



DOMESTIC VIOLENCE AGAINST WOMEN INDIAN PERSPECTIVE

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ABSTRACT

The biggest sorrow in our nation is the tremendous injustice done to a woman who gives birth, nurtures, moulds, and strengthens life, who is a transmitter of tradition and an instrument for preserving and transmitting culture from generation to generation. Age, colour, caste, socio-economic and political standing are irrelevant to her victimisation. Indian women's vulnerability takes many forms. Because of a woman's secret pains, she is easily preyed upon by male dominance and patriarchy. Women are victimised and oppressed by masculine members of society. As a daughter, daughter-in-law or wife, almost every Indian home must suffer from some form of domestic violence. Human rights apply to both men and women. This patriarchal culture discriminates against women. Women are so unable to comprehend their own rights and liberties. Hence, domestic violence not only harms women, but also slows down the country's This article discusses the numerous kinds of domestic violence against women in India, as well as the reasons and solutions.

Keywords : domestic violence, dominance, sexual intimate relationship etc.

INTRODUCTION

Since recorded history, domestic violence has been reported in almost every community and civilisation. Every patriarchal culture accepts discrimination and injustice that leads to physical, mental, or emotional violence. Domestic abuse has been socially and legally accepted for a long time now. Historical events, laws, and rules help define domestic violence. Women are subordinated due to male domination and the projection of “women as ‘property’ – an item belonging to males – and expectations from women as an ideal ‘role model.’

A history of uneven power relations between men and women has resulted in male dominance, discrimination and the denial of complete female progress. Victims of domestic violence might be their spouse, partner, or other family member. Forcing or harming another person is known as domestic violence. Domestic violence is a crime that can be committed by people of all races, ethnicities, and faiths. The major public health issues and violations of women's human rights are intimate partner violence and sexual violence against women. One study found that 35% of women globally have suffered physical or sexual intimate relationship abuse.” Many women report having been physically or sexually abused by an intimate relationship, according to several national studies.

MEANING OF VIOLENCE

Any physical force used to harm or damage persons or property is considered violence.



“Using physical force to injure, harm, or kill someone or something is defined as violence.” by the **Oxford Dictionary**.

“Violent acts against oneself, another, or a group/community that result in or are very likely to result in damage, death, psychological distress, maldevelopment, or deprivation are classified as Violent Acts.” by the **World Health Organization**.

Domestic violence is the victimisation of women by males inside the home. Violence against women by family members is known as domestic violence. His acts can inflict bodily or emotional anguish to women and it can be the spouse, his parents, siblings, or any other resident who has this latitude... Most often, the women who have been abused deny they have been abused. No strangers commit acts of domestic violence against women.

DIFFERENT TYPES OF DOMESTIC VIOLENCE

➤ **Brutalization:**

- ❖ pushed you.
- ❖ You were restrained from leaving.
- ❖ slapped, battered, etc
- ❖ stomped or choked you
- ❖ a punch or a hit
- ❖ Objects thrown at you
- ❖ You were evicted.
- ❖ Left you in peril.
- ❖ knocked you off the road or drove carelessly
- ❖ Made a weapon threat.

➤ **Sex Abuse:**

- ❖ Ignored your sex-related emotions.
- ❖ sexist remarks about you



- ❖ Insisted on unwelcome or uneasy contact.
- ❖ Forced sex after abuse or illness.
- ❖ You raped.
- ❖ Have been jealously enraged, thinking you'd had sex with.
- ❖ Anyone forced you to dress in a sexual manner.
- **Psychological abuse:** .Constant humiliation, verbal abuse, and threats of desertion are all forms of psychological abuse.
- economic abuses: Food and basic requirements are denied as well as control over access to health care, work and other economic abuses (e.g. denial of finances, reluctance to pay financially).
- **Emotional Abuse:**
 - ❖ Then they called you names and yelled at you.
 - ❖ You offended or alienated your loved ones.
 - ❖ publicly or privately humiliated you
 - ❖ They made you work, or they made you rich.
 - ❖ The choices refused to labour or share money.
 - ❖ Stole your car keys or cash.
 - ❖ Threatened or ordered you to leave.
 - ❖ When the abuser was upset, threatened to abduct the kids;
 - ❖ Afraid of your abused pets?
 - ❖ lied and contradicted you to manipulate you.

