any Gram Panchayat or person to whom notice is given under sub-section (1) tenders amends to the plaintiff before the proceeding is commenced and if the plaintiff does not in