

DOMESTIC VIOLENCE ON DAUGHTERS AN EMPIRICAL STUDY ON PARENTAL MALTREATMENT ON DAUGHTERS IN INDIA

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Abstract

“Domestic violence” is a terminology which we hear almost every day. But then, when we hear it, we mostly think that domestic violence only occurs to daughters-in-law. We often neglect that it can happen to our daughters as well. Victims of domestic maltreatment are not recognised under domestic violence under Indian Law. Criminal law in India is still unable to recognise parental abuse in a huge country such as India where almost every day we hear about daughters getting harassed, torture of daughters, child marriage, female infants dumped in unfavourable areas, women who are adopted into an adoptive centre or outside religious places and, above all, female fetuses. Foreign countries have identified and criminalized the crimes committed against children under the guidance of their parents or any other guardians. Child support systems as well as NGOs are there to help them immediately. We can witness a slow but steady improvement in the mistreatment of women in parental homes. Supportive parents, family members and friends can help getting over age old tradition of maltreatment of women. The objective of the empirical study is to gain knowledge about whether daughters are still maltreated in their maternal homes in recent time and how much supportive their parents are when it comes to fulfilling their dreams and goals of life. The discussion is emphasized upon the analysis of current day situation of daughters in parental homes. The focus of the research will be on the need of litigation which is required to prevent parental maltreatment against unmarried daughters.

Key words- Domestic violence, Daughter, Maltreatment, mental trauma, victim support

INTRODUCTION

Most of the laws regulating domestic violence, even Domestic Violence Act, speaks mostly about violence occurred in matrimonial house of the women. However, somewhere when we are recognising the need and urgency of laws for married women in India, we are forgetting how important it is to focus on daughters in our houses, who are also subjected to psychological as well as physical torture, on a regular basis. It is well known to all of us that even in 21st Century India is still living in 1960s or even backwards, where family are still conducting sex determination test unlawfully, female foeticide is still a major concern, child marriage is there in large number and mental cruelty is a door-to-door story in most of the house hold. As per my experience, my parents are very liberal and educated, but I have seen few of female friends who were given to marriage as soon as they turned 18-years of age. We have come very far as of recognising offences against women, criminalizing them and finding solution to end the victimisation as well, but on the other hand, we are only focusing on offences on women committed after they are married and not before it. India is a country full of people who still have orthodox mentalities. It is still a famous superstition in rural areas of India that having daughters and no sons, will probably lead the parents to hell, as there will be no one to perform the cremation. The dowry system is still performed by many families, hence leading the community to believe that having a daughter will lead to further monetary tension in family. In most of the villages, there are schools which still do not have facilities for girls to study beyond class 10th (Sharma, 2015). India has a lot of backlogs in girls’ education. However, with the passage of time, we can see certain developments in families and sectors when it comes to educating the women of the family. How far have we gone, is yet to be determined. Government has enacted and implemented special programs and policies for girls and awareness programs relating to gender neutrality are always initiated by bureaucrats and governments, both States and Central (International Institute for Population Sciences (IIPS) and ICF, n.d.). But somewhere between all these we still are lacking active participation of families. Indian state with

highest reported female foeticide is Andhra Pradesh and Chhattisgarh with 10 cases respectively¹. The most unsafe state in India recording highest number of cases against women is Uttar Pradesh with 41,550 registered and reported cases, as report shown by NCRB² (National Crime Record Bureau). And Kolkata has become the safest city for women, due to proactive and effective policing³. It is scary to even read these reports. These data are of the reported case, but there are several incidents, where these types of domestic violence are not even reported and sadly, not even recognised. India has commissions and several special legislations to cover the abused-on children but none of them specially recognised the mental trauma a woman has to go through just because of her gender, in her own house, within her own family; unless it is extreme, there is no remedy for a daughter to seek.