A study indicated that older women and girls are more prone to domestic abuse than younger women. Affaires feminizes continent d'être particularise vuln Missing from their fathers' homes may also face violence. Violent Acts Against Unmarried Women b) Aged Women's Violence

DOMESTIC VIOLENCE REASONS



Violence against women is caused by a variety of variables. It's important to understand how different cultural settings affect the situation. There are a number of interrelated institutionalised social and cultural variables that keep women susceptible to violence, “all indications of historically uneven power relations between men and women For example, fear and control over female sexuality, belief in male inherent superiority, and laws and cultural penalties that have long denied women and children independent legal and social status” are all factors leading to uneven power dynamics in the home. The reasons of domestic violence are as follows: a) Cultural b) Economic c) Legal

DOMESTIC VIOLENCE PROTECTION ACT OF 2005

Enacting legislation to strengthen the “rights of women who are victims of domestic abuse and to address associated issues. It is a fact that domestic violence occurs frequently but is not widely known. Feminist abuse is now punishable under Indian Penal Code Section 498A. A legislation is proposed to offer a remedy under the civil law to protect women from domestic abuse and to prevent the occurrence of domestic violence in society, while respecting their constitutional rights under Articles 14, 15 and 21. A person is considered to be a victim of domestic violence if they are subjected to physical, sexual, verbal, emotional or economic abuse by the respondent.

The 2005 Protection from Domestic Violence Act has the following significant features:

Consanguinity, marriage, or other relationships similar to marriage, or adoption are all covered by this act. The proposed Act provides legal protection for women who are sisters, widows, mothers, single women, or live with.

Domestic violence comprises physical, sexual, verbal, emotional, and financial abuse, or threats of assault. A lady or her family being harassed by dowry demands is also covered. The Act protects a woman's right to housing as a major feature. So long as she has any rights in the household, she is entitled to reside there. A court grants this right by issuing a residency order. Women cannot be subjected to these home confinement orders.

The Act also empowers courts to issue protection orders that prohibit the abuser from assisting or performing an act of domestic violence or any other specific act, entering a workplace or other place frequented by the abused, communicating with the victim, dividing any assets owned by both parties, and causing violence to the victim, her family, and others who assist her in the case. Protection Officers and NGOs are appointed to assist the lady with medical care, legal assistance and safe refuge under the Act. It is a cognizable and non-bailable offence. Non-compliance or failure to perform obligations by the Protection Officer is also sought to be deemed an offence under the Act.”

The 2005 Protection of Women from Domestic Violence Act is studied.



By fostering intolerance and needless litigation even for minor domestic disputes, this Act promotes intolerance and weakens marriage. Because this law thinks only men are responsible for domestic violence, it is flawed. So this law creates a gender bias in favour of women. Female rights are granted by law without any obligation imposed on men, but male rights are denied completely. A guy cannot be charged with domestic abuse under the law since it is gender specific.

Intermarriage or other immoral connection recognised and legalised by this Act in the name of protecting and assisting women. Noticing that having sexual relations with anybody other than one's spouse is grounds for divorce, the lawmakers did not amend the law. It is worth noting that “Sections 24 and 25 of the Hindu Marriage Act, 1955, do not recognise any connection other than that of a lawfully married couple.

Except for an illegitimate child, section 125 of the Code of Criminal Procedure does not recognise illegitimate ties. According to Section 125(4) of the Code of Criminal Procedure, an adulterous woman may not demand maintenance from her husband.

Adultery is also a criminal offence under Indian Penal Code Section 497. A man can be charged with adultery while also being forced to pay maintenance and give up residence rights to a woman with whom he has an illicit connection. As a result, the social fabric of the society would be disrupted.

Only cruelty (section 498-A, IPC) was defined prior to this Act. According to some, the term violence should not be so broadened. If a male family member simply misappropriates or disposes of a female family member's portion, he may be charged with domestic violence under section 3 of the Act. Contrary to the Act's intent and the idea of domestic violence. Relative to real abuse, the Act treats both equally. Astonishingly, the husband has little remedy whether his wife assaults him emotionally, verbally or physically. For any cause, refusal to pay a sum of money will result in legal action. Even if the spouse lacks sufficient money or is in jail, non-payment of shared home rent constitutes an economic abuse.

