

Domestic Violence Against Women in the Modern Society

Pushpendra Gurjar

School of Legal Studies and Governance, Career Point University, Kota

Abstract: *Throughout the world domestic violence is a common issue for the females irrespective of the caste, creed, religion and ethnicity. There are numerous type of domestic violence not only a partner beating wife and these violence have a severe effects on the health of the victim. In broad terms domestic violence can be classified in 4 major types which are-*

- 1. Physical violence*
- 2. Emotional violence*
- 3. Financial violence*
- 4. Sexual abuse*

Such violence has various fronts or disguise. Above mentioned violence are made punishable under the DV act 2005. Having laws regarding such laws is insufficient as a large no. Of females are un aware of such laws and many couldn't even identify that they are exposed to the domestic violence in their daily life by their intimate partners and in society like India instead of encouraging the victim to report such violence they are suppressed by stating that what the society will think about them if they report their partners leading the victim to compromise in the conditions instead of making report making their conditions worsen more and more and from simple beating it may lead to emotional violence or rape and even murder.

Keywords: Domestic violence, Gender-based violence, Trauma, Victim blaming,

I INTRODUCTION

Domestic violence is a pervasive and complex social issue that has been recognized as a serious violation of women's human rights. It encompasses various forms of physical, sexual, emotional, and economic abuse that occur in the home, perpetrated by intimate partners or family members. Regardless of socio-economic status, religion, or caste, women across society are subjected to DV, resulting in severe and long-lasting consequences for their physical and mental health, social and economic wellbeing, and overall quality of life. The perpetrators of such violence are often individuals who are closely related to the victim,

creating significant barriers to reporting and seeking redress. This paper aims to provide a comprehensive understanding of the various types of domestic violence, including physical, sexual, economic, and mental violence. Additionally, it will examine the underlying factors that contribute to the perpetration of such violence and highlight the significant role of cultural and societal norms in perpetuating violence against women.

II Literature Review:

The researcher has made a thoroughly research on these existing literature and the following literature sources are as followed:-

1. “Violence against Women,” published in 1998, Ram Ahuja

In this book the author discusses the issue of wife battering, noting that while it may be a traditional practice, it is not legally sanctioned. Ahuja provides an in-depth analysis of the factors that contribute to such violence and explores the legal and social responses to this pervasive problem. His work sheds light on the need for greater awareness and action to address the issue of violence against women.

2. Dr Saraswati Mishra In her book “status of Indian women(2016)”

Mentioned about the violence against women that is unchanged biological and psychological forms has remained in practice send thousands of years in the India the main cause of the phenomena lies in the complete subordination of dependence of women on male dominant Society. Woman biological structure and less physical health as compared to the men made her more vulnerable to the violence by the males. She pointed out that she pointed out that over social structure has in-built discrimination against women which raises violence against them. Our country is changing from traditional to modern in many aspects but our believes, thoughts are still not changed hence the women going out for the education or the work have a double burden of work and tension.

3. Nehal Ashraf in her book “Crime against women” , commonwealth publishers 1997

She talks about the bride burning and wife battering. She pointed out the customs of dowry is a universal concept. According to Nehal common name to wife battering can be silent crime. She also said that wife battering is commonly accepted by the

society and is not given much concern and if wife tries to oppose she is considered to be of low morale.

4. Vidushi and Sethi (2018) in their article "Domestic violence

Discussed the various synonyms used for DV, including spousal abuse, family violence, and intimate partner violence. The authors highlighted both physical and non-physical forms of abuse, such as biting, kicking, slapping, controlling, dominating, and economic neglect, which constitute mental and emotional abuse

III Research Methodology

Research Question:

1. What factors contribute to women's decision to remain in domestically violent relationships?
2. To what extent does financial incapability impact the occurrence and severity of domestic violence?
3. What are the available resources and interventions that can aid victims of domestic violence and assist in preventing future instances of such violence?

Research Terminology

Domestic violence against women evidence includes a range of concepts related to various forms of abuse that occur within relationship and include terms such as domestic violence, which refers to any form of physical, sexual, emotional, or economic abuse that takes place within a domestic setting.

