

CUSTOMARY LAWS, ALCOHOLISM, ABUSED: A HIGH VOLTAGE FOR DOMESTIC VIOLENCE IN MANIPUR

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Abstract - Domestic violence, alternatively called violence in the family is not an occasional menace like eve-teasing nor a rare argument or fight; it is a serious social malady, an exploding problem. Domestic violence is a severe social malady and an exploding problem. Also, it is one of the most common but least reported crimes. In recent times, however, there is a rush of publicity regarding women abuse in general. There are those who the victims as wrong-doers and justify violent acts such as wife beating. Some human right activists prefer to consider domestic violence as structural violence in the family that manifests itself in poverty and unequal access to health, education etc. Increasingly women are becoming the victims of discrimination and denial despite the overall progress in the society, economy and polity. That they are vulnerable and subject to humiliation and harassment even at homes to be considered as the safest of all places which is strange yet painful. Both mental and physical tortures, often leading to the death of women in the family is shaking our faith even in familial ties. Alcoholics increase the scope for domestic violence which in turn causes broken families. Customary laws also encourage domestic violence so that uniform civil code will be entertained.

Keywords; Broken family, human right activists, social malady, structural violence, victims of discrimination, uniform civil code.

INTRODUCTION

It is the human right to live happily without pain. It is constitutional obligation not to give pain to any one in any form of violence. Domestic violence is a global problem which affects women. Domestic violence occurs when an adult in an intimate relationship tries to control another adult depriving him/her off freedom or right for happy life. The impact of domestic violence would severely harm not only the individuals but also the whole family or other persons related to them, consequently leaving an adverse effect on the society. From the cradle to the grave women are objects of violence from those nearest and dearest to them. And it is a never ending cycle for there is considerable evidence of intergenerational transmission of domestic violence. If an adult in a relationship, misuses power to control another adult can be described as domestic violence. Violence within the four walls with a relationship is domestic violence. Relationship is the most important factor in human life. It is the establishment of control and fear in a relationship through violence and other forms of abuses; such as domestic abuse, spousal abuse, battering, family violence, intimate partner violence. These are different patterns of abusive behavior against the other partner in an intimate relationship such as marriage, family or cohabitation, dating. Domestic violence is not just hitting, beating or fighting and abusing on an occasional argument. It is an abuse of power. The abuser forces and controls the victim by threats, intimidation and physical violence. Men and women both can be abused, but in most of the cases women are victims. In a home where children are neglected, there the children are abused. In domestic violence the prime target is women, but at times children and family members and friends are targeted. Domestic violence refers to violence against women especially in matrimonial homes. Domestic violence is recognized as the significant barrier of the empowerment of women, with consequences of women's health and health seeking behavior and their family. Thousands of families are ruined by alcoholism especially the poor who are slum dwellers. The opening of liquor shops in every nook and corner has increased the problem of alcoholism. In the last decade of the twentieth century, women's organizations in the country launched their movements to fight against alcohol consumption. They led a number of

struggles to pressure the government to introduce total prohibition. Whereas in the beginning of the twenty first century many belt shops spread everywhere especially adjacent to the urban slums and made it easy availability and directly responsible for the ill health of alcoholics and increased the scope for domestic violence which in turn caused broken families. Hence there is a need to focus on the impact of alcohol consumption on families in general and individuals in particular. The present study discusses the problem of alcoholism in this direction to be frank. Naga-Kuki, Muslim and others customary laws directly or indirectly influenced for domestic violence in North-East India as an example the problem was happened in respect of domestic violence, and then the problem was solved/settled down by the means of customary laws such as wakong shel or nupi khainaba/talaq etc. Under such circumstances domestic violence has raised up so that the government is to be planning to implement uniform civil code throughout the nation. Every village in hill area of Manipur has its own customary law so that such customary laws should be codified and to bring unity and integrity of the land. Let us take up one of the major tribe of hill people in Manipur. Naga is a generic word of ethnic tribes which is composing of about 50 sub-tribes who mainly lives in North east India. They are known for their rich cultural heritage and varied precious customary laws. They have minute laws for everything. Human being is not perfect in their conduct it is natural that sometime knowingly and unknowingly make mistake and commit crime. However in a decent society there is culture and agreed laws to deal with such crime. Naga have minute customary laws of administration for both victim as well as the perpetrator so that any judgment is based on customary laws. To give verdict or penalty in village court where cases are tried, the motive of the culprit is always taken into account. And after awarding penalty in the form of cash or in kind and if the offender fails to pay, it is the custom of the Nagas that the closest clan relative contributes and pays the fine. There are many types of penalties and punishments given to the offender or the culprit. Some of them are given below:

1. Penalty given in cash.
2. Penalty given in movable and immovable properties
3. Penalty given in imprisonment
4. Penalty through excommunication (Khangaleng)
5. Penalty through boycott (Khamahei)
6. Penalty through banishment/exile (Khayam)
7. Penalty in form of slave.
8. Confiscation of properties.
9. Penalty in Handcuff (Zurthing)
10. Penalty through spearing.
11. Penalty in landed properties.

On the other hand, the Kuki and other tribes in Manipur in particular and NE India in general, are also having a little bit different but acted almost at the same manner of their customary laws. In the case of Muslim community triple talaq is often used to victimize the womenfolk. The triple talaq is not against the women in Islamic jurisprudence; however it frequently victimized the women practically.

