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Abstract

The greatest foundation of a family and society is a woman. She gives birth to life, nurtures it, shapes it, and strengthens it. She also transmits tradition and serves as a vehicle for passing down culture from one generation to the next. Tragically, she is treated with great injustice in our nation. She experiences domestic abuse regardless of her age, color, caste, social standing, or economic or political position. Her vulnerability comes in many different forms, which is a regular occurrence in Indian society. A woman's quiet sorrows make her a vulnerable target for male dominance, which is backed by prevailing patriarchy. The worst part of the scenario is the victimisation of women and the domineering, dictatorial mentality of male members of society. Nearly every household in India must experience some form of domestic abuse, wherein women are mistreated physically, mentally, verbally, or financially as wives, daughters, or daughters-in-law. Human rights apply equally to both men and women. In this largely male-dominated society, women face discrimination. Most women are therefore unable to comprehend their own rights and freedom. Domestic violence thus hinders not only women but also the development of the nation. This essay discusses domestic violence against women in India, including its many manifestations, root causes, and potential remedies.

INTRODUCTION

Background of the Problem-

Domestic violence is a complex phenomenon and is as old as the human society itself, affecting all social and economic strata. Mythology, history, literature, and arts confirm the existence of abuses and homicides within families. Domestic violence has been reported in almost every group and civilization since the beginning of written history. Every patriarchal society has acknowledged the existence of oppression and discrimination that results in violence against people on the physical, mental, or emotional levels. Domestic violence has historically been socially and legally acceptable. The historical framework provided by some significant events, laws, and norms makes it much easier to conceptualize domestic abuse. Male dominance and projecting women as "property," an object belonging to men, and secondly expectations from women as an ideal "role model" combine to seal the status of women in such a way as to make her vulnerable and subject to discrimination, oppression, and all types of victimization, and consequently compel them to conform.

Domestic violence occurs when a family member, such as a spouse, partner, or other relative, is subjected to physical, sexual, or psychological abuse. When a member of the family, a spouse, or an ex-spouse engages in efforts to damage the other or dominate them physically or psychologically. Domestic abuse happens across all cultures, and people of all racial, ethnic, and religious backgrounds can commit it. The main public health issues and abuses of women's human rights are violence against women, notably intimate partner violence and sexual violence against women

OBJECTIVES

The primary focus of the study is on the types and root causes of domestic violence abuses against women. It aims to dispel the myth around domestic abuse and violence.

In particular, the study aims to:

1. Research the elements that encourage domestic abuse, particularly towards women.
2. Determine whether women who are the victims of domestic violence are able to take the proper action (legal or otherwise) against their spouses.

MEANING OF VIOLENCE

The term violence refers to any physical force for or any damage or injury to person or property.

Oxford Dictionary defines: “ Violence as behaviour involving physical force intended to hurt, damage or kill someone or something” .

WHO defines Violence: "the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, which either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation".

‘ Domestic violence is violent victimization of women within the boundaries of family, usually by men. Domestic violence is in a majority of cases violence against women by the members of house where she resides. It can be the husband, his parents, or siblings or any other resident who has the overt or covert latitude for actions that can cause

physical or mental agonies to women... it happens behind closed doors and is most often denied by the very women who has been victim of violence.'

Term " Domestic Violence against women" means any act or conduct which has potential to injure or hurt women physically, mentally, emotionally, socially, and also spiritually within the four walls of house, however, such an act or conduct is done usually not by strangers.

FORMS OF DOMESTIC VIOLENCE

1. Physical Abuse
2. Sexual Abuse
3. Psychological Abuse
4. Economic Abuse
5. Emotional Abuse
6. Individual based Violence

Physical Abuse- it involves that are written below-

Pushed or shoved you, Held you to keep you from leaving, Slapped or beaten you, Kicked or choked you, Hit or punched you, Thrown objects at you, Locked you out of the house, Abandoned you in dangerous places, Refused to help you when you were sick, injured or pregnant, Forced you off the road or driven recklessly, Threatened to hurt you with a weapon.

Sexual Abuse – it covers the following

Minimized the importance of your feelings about sex.