TYPES OF DOMESTIC VIOLENCE

There are several types of domestic violence. We cannot say that only physical violence on daughters can be termed as domestic violence, sometimes mental abuse is enough to impact the victims to an extent that they take years to get over that trauma. Abuses can be of various types, mental, physical, verbal, psychological (Fernandez, 1997). Victims often take time to understand the impact of these abuse. Initially, they tend to blame themselves for the wrongs and fall pray to the wrong ideas of family or relatives. Sometimes the maltreatments are like (Richardson & Feder, 1995),

- a) Calling out in various insulting names
- b) Prevents or discouraging the daughters going to school, friends' place, or to place of work or to any other relatives' place
- c) Tries to control how the daughter is spending the money
- d) Getting angry and irritated easily
- e) If things do not get according to plan then give the daughter the 'silent-treatment'
- f) Blaming the daughter for any type of failures
- g) Threatening to hurt the victims
- h) Physically injuring the daughter
- i) Scolding or keeping away friends and families away from victim
- j) Forcing the daughter to get married or get engaged early

According to World Health Organisation Report, the highest rate of domestic violence happened to the women from the age group of 15 to 49 years of age (Walden, 2002). It has also been proven that violence against women affect them physically, mentally, sexually and their reproductive health as well. During COVID 19, due to lockdown, the crimes committed behind the doors have increased to a greater extent. Such type of maltreatment can lead to;

- a) Increase in rate of suicide, self-harm and even sometimes homicide.
- b) Increase in health issues like headaches, irritability, PTSD, OCD, pain syndrome, depression and anxiety disorders, eating disorders, gastrointestinal disorder, substance abuse, smoking and over all poor health issue.
- c) They grow up to have emotional and behavioural disturbances.

PREVENTION OF DOMESTIC VIOLENCE ON NATIONAL AND INTERNATIONAL LEVEL

United Nation in the year 2019 along with World Health Organisation (WHO) launched the program called **RESPECT**, with an intention to prevent the domestic violence to women, both by the partner as well as family. RESPECT has seven strategies to counter domestic violence on women (Western & Varley, 2019);

1. Relationship skills strengthening
2. Empowerment of women
3. Services ensured
4. Poverty reduced
5. Enabling environments (schools, work places, public spaces) created
6. Child and adolescent abuse prevented
7. Transformed attitudes on the basis of beliefs and norms.

RESPECT further emphasises that effective approaches prioritise women's safety. Their key elements include addressing patriarchal gender power relationships that they are participatory; that they overcome various risk factors by combined programming and that they begin early in life. It is critical to pass and introduce laws,

¹ <https://www.statista.com/statistics/633932/reported-cases-of-infanticide-by-state-india/#:~:text=Number%20of%20reported%20cases%20of%20infanticide%20in%20India%202019%2C%20by%20state&text=The%20India%20state%20with%20the,Chhattisgarh%20with%20ten%20cases%20each.>

² <https://ncrb.gov.in/sites/default/files/CII%202019%20Volume%201.pdf>

³ <https://curlytales.com/kolkata-is-indias-safest-city-for-women-coimbatore-patna-also-on-the-list/#:~:text=Rajasthan%20is%20The%20Most%20Unsafe,number%20of%20crimes%20against%20women.>

establish and execute strategies that encourage gender equity, devote funding to prevention and reaction, and engage in women's rights organisations in order to facilitate long-term progress⁴.

In USA and many other countries like Brazil, Canada, Costa Rica, Australia, United Kingdom, Texas, California, they have the Child Protective Services. Child protective services (CPS) is the name of a federal department that is responsible for ensuring child welfare in many jurisdictions in the United States, and responding to allegations of child abuse or neglect. Some states have different names, such as department of childhood and family care, to represent more family-centered (rather than child-centered) policies (DCFS). Department of social services (DSS or literally social services for short) is another acronym for CPS, but both words usually have a wider definition.