OBJECTIVES

This paper is an attempt to re-look at the evolution of family and to examine gender violence as a complex situation in the family setting. In the paper, voices of concerns and corrections are analysed conceptually to show how power for women involves both constraint and enablement. Specific safety strategies are also discussed.

TYPES OF DOMESTIC VIOLENCE

There are many types of violence to make the victim suffer. All forms and types of violence cause by customary laws, alcoholism, abuse has only one purpose to torture the victim. The main purpose to gain and maintain control over the victim the abuser uses many methods of power to control and harasses, and tortures the partner, spouse and family such as physical abuse, sexual abuse, emotional abuse, emotional blackmail, economic abuse, spiritual abuse, abuse by immigration status etc.

CAUSES OF DOMESTIC VIOLENCE

Violence against women is also an expression of gender inequality. The gender inequality is an old phenomenon. In India the society is based upon patriarchal family system where man is dominant. Domestic violence such as dowry, harassment, rape, suicides and battering are the forms of gender inequalities within the family system. Mostly women are deprived off their right to work in order to cut their economic status and make them subordinates and dependent on men. Women are considered the instruments for reproduction of human generation in the patriarchal system through which a systematic inequality is maintained. The inequality is further maintained and strengthened overtime by the socialization process. Surprisingly woman believes it to be true. She accepts whatever is given to her as her *karma*. There is no specific cause for domestic violence. The cause of violence often is not known to anybody till to date. Women are predominately victims of violence while men are perpetrators. The outcome of the violence is gender inequality. To describe violence against women in a family context, we have to go through the cultural factors relating to marriage, status of women and power structure relationship between men and women. Besides this the origins of these psychological factors like irrational behavior of the abuser and the victim, which affect the interpersonal relationship of the couple. Another important thing is women are unaware of rights. In a country like India, she is taught that marriage is the ultimate goal and she has to be married to a man called husband, has to worship him as God, and has to live in her in-laws house till her last breath. Only death should bring her out of her in-laws house. Poverty, alcoholism, unemployment, frustration, social stress, all these factors contribute to violence against women directly or indirectly. For example; husband troubles wife when he needs money, beats her and sends her to get money from her parents. Joblessness or unemployment is another drawback which creates a great risk of violence on women. Abuser doesn't take responsibility of his violent behavior. He blames the woman that they are the causes for his violent acts. Domestic Violence is not caused or provoked by the actions or inactions of the women. The patriarchal attitude of the Indian society identifies woman as an object than a subject and gives her a sub-ordinate position. The patriarchal family system creates gender inequalities which further initiates violence in man and woman relationship. Patriarchal notions of ownership over woman's body, sexuality, labour, reproductive right gave rise to violence. A deep rooted idea of male superiority gives unlimited freeness to exercise violence against women. The individual encounters of physical violence in a family. The perception that the family is the most living and supportive group of institution, has bounded us from seeing the violent side of family life¹. The family has been described as the Grade of violence² and the marriage as the hitting license³. The Indian culture that glorifies the image of woman who had patience, tolerance and receptive of whatever is given to her by the husband, is another reason that prevents women from walking out of the violent relationship. Hindu society speaks that women should be submissive, respecting her in-laws and considering the husband a god or master. These types of symbolic emotions make women suffer⁴. According to Indian culture if she tries to leave her husband, it is treated as disrespect and ostracism in society. Lack of independence in financial matters, and other frightening situations make herself to limit her liberties and boundaries. There are various causes of violence against married woman; most important among them are husband's personality traits like jealousy. For example, if wife earns more and highly educated than husband he cannot tolerate, he feels jealousy and violence starts. Suspicious nature of husband is another cause for violence. Domination and demanding wife for more dowries or for other household works is also an emotional threat. For example:- women are emotionally weak for children and his parents take it as an advantage. And at times treat her low self-esteem in front of relatives and other family members. Not only women always at violence but also men suffer violence; for instance irrelative nature of wife, her disobedience and questioning attitude (Why, When, Where, How),

under argument on small issues of house management, refusing and insulting husband's works. Suspicion is about sexual infidelity. The main causes are demanding money from in-laws, dominating each other with ego feeling. All these are only issues associated with battering of women but they are not reasons. There is no particular factor for man's violence against woman. Battering woman leads to violence. It is an effective method to gain control over another person. From the above conditions we came to know that customary laws, alcoholism, abused mainly causes a high voltage for domestic violence in Manipur.

CONSEQUENCES OF VIOLENCE AGAINST WOMEN

Domestic violence has a significant impact on the life and health, economical conditions of the victim. The domestic violence affects all age groups. Violence against women can cause long term physical and mental health problems. The violence and abuses affect not only women but also the family and community. It affects health, children, family, community and society. It also leaves an impact on employment, homelessness, financial status and disrespect in society such as physical health effect, mental health effect, forced sex, high risk pregnancy, economic effect, effects on children, effects on society and productivity.

CONCLUSION

Due to customary laws, we are moving backward and need of the hour is to be improved for the next society so that customary laws must first be revised to the present contemporary reality. Domestic violence is a curse to our society; it affects the lives of people. Domestic Violence is spreading like a communicable disease. It is a sin and crime in the society as well as a curse to the nation. Domestic violence is a way where man shows his dominance, power to control over woman. Many campaigns are conducted against domestic violence by government and NGOs, but in vain so that victims of the domestic violence should be standardized their socio-political economic status. Seriously, still there is a need for the government to make effective legislation to control violence against women. The legislation made should be practical but not confined to books. It is necessary that everyone should contribute to society to free women from violence.

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