Criticized you sexually.

Insisted on unwanted or uncomfortable touching.

Withheld sex and affection.

Forced sex after physical abuse or when you were sick.

Raped you.

Been jealously angry, assuming you would have sex with.

Anyone insisted that you dress in a more sexual way than you wanted

Psychological Abuse- Psychological abuse, which involves actions taken with the intent to terrorize and oppress, and includes imprisonment within the house, monitoring, threats to take away custody of the children, and item damage, Constant humiliation, verbal abuse, and isolation.

Economic Abuse- Economic abuse encompasses behaviors like withholding payments, declining financial contributions, denying access to food and other necessities, restricting access to health care and work, etc.

Emotional Abuse-

Continually criticized you called you names or shouted at.

You insulted or driven away your friends or family.

Humiliated you in private or public.

Kept you from working, controlled your money or made all.

The decisions refused to work or to share money.

Taken car keys or money from you.

Regularly threatened to leave or told you to leave.

Threatened to kidnap the children when the abuser was angry.

With you abused pets to hurt you.

Manipulated you with lies and contradictions

Individual based Violence - It has been shown that older women and young girls are more prone to domestic abuse. Undoubtedly, the situation of women in households is still quite problematic. Unmarried ladies who feel unwelcome at their fathers' households may also encounter violence against unmarried women, violence against married women, and violence against girls abuse of elderly women.

CAUSES OF DOMESTIC VIOLENCE

Violence against women is due to a variety of factors, not just one. Research has increasingly concentrated on the interconnectedness of diverse components, which should enhance our comprehension of the issue in many cultural contexts. Several intricate and Women continue to be disproportionately vulnerable to violence against them as a result of interrelated institutionalized social and cultural variables, which are all representations of historically uneven power relations between men and women. Socioeconomic forces, the family institution— where power relations are enforced— fear of and control over female sexuality, the notion that men are inherently superior, as well as legal and cultural restrictions— which have historically denied women and children an independent legal and social status— all contribute to these unequal power relations. . Following are the causes which carry on domestic violence: a) Cultural b) Economic c) Legal d) Political.

THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

This is an act to strengthen the protection of women's rights provided by the Constitution who become victims of domestic abuse of any sort, as well as topics connected to or incidental to, Domestic violence incidents are often reported. But has mostly stayed undetectable in the eye of public. Currently, under Section 498A of the Indian Penal Code,

1860, it is a felony for a woman to be subjected to abuse by her husband or his family. Because of this, a legislation is being suggested to give for a remedy under civil law in order to protect women from becoming victims, bearing in mind the rights granted under Articles 14, 15, and 21 of the Indian Constitution.

Any act, omission or commission or conduct of the respondent shall constitute domestic violence when it harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or 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 has the effect of threatening the aggrieved person or any person related to her by any conduct; or otherwise injures or causes harm, whether physical or mental, to the aggrieved person.

The salient features of the Protection from Domestic Violence Act, 2005 are
as follows:

It aims to protect women who are or have been in relationships with abusers when both parties have shared a home and are connected by consanguinity, marriage, a connection that resembles marriage, or adoption; in addition, relationships with relatives are taken into consideration. Members of a combined family who live together are also included. Under the proposed Act, all women, including sisters, widows, mothers, single women, and those living with others, are entitled to legal protection.

Domestic violence comprises verbal, physical, sexual, emotional, psychological, and financial abuse that has already occurred or has been threatened. The term would also include harassing the woman or her family members with dowry demands. One of the

most important quality of the Act is it guarantees a woman's right to secure accommodation.

The Act provides for the woman's right to live in the marital or joint household, whether or not she has any rights in the household. This right is secured by a residence order, which is passed by a court. These residence orders cannot be passed against anyone who is a woman.

The Act also provides for the ability of the court to issue protective orders that prohibit the abuser from participating in or carrying out particular acts of domestic violence, going to a workplace or other location frequented by the victim of the abuse, or attempting to do any of these things. It also helps to connect with the victim, divide any assets utilized by both parties, and harm the victim, her family, and anyone else who helps the victim escape domestic abuse.