List of child protection services;

1. Bureau Jeugdzorg and Raad voor de Kinderbescherming — Netherlands
2. Jugendamt — Germany and Austria
3. Children and Family Court Advisory and Support Service — England and Wales
4. Patronato Nacional de la Infancia — in Costa Rica
5. National Council for the Rights of Children and Adolescents (Conselho Nacional dos Direitos da Criança e do Adolescente – CONANDA) — Brazil
6. Norwegian Child Welfare Services
7. Oranga Tamariki—Ministry for Children — New Zealand
8. Odisha State Child Protection Society – Odisha, India

INDIAN LAWS

An organised and system-based response is needed to combat domestic violence. However, while the Indian Penal Code's Section 498A (Indian Penal Code (Act No. 45 of 1860), 1860) is undoubtedly one of the most important support for women's rights, it's just a start. Criminal law is used as a harsh weapon, however; while it considers domestic harassment an offence, the police will not cooperate to combat it. It is critical that we follow a new approach to victim-policing: we need to implement stricter pro-arrest policies and develop social networks in the police station. More importantly, it is also essential to provide civil and criminal remedies for domestic abuse victims. Over the last three decades, domestic abuse has been recognised as both a felony and a significant problem for law enforcement. The few can make the argument that only the criminal code is enough to handle the issue of domestic abuse, which then made a need for civil legislation inevitable. Judicial legislation would then must answer these questions. However, the domestic violence under Sec 498A (Indian Penal Code (Act No. 45 of 1860), 1860) only helps the women after they are married, before marriage, we only have few laws which held accountable any person who mistreat any women: like rape laws, sexual harassments, stalking, molestation, outraging modesty and hurt (Gaur, 2015). But nothing what happens to a woman behind closed doors, before marriage, either by her parents or by any relatives.

In India we have several genders-neutral laws protecting children, such as; Prohibition of Child Marriage Act, 2006, Right of Children to Free and Compulsory Education Act, 2009, Protection of Children from Sexual Offences Act, 2012, Protection of Children from Sexual Offences Act (POCSO), 2012 and several others. In 2013, India adopted the National Policy for Children, 2013 which has the main objective to provide safety and security of all children is integral to their well-being and children are to be protected from all forms of harm, abuse, neglect, violence, maltreatment and exploitation in all settings including care institutions, schools, hospitals, crèches, families and communities.

In Odisha (India), the state implemented State Service Society for child protection. The Odisha State Child Protection Society (OSCPS) is the technical, foundational, and practical unit of the Government of Odisha's Women & Child Development Department in charge of implementing the Integrated Child Protection Scheme (ICPS). OSCPS was founded in 2009 and is governed by the Society Registration Act. District Child Protection Units (DCPUs) have been established as OSCPS's extended bodies to carry out ICPS's operations at the district and sub-district levels.

OBJECTIVES OF THE RESEARCH-

The main objectives of the study are;

1. To know how many daughters are still maltreated in their maternal homes in this generation of world.
2. To know how much supportive their parents are when it comes to fulfilling their dreams and goals of life.

RESEARCH QUESTION

This empirical research tends to find two important questions regarding domestic violence on daughters;

⁴ United Nations. Declaration on the elimination of violence against women. New York: UN, 1993.

1. Whether in modern society of India, Daughters still face any sort of discretion or verbal abuse from either their parents or any other relatives?
2. How far parents are supportive towards the goals and dreams of their daughters?

RESEARCH METHODOLOGY

Primary data was collected through telephonic mode in interview techniques, where the respondents were asked definite set of questions which were prepared.

The secondary data was collected from Indian Penal Code (Act 45 of 1860).

The tertiary data was collected from Books, several articles, reports, online sites, Journals, websites, newspaper report, Wikipedia and articles in magazines.

The area of research is in Odisha and West Bengal, where the respondents are all young women of total number 21, who are unmarried, varying from age group of 18years to 27years.

The sampling technique used for the research is Nonprobability sampling with purposive sampling procedure.

EMPIRICAL FINDINGS

The primary data analysis can be done through the responses received. When asked that how many women they have in their family, most of them (76.2%) stated that they have less than 5 women in their family. All of the respondents have their own goals and ambitions, when asked about their goals most of them stated that they want to continue their studies, some of them want to be scientist or become financially independent.

