A Simple Intervention is Making a World of Difference to Domestic Violence Victims

Pushpa Achanta | February 14, 2016

A home is supposed to be a safe, nurturing and loving space — and yet for many women it is no less than a battleground where every day they have to try and find a way to cope with the harassment and abuse unleashed on them by those closest to them. Even though there is a strong law in place to safeguard the rights and interests of those facing violence at the hands of their spouse as well as other members of their family, a decade has gone by and still only a few women are able to get the relief and justice they deserve."Not many women are able to use The Protection of Women from Domestic Violence Act (DV Act) 2005, to get the help they need to free themselves from an abusive and violent situation at home. It is, therefore, essential to encourage them to access and benefit from this powerful legislation. That should be a priority for the police, lawyers, judiciary, healthcare professionals, social workers, counsellors, relevant government officers and the media as well," urges Rekha Shetty, a Bengaluru-based lawyer working with the Human Rights Law Network.

Shetty, who has been litigating in Karnataka for many years, especially in cases of domestic violence, was part of a discussion focused on finding ways to strengthen the grassroots implementation of the DV Act, organised by Breakthrough, a human rights organisation working across India to make violence and discrimination against girls and women unacceptable.According to her, the law in itself is woman-friendly. For instance, as the Act looks at domestic violence as a civil offence, it is easier to give evidence, obtain compensation and even punishment or penalty. Additionally, it can be applied to brothers, uncles, aunts, cousins, parents-in-law, brothers-in-law or sisters-in-law or others in the immediate family who trouble or attack a woman or girl verbally, sexually, emotionally, economically, psychologically, or physically. Moreover, the aggrieved woman cannot be evicted from her home.

Yet, the percentage of women using this strong legislation to seek succor is minuscule, owing to several factors including social stigma, the lack of awareness, social support and self-confidence, absence of financial backing or livelihood options, and an insensitive police and judiciary.Of course, in the event that a survivor does make up her mind to file a formal complaint, the chinks in the system do end up

Creating different problems for her.

For example, the law mandates appointing protection officers to assist girls and women experiencing domestic violence. However, they are unavailable between evening and early morning, when such incidents usually happen.Indeed, many protection officers have jurisdictional limitations, insufficient legal awareness, and resource shortages. Then, the doctors examining survivors rarely file complete reports fearing repercussions and court summons. And as a 2010 study

conducted by Hengasara Hakkina Sangha, a women's rights organisation in Bengaluru, points out, the counselling services and government homes for distressed women are quite unsatisfactory.

Also, sadly, the Act is not applicable to boys and transpersons who are vulnerable to experiencing domestic violence at the hands of their parents or partners. Sumitra Acharya, a litigator and legal scholar, who handles cases of violence against women, says whereas there is no FIR required to file a case under the DV Act, a Domestic Incidence Report (DIR), with details about the survivor, perpetrator, and the episodes of domestic violence, has to be duly filled by the protection officer.Acharya reveals how marginalised women survivors receive minimal assistance from the State Legal Services Authority, although it must provide them free counsel. In fact, it frequently deputes inexperienced and uninterested lawyers for them. Such persons typically prolong cases by a year or more, by absenting themselves from court appearances. Further, they and many other lawyers believe that sexual violence is a personal issue and do not question the perpetrator about it.

http://timesofindia.indiatimes.com/city/meerut/Women-have-strength-to-be-voices-of-peace-Naga-activist/articleshow/50976838.cms