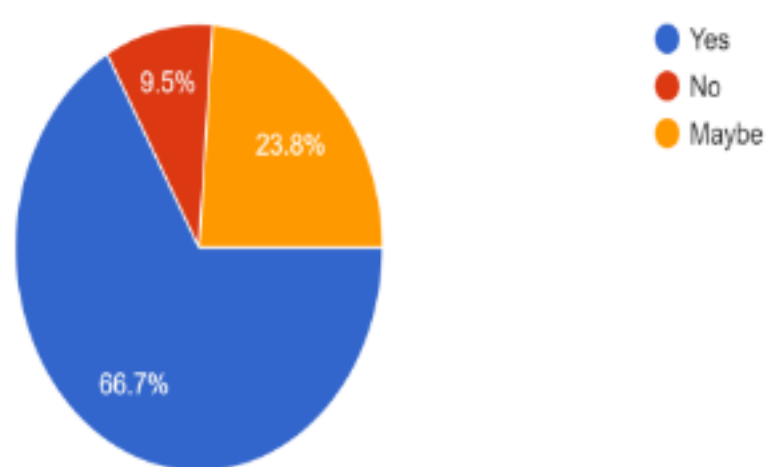
This Act also provides appointment of Protection Officers and NGOs to provide help to the woman with respect to medical check-up, legal aid, safe asylum, etc.

According to the Act, disobeying a protection order or temporary protection order by the responder is a cognizable, non-bailable offense that can result in a sentence of up to a year in prison, a fine of up to 20,000 rupees, or a combination of the two.

Similar to this, it is also requested to amend the Act to make the Protection Officer's failure to comply or perform their responsibilities a crime punishable by a like-minded penalty.

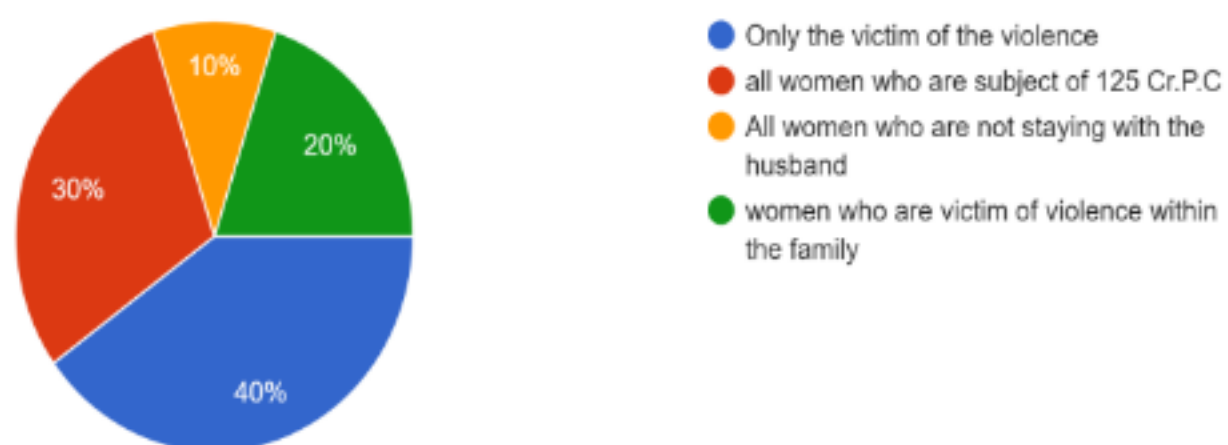
This survey is conducted between 20 peoples . The results are given below:

Are there resources available to victims?
21 responses



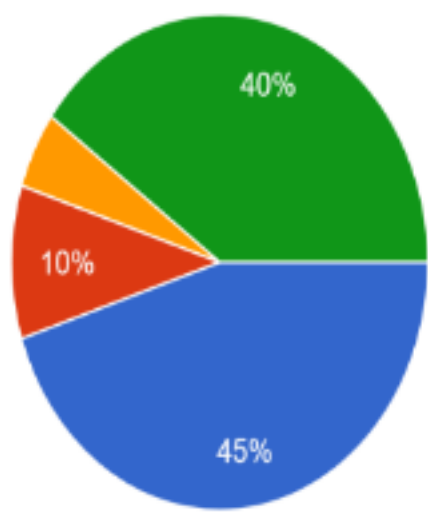
More than 60 percent of the people thinks that there are many resources available to the victims.

