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# BEHIND THE CLOSED DOORS: THE COMMUNITY'S ROLE IN CREATING AWARENESS TO COMBAT DOMESTIC VIOLENCE

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## I. ABSTRACT

Domestic violence continues to be a very deep rooted social and legal issue, often within private spaces and continued cause of social shame, lack of awareness among people, and less access to legal remedies. Examination of the critical role of addressing, preventing and responding to domestic violence is addressed in the research paper title “Raising voices: Local Awareness on Domestic Violence”. This paper analysis how local awareness initiatives like legal literacy programs, campaigns through media, and involvement of local institutions-encourage and provide strength and social support. The effectiveness of the existing framework is further evaluated, particularly the Protection of Women from Domestic Violence Act, 2005 in addition with the local awareness schemes. The paper highlights the gap between law in theory and law in practice by adopting a socio-legal approach. The importance of sensitization among the law enforcement agencies and civil society organizations are emphasized in this paper. The importance of strengthening local awareness is shown in this paper. It is not only essential for the protection of victim but also for transforming societal attitudes thus ensuring access to justice and showing zero tolerance towards domestic violence.

**II. Keywords:** Domestic violence, Local awareness, Legal awareness, Protection of Women from Domestic violence Act, 2005, Access to Justice, Participation of Community.

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### III. Introduction

In any relationship domestic violence is a pattern of abusive behavior by one partner to gain or show power or control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, psychological, or technological actions or threats of actions or other patterns of coercive behavior that influence another person within an intimate partner relationship. Any behavior that is intimidate, manipulative, humiliative and frightens, terrorize, threaten, blame, hurt, injure, or wound someone is included under Domestic violence. People of all socioeconomic backgrounds and education levels is affected by domestic violence. Domestic violence occurs in both opposite-sex and same-sex relationships and can happen to intimate partners who are married, living together, dating, or share a child.

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 are seriously affected by this crime who grow up watching domestic violence. 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 – thus it improves the risk of societies next generation of victims and abusers. To educate the public about the dynamics of abuse in intimate partner relationships the discussion of domestic violence is important. These discussions also help the family and friends of victims recognize the signs of abuse in the relationship of the loved ones.

The Violence Against Women Act contains a definition of domestic violence that governs the programs funded under the Act. The definition in VAWA is not altered by these discussions.

Section 3 of the domestic violence act 2005 defines domestic violence. It includes any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it—

(a) harms or injuries that cause danger to health, stable life, or the well being of the person including physical or mental wellbeing of the accused person or includes something that causes physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or

(b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or

valuable security; or

(c) has threatened the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or

(d) injures or causes harm, including physical or mental, to the aggrieved person.

Explanation I.—For the purposes of this section,—

(i) any act of conduct including such a nature that causes bodily harm, or danger to life, limb, or health is referred as “physical abuse”.

(ii) any act that includes any conduct of sexual nature- abuse, humiliation, degrades or violates the dignity of woman is termed as “sexual abuse”.

(iii) any act including insults, ridicule, humiliation, or name calling or ridicule especially with regard to not having a child or a male child; and continuous threats to cause physical harm to any person related to the aggrieved person amounts to “verbal and emotional abuse”.

(iv) act that includes deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or which the aggrieved person requires in necessity including, but not limited to, house hold necessities for the aggrieved person and her children, if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared house hold and maintenance amounts to economic abuse.

## **A. Research Objectives**

1. The nature and extend of Domestic Violence at local/ community level is examined.
2. To study legal and social awareness regarding domestic violence.
3. The role of local institutions, NGOs, and community programs in raising awareness against domestic violence is analyzed.
4. The effectiveness of Protection of Women from Domestic Violence Act, 2005 is evaluated at the grassroot level.

5. To identify social stigma, fear, lack of information that creates fear in the mind of victims to report domestic violence.

6. To provide measures for strengthening local awareness and improving access to justice for victims.

## **B. Research Questions**

1. what are the most commonly experienced form of Domestic Violence at the local level?