When asked whether their parents motivate them for higher education, 85.7% of them replied that their parents support them but sadly still 14.3% of them stated that there is a restriction on age. Then the question was about how much they support them, high number of female respondents (81%) said extremely supportive and very low said medium supportive (19%). When asked whether or not they feel attached to their parents, 71.4% stated that they are attached deeply with their parents.

The next question was whether they were nagged to get married by their parents or relatives, 33.3% of them stated that they are rarely nagged, 33.3% stated not at all nagged, but still 23.8% stated that often they face these situations.

When asked questions about when they were eve teased or someone outraged or tried to outraged their modesty, whether a family member or outsider, how much their parents were supportive, most of them (76.2%) responded that they were highly supportive. But some of them (14.3%) also stated that they were less supportive as expected.

| QUESTIONS | YES | NO | MAY BE/ SOMETIMES |
|--|-------|-------|----------------------|
| Treated differently as compared to male cousins or siblings by any elderly | 33.3% | 52.4% | 14.3% |
| Treated differently than your brothers by your own parents | 28.7% | 66.7% | |
| Freedom to choose wearing apparels in family | 61.9% | 38.1% | - |
| Heard any terms like "Parayadhan", "Girl should not talk/walk/laugh like this", "Aged to not study anymore, rather get married" from any of family members | 38.1% | 57.1% | |

Fig 1 shows some of the questions and opinions of the population regarding the same respectively

DISCUSSION

The evolution of crimes against women was slow but steady in India. Indian criminal justice is accusatorial system, not inquisitorial one. Victim always plays a back stage role in every crime. Hence, making all victims, whether recognized or not, hard to come to police station and report any abuse. In the above table and explanation of questions, we can see that India is developing treating girl child equally with boy but we still lack in certain factors. All the respondents for this study are from developed city and educated. We can see that even parents are supportive, some of the relatives or known persons keeps on taunting them to behave like a typical old-fashioned woman. When it comes to female education, there is also this shackle of age-factor, where people think that with growing age the woman will not be able to find a suitable groom. The discrimination in families and obsession of having a male child have lessen to great extent, with passage of time and educational development. There are still families where the daughter shares that she was being eve teased or molested and parents are not supporting the daughter absolutely, there where we lack as a modern society, with so much education, awareness and development.

The results are very satisfying that most of the daughters are supported by their parents to pursue their ambition, be it higher studies or job. We surely are developing in those aspects. As per my personal experience, while I was

growing up, my grand-mother was never affectionate towards me, as I was a girl. She always used to give more attention to my cousins. However, I have really supportive parents, they always motivated me to study more and grow as a person. That helped me a lot in shaping my studies and career. Having supports from parents, be it mental or financial, means a lot for daughters to spread their wings and fly high to fulfil their ambitions. However, with that, it is really sad to see that still in some families, daughters are maltreated either by some rudimentary family members or by their parents. I have seen it happening with few of my female friends. Usually, most of the traditional problems relating to women can be seen in rural areas. But we can see distinct development in supports provided by family to daughters. This is slow and time taking process, but surely one day India will also formulate specific provision for maltreatment of women in their maternal homes.

CONCLUSION

According to National Policy for Children, 2013, which quoted;
“All children must be protected against all forms of violence and abuse, including economic and sexual exploitation, abandonment, separation, abduction, sale, or trafficking for any purpose or in any form, pornography, alcohol and substance abuse, and any other activity that exploits or harms them.”
We also have National Commission for Protection of Child Rights, where time to time they check and regulate legislation for protection of child’s rights. These legislations are dealing mostly with heinous crimes, but sadly, we still do not have any legislation regarding parental abuse or maltreatment. In the beginning of my research, I had the idea that may be most of the daughters will be treated poorly and would not be supported by their families, but in the end of the analysis, that notion has changed to a greater extent. But I continue to believe that if India passes legislation to prevent parents from abusing their daughters, we would have more potential and brilliant individuals in all fields of employment and education. And it is high time to have laws to control domestic violence inflicted on daughters. We won’t be able to change centuries of orthodox thinking overnight; it will need time and strong regulations to reduce domestic violence and grow as a better nation

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