DV act applies to
20 responses



Aggrieved Person includes

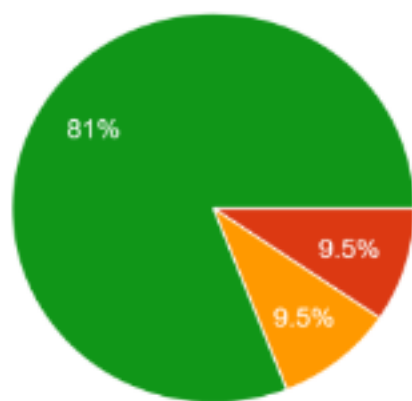
20 responses



- woman having domestic relationship
- A woman in live-in relations
- a mother whom the son not allowed to live with him
- above all

Why do victims sometimes return to or stay with abusers?

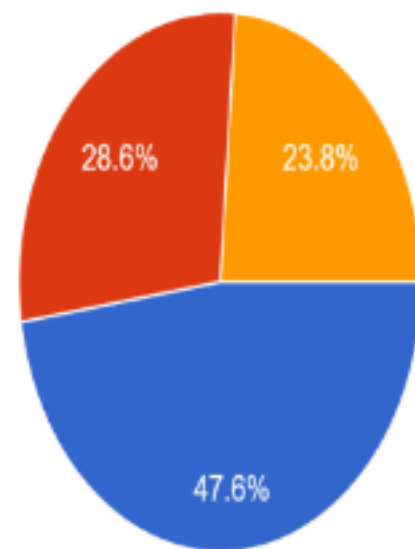
21 responses



- parents pressure
- in laws pressure
- some times society's pressure
- All

Do abusers show any potential warning signs?