2. Whether the individuals are aware of their rights and remedies under Domestic Violence or not?

3. What are the roles played by local awareness programs in encouraging victims to report about abuse?

4. Whether the implementation of domestic violence laws at the community level is effective or not?

5. What can be the Social and cultural factors that discourage victims from seeking legal help?

6. What are the ways to improve the local awareness initiatives to help prevent domestic violence?

## **C. Research Hypotheses**

1. The underreporting of domestic violence cases is because of the lack of local awareness.

2. To increase the legal literacy at the community level to increase the level of reporting and redressal of domestic violence.

3. The major barrier to the victims who seeks legal and institutional support is social stigma.

4. Awareness programs tend to reduce tolerance towards domestic violence among communities.

5. What improves victim protection and access to justice is strong community participation.

## D. Research Methodology

Socio-legal and descriptive research methodology is adopted in this study to examine domestic violence as a legal as well as a social issue with major focus on the role of local awareness to prevent and redressal. A qualitative and analytical approach is followed in this research thus analyzing how community-level awareness programs tend to influence victims to access legal remedies and justice. Both primary and secondary resources are used for collecting data for this research. Interviews and interactions with victims of domestic violence includes the primary data. Secondary data is taken from statutory provisions such as the Protection of Women from Domestic Violence Act, 2005, ratio decedendi, books, journals. The scope of this research is limited to local and community-level awareness within India.

## Literature Review

Domestic violence is such a topic that have been examined by several scholars and institutions. In 1999, Agnes highlighted that DV in India is deeply attached to the patriarchal social structures and is most of the time hidden because of fear, dependence and most importantly social shame. According to her, legal remedies alone are insufficient unless it is supported by social awareness and intervention of community. It has been further observed by Flavia Agnes that women are reluctant to report abuse and this is largely influenced by lack of awareness of legal rights and weak methods of implementation.

The Protection of Women from Domestic Violence Act, 2005 (PWDVA) marked a important shift by identifying domestic violence as a violation of human rights rather than a private matter of family. Some scholars like Bina Agarwal (2010) stated that although civil remedies such as protection orders, residence rights and monetary relief are provided under this Act, its effectiveness heavily depends on awareness among women.

The existing literature despite of these developments shows a significant gap between law and practice. The focus of most studies is on legal provisions and case laws, but much attention should be given towards the role of local awareness and community participation for transforming social attitudes. This gap shows that present study should focuses on raising voices through local awareness to stop domestic violence effectively.

## Research & Analysis

### Importance of domestic violence in India:

In India, the topic of domestic violence is important because of its long-lasting effect on individual, families and societies at large. Its significance is highlighted by several factors such as:

- a) Magnitude and Prevalence: In India, domestic violence is widespread. High rates of intimate partner violence is constantly reveled by National Family Health Surveys (NFHS), along with many unreported cases going because of the social stigma or lack of awareness. This issue is essential to address to ensure safety and dignity of the ailing individuals.
- b) Implementation and legal framework: There are laws in India like Protection of Women from Domestic Violence Act, 2005 (PWDVA) where civil remedies are provided for the survivors. However, what hinders justice is the challenges in implementation, awareness and enforcement. Talking about domestic violence improves the understanding of these gaps and the solutions bridges these gaps.
- c) International Commitments: In various global framework like the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) India is a party which mandates the country to address domestic violence. This aligns national action with the international human right standards.
- d) Social and Cultural Transformation: In many countries Domestic Violence is often normalized. Dialogue, breaking of societal silence, and challenges come up when this topic is prioritized.
- e) Intersectionality: Marginalized groups, including Dalit women, LGBTQ+ individuals, and those in rural areas are disproportionately affected by domestic violence. India can work towards stopping domestic violence, ensuring justice, and promoting a culture of equality and respect by improving the awareness among people.

Let's understand domestic violence in India that have significantly contributed towards shaping the legal framework:

### 1. ***S.R. Batra v. Taruna Batra (2006)***

Key Issue: Right to residence under the Domestic Violence Act, 2005 (DV Act).