To take cognizance of the matter and to execute his own instructions in behalf of the aggrieved lady without being contacted, the Magistrate is vested with inexplicable powers under this enactment Furthermore, the Magistrate must analyse not just each episode of violence, but the circumstances as a whole, which is quite distressing.

According to Section 14 of the Protection of Women from Domestic Violence Act of 2005, the Magistrate may order the aggrieved person to attend counselling with the respondent and any member of the service provider team. This contravenes all counselling principles. Unfairness between victim and abuser prevents cooperative counselling. It can only lead to the unequal party's disempowerment The abuser should be counselled, not the victim. In some cases, the victim may be able to get free therapy



If either party requests it, the proceedings may be held in camera under Section 16 of the Protection of Women from Domestic Violence Act, 2005. Encourage the offended party to submit in camera. This is especially true when the injured plaintiff is the lone female in a courtroom full of hostile male judges, attorneys, officials, police, male responder, and so on and so forth Not when either side wants it, but only when the injured party wants it. To provide moral support, the offended individual should be permitted to be accompanied by any female family or social worker.”

Section 498-A of the Indian Penal Code allows for filing a complaint against a protection officer and a police officer. Both authorities can conduct investigations and report to the Magistrate on their findings. A Magistrate has the final authority to make a judgement if both agencies provide conflicting information. This double investigation of the same offence is one of the Act's key flaws.

Some orders are exempt from the Act. It stifles future chances of peace. A future reconciliation would be impossible if this happened. It punishes a guy for pushing his wife out of work while yet paying her support. However, a guy in the same situation is not entitled to the same remedy.

To reach a verdict on the facts of the case, the Act requires the women to be the principal witness where no eye witnesses exist. The ladies can now punish males as they like. With this rule, crafty and unscrupulous women can punish any male relative of their choosing.

And while this Act is a historic piece of legislation, the Indian public is concerned about its misuse against an innocent husband and his family. Contrary to popular belief, the husband and his in-laws are not always to blame for marital problems. In all circumstances, the wedded lady is not just. An innocent husband and his family are subjected to unwarranted persecution by wives and their paternal relations. Innocent people and their families should not be harassed unnecessarily because the Protection of Women from Domestic Violence Act of 2005 was not applied properly.

SUGGESTIONS

- ❖ Domestic abuse in India is a serious issue that has to be addressed. To understand why women are susceptible and ripe for abuse. Almost Women are uneducated, experience silent assault, and are subjected to social pressures.
- ❖ As long as India's societal structure remains patriarchal, a male-dominated country, attitude change is required. The primary cause of violent attacks is an unbalanced power distribution relationship. To end violent victims, male and female mindsets must shift.
- ❖ III. Public Consensus Internalization of Legal Norms No one, even the state, may intervene in domestic abuse in our nation since it is considered a “interfamilial affair”. Any law must be approved by a large public consensus and democratic processes before it can be implemented.



- ❖ officials and stakeholders are responsible for more effective Act implementation. Gender discrimination, patriarchy, and male domination must be eradicated.
- ❖ Expertise-based Counselling Provide emotional support and help the aggrieved individual decide whether to file legal action.

CONCLUSION

For Indian women, domestic abuse is not only obvious, but also normal. Throughout her life, she has had to struggle for her life, starting from the moment her mother conceives her in the womb. Because most women in our nation are uneducated and unaware of their rights, they seldom file complaints against individuals who violate their rights or conduct crimes against them. Due to traditional norms, women are not aware of their rights and are unaware of the law and rights provided to them under that legislation. Violations of women's rights are denied victims access to legal remedies. “Women are still viewed as secondary sex in our culture, which is claimed to be male dominated and tradition bound, making them silent victims of assault. In India, women are subjected to discriminatory human rights violations. She is frequently overlooked. Women's Rights Organizations throughout the world have been pushing for laws like the Protection of Women from Domestic Violence Act (PWDVA), 2005. The Act protects women's rights and liberties. Prior to the PWDVA 2005, the victim's remedies were penalty under the IPC, divorce and support, but not ultimate relief. Whilst women had access to statutory and constitutional protections, their awareness of these rights was low. Domestic violence transcends racial, religious, and social borders. As of 2013, 35% of women globally have suffered physical or sexual intimate relationship abuse. However, according to the National Violence Index, up to 70% of women have suffered physical or sexual abuse from an intimate relationship. 153 In 2010 research in New Delhi, 66% of women” said they had been sexually harassed twice or more in the previous year.

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