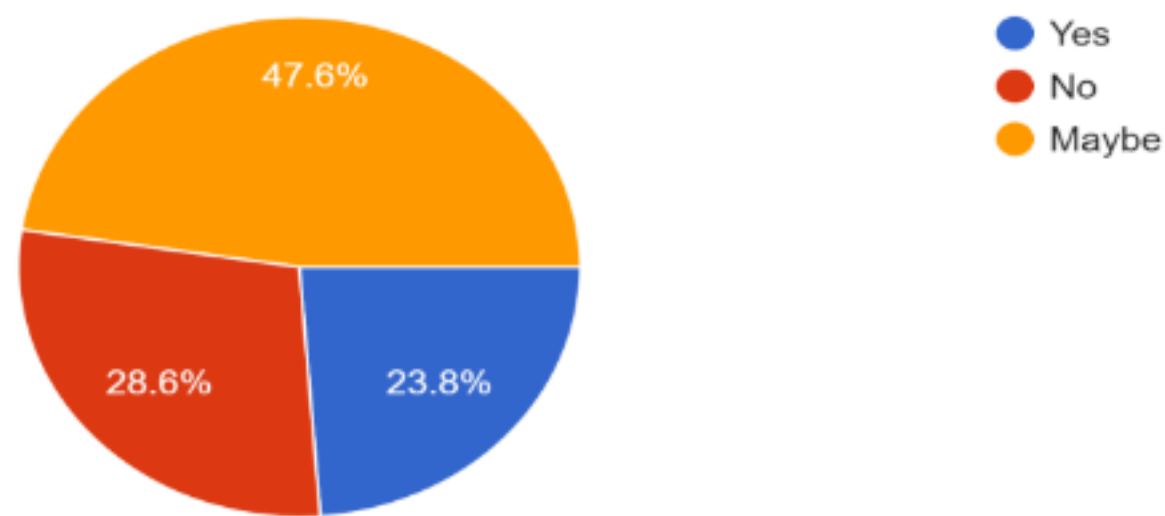
21 responses



- Yes
- No
- Maybe

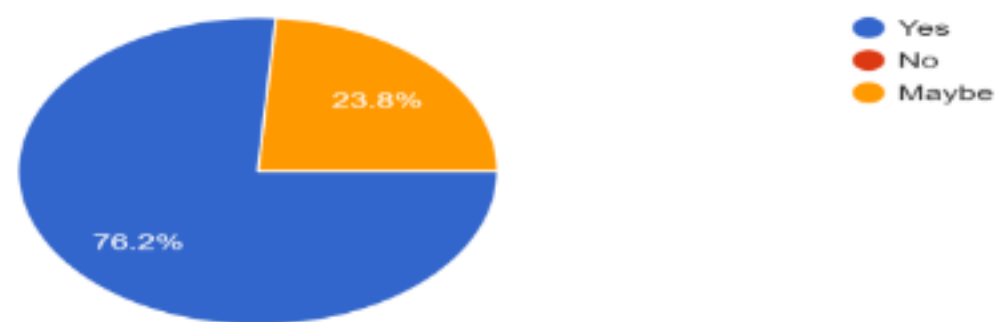
Is it possible for abusers to change?

21 responses



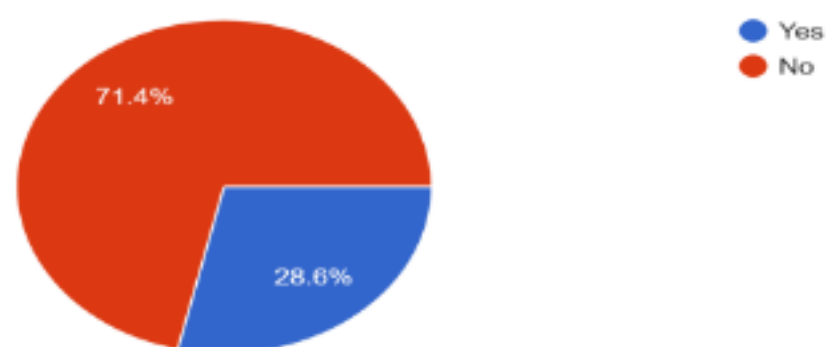
Do LGBTQ people experience domestic violence?

21 responses



Have you been hit or scared ever?

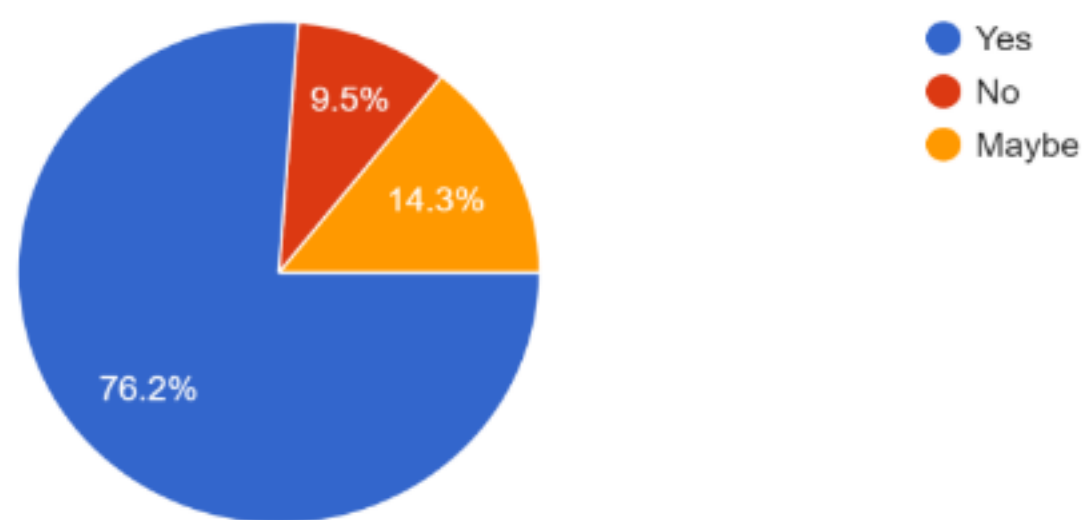
21 responses



By this survey , it has been seen that 28 percent people involved in my survey are also victim of this.