Facts: The right to live in the husband's house was claimed by the wife, which was owned by her in-laws.

Judgement: The SC held that the right to residence under section 17 of the DV Act will only apply to "shared household" owned or rented by the husband or jointly owned by the couple. It was stated that a property that is owned exclusively by the in-laws doesn't act as a shared household unless it is stated legally.

Significance: It narrowed the definition of a shared household.

### 2. ***V.D. Bhanot v. Savita Bhanot (2012) (AIR 2012 SC 965)***

Key Issue: Application of the DV Act was retrospective.

Facts: the application of the DV Act was contested by the husband, arguing that the incidents of violence occurred before its enactment.

Judgment: The Supreme Court said that the DV Act can apply to incidents that occurred before its enactment in 2005, as long as the domestic relationship continues after the Act came into force.

Significance: Expanded the scope of the DV Act to provide protection to victims of past abuse.

### 3. ***Hiral P. Harsora v. Kusum Narottamdas Harsora (2016)***

***Decided On: 06.10.2016***

Key Issue: Scope of who can file a complaint under the DV Act.

Facts: The restriction of woman filing complaints in the DV Act.

Judgement: The words "adult male" was put down by the Supreme Court from Section 2(q) of the DV Act, thus allowing women to file cases against another woman in a domestic

relationship.

Significance: This made the Act gender-neutral in terms of respondents.

#### **4. *Krishna Bhattacharjee v. Sarathi Choudhury (2015)***

Key Issue: under the DV Act right to residence and maintenance was claimed.

Facts: Maintenance and right to residence was asked for by a woman after her separation from her husband. It was argued by the husband that the claims were time barred.

Judgement: It was held by the Supreme Court that claims for maintenance and residence under the DV Act were not bound by limitation.

Significance: The financial and residential rights of the woman were strengthened.

#### **5. *Shalu Nigam v. Rakesh Nigam (2020)***

Key Issue: Interim relief was sought under the DV Act.

Facts: interim relief was asked for by the wife for maintenance and protection under the DV Act.

Judgment: It was stated by the Delhi High Court that interim relief should be granted immediately and without undue delay to protect the interest of the victim.

#### **6. *Indra Sarma v. V.K.V. Sarma (2013) AIR 2014 SC 309***

Key Issue: Shows how DV Act is applicable in live-in relationships.

Facts: A woman sought protection in living relationship under the DV Act.

Judgment: The Supreme Court held that the DV Act applies to live-in relationships akin to a marriage. However, relationships of a casual nature or those based on adulterous ties do not qualify.

Significance: It gave protection to victims of abuse in live-in relationships.

## **Suggestions & Recommendations**

1. Local Awareness programs should be strengthened: Regular campaigns of legal literacy at the community level should be conducted so that people are educated about domestic violence, legal remedies, and available support services.
2. Participation of the community: Local leaders, groups of self-help, and educational institutions, should be involved actively in spreading awareness and to challenge social norms that make domestic violence normal.
3. Authorities training: Staffs of judiciary, protection officers, police officers must gain regular gender-sensitization training to ensure sensitive handling of domestic cases.
4. Use of Media: Platforms such as local media and social media effects directly to spread awareness, share information of helpline, and promote no tolerance towards domestic violence
5. Legal Aid: Free legal aid and counselling services must be accessible easily; helpline information should be shared to promote zero tolerance towards domestic violence.

## **Conclusion**

In India, often the surveys on domestic violence are conducted by government agencies, non-governmental organisation or international institutes. National Family Health Survey (NFHS), are one of the biggest sources that are conducted by the Ministry of Health and Family Welfare, which regularly collects the data across the country on domestic violence.

According to my findings, of my interviewed surveys woman aged 18-49 years about 30% are experiencing physical, emotional, or sexual violence by their spouse. Almost in 60% of the household domestic violence is surveyed in urban slum areas. The main triggers cited is alcohol abuse by male partners and financial dependency of women.

**Significance:** It brings attention to the disproportionate impact of domestic violence in economically marginalized areas.

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