Are men also be a victim of domestic violence?

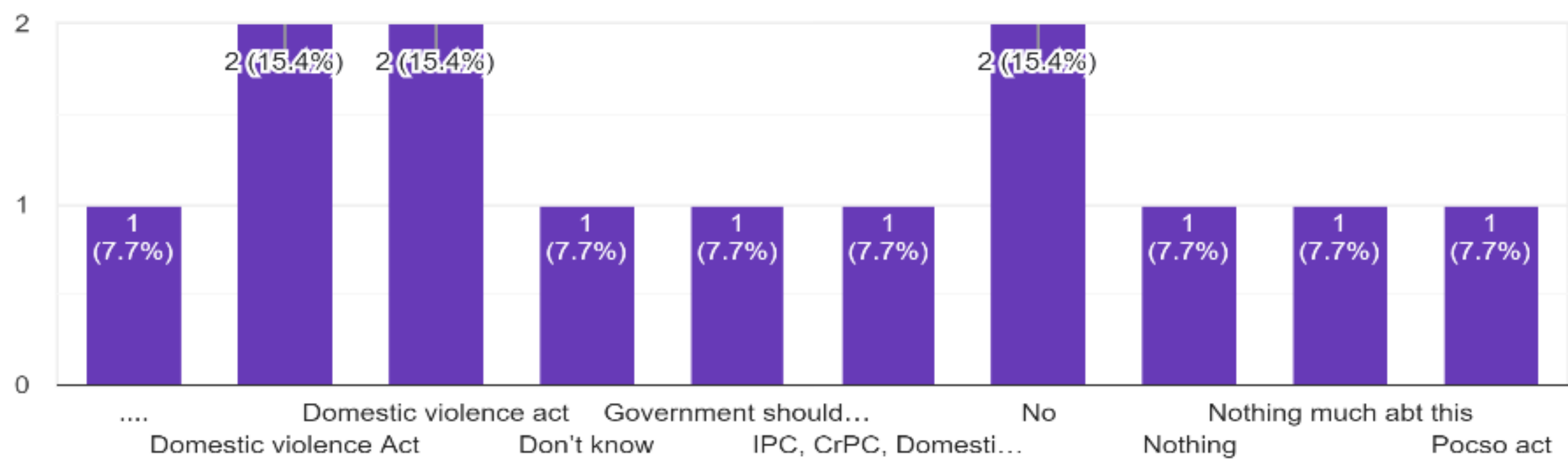
21 responses



More than 75 percent of people having view that men are also be a victim of domestic violence and 9 percent people think they are not.

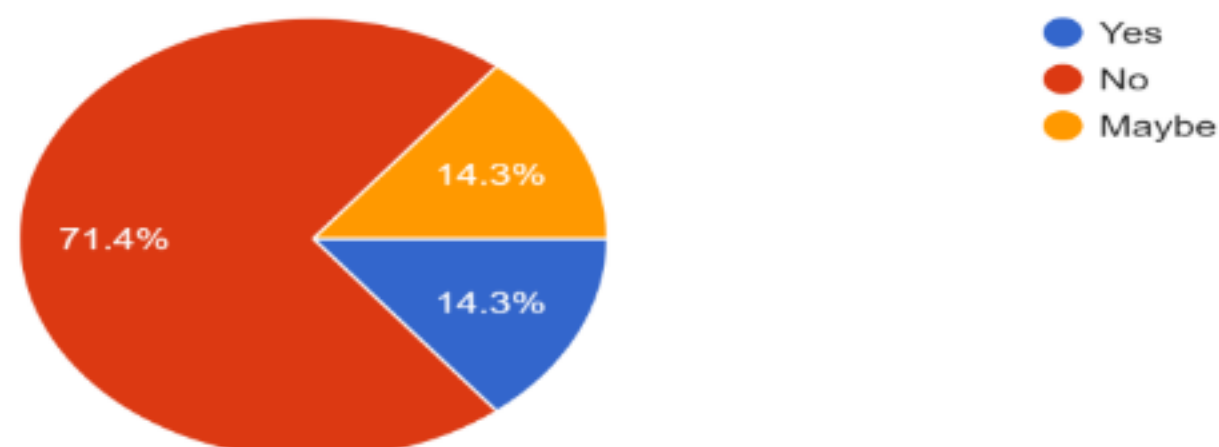
If yes , then what law do you know about this ?

13 responses



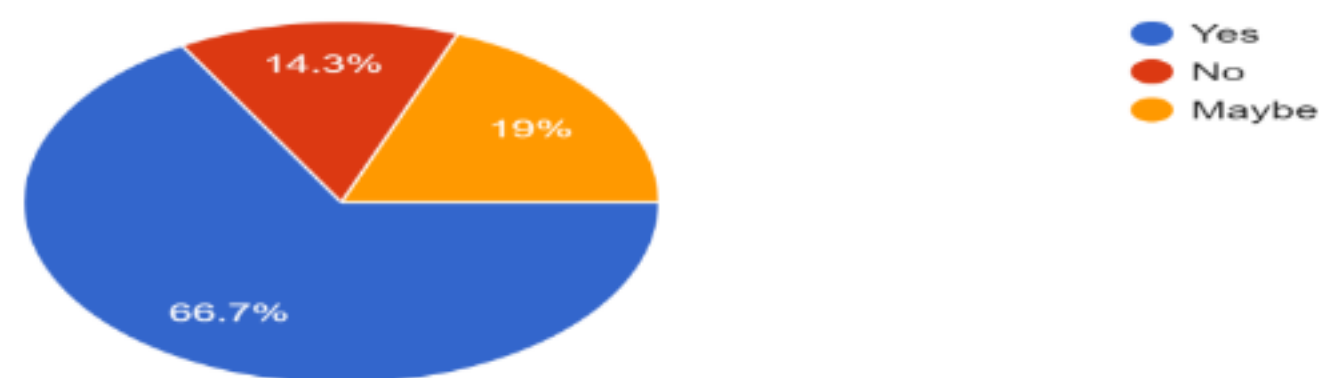
Do you think these laws are sufficient?

21 responses



More than 70 percent person of the people involved in the survey thinks there are not sufficient laws for this. 15 percent of the people think they are sufficient and 15 percent think may be these are sufficient.

Do you think that there is a need of more laws ?
21 responses



More than 65 percent people involved says that there is a need of more laws.

Conclusion-

In India, domestic violence affects women on a daily basis and is not just apparent. She is subject to violence from the moment her mother conceives her in the womb, and ever since, she has had to battle for her life in this brutal society. Because the majority of women in our country lack literacy and knowledge of fundamental legal principles and their rights, they frequently fail to file complaints against those who violate their rights and commit crimes against them. Lack of knowledge of the law and the rights provided by it to them. The legal remedies that the government promises for the protection of women are unavailable to victims. Women continue to be viewed as secondary sex in our allegedly male-dominated, tradition-bound society, which forces them to endure assault in silence. The reality that women in India are subjected to discrimination based on their gender. She is frequently disregarded and undervalued. The Parliament passed the Protection of Women from Domestic Violence Act (PWDVA), 2005 in response to the need for similar legislation across the globe as well as the results of the ongoing work of

women's organisations. The Act grants women's rights and protection. Prior to the passage of the PWDVA in 2005, the victim's only options for redress were punishment for the offender under the IPC, the civil remedies of divorce and maintenance, which did not provide her with the fullest possible relief, and the remedies that were available in connection with matrimonial proceedings and court proceedings. Both legislative and constitutional protections were accessible to women, but they were insufficient, and the biggest issue was that few people were aware of the rights that the constitution guarantees to protect women. Race, caste, religion, and status are not barriers to domestic violence. 35% of women globally in 2013 reported having experienced either non-partner sexual violence or physical and sexual intimate relationship violence. Nonetheless, according to certain National Violence studies, up to 70% of women have ever been the victim of physical or sexual abuse by a romantic relationship. 153 According to a 2010 study conducted in New Delhi, 66% of women said they had been sexually harassed between two and five times in the previous year.

References

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4. Nitya Rao (2014) Didn't Fight Back...Because I Loved Him”