In this paper the researcher mainly picked for doctrinal research methodology, and the sources are collected beneath through secondary data.

Chapterization:

Factors contributing DV-

The contributing factors to domestic violence against women are complex and multifaceted. These factors can be categorized into individual, relational, societal, and cultural factors, and all these factors can interact and influence one another. Here's a brief explanation of each of these contributing factors:

1. Individual factors: These factors are related to the perpetrator's characteristics, such as their mental health, history of violence, and substance abuse. Perpetrators may also have low self-esteem, poor impulse control, and a sense of entitlement or ownership over their partner.
2. Relational factors: These factors relate to the dynamics between the perpetrator and victim, such as power imbalances, control issues, and conflict resolution skills. Relationships where one partner has more power or control than the other are more likely to experience domestic violence.
3. Societal factors: These factors include the broader social context in which domestic violence occurs, such as poverty, unemployment, and social isolation. Social factors can also include attitudes towards violence, gender roles, and the use of violence as a means of conflict resolution.
4. Cultural factors: These factors are related to the cultural norms and beliefs that perpetuate violence against women. For example, in some cultures, it may be considered acceptable for men to use violence to assert their authority over women or to punish women who do not conform to traditional gender roles.

Gender inequality is one of the key factors that contribute to domestic violence against women. Women are often seen as inferior to men and are therefore more likely to be subjected to violence. The power dynamics between men and women are also a contributing factor. Men often hold more power in society than women and are more likely to use violence as a means of asserting their dominance.

It is important to note that these contributing factors are interrelated, and addressing domestic violence requires a multifaceted approach that considers all these factors. Effective prevention and intervention programs should address individual, relational, societal, and cultural factors to prevent and reduce domestic violence against women.

Let's have look towards some statistical data-According to the **National Crime Records Bureau (NCRB)** in India, there were **4,05,861** cases of crimes against women, including domestic violence, in 2019. Out of these cases, **30.9%** were cases of **cruelty** by their male partners or his family members.

Furthermore, the NCRB reported that in 2019, **65.2%** of the total domestic violence cases reported were by married women. In addition, more than **75%** of the women exposed to were in the **18-45** years of range

However, it is important to note that domestic violence is often underreported in India due to social stigma, fear of reprisal, and lack of trust in the legal system. Therefore, these statistics may not accurately represent the actual prevalence of domestic violence in the country.

Impact of DV on victim

DV can have significant physical, psychological, and emotional effects on women's health and well-being. One who experience domestic violence may suffer from various short-term and long-term health issues.

The physical effects of DV may range from small injuries to death causing chances. Physical abuse can result in bruises, cuts, broken bones, and head injuries. It can also lead to chronic pain, chronic fatigue, and gastrointestinal problems. One who experience violence during pregnancy may experience complications, including miscarriage, premature birth, or low birth weight.

The psychological and emotional influence of DV on women can be severe and long-lasting. Women who are subjected to DV may experience depression, anxiety, post-traumatic stress disorder (PTSD), and other mental health problems. They may also suffer from low self-esteem, feelings of shame and guilt, and difficulty trusting others. These effects can persist long after the abuse has stopped.

DV can also affect women's overall well-being, including their ability to work, socialize, and engage in healthy relationships. It can lead to isolation, financial uncertainty, and a lack of accessibility to healthcare or any other resources.

Overall, domestic violence can have a devastating impact on women's physical, psychological, and emotional health and well-being. It is essential to recognize the signs of abuse and provide support to those who are experiencing it to help them heal and rebuild their lives.

Prevention Strategies to stop DV

In our country, DV against women is a universal problem which affects large scale of women. To address this issue, various prevention strategies have been implemented to raise awareness, provide support to victims, and change societal attitudes towards violence against women.

- Legal measures: India has enacted several laws to protect women from domestic violence, including the “**Protection of Women from Domestic Violence Act, 2005**”, which criminalizes domestic violence and provides legal remedies for victims. This act criminalizes not only the physical violence but sexual, verbal, economical violence too. Under this law, women who are subjected to domestic violence can obtain a protection order, a residence order, a monetary relief order, and other types of legal remedies.

In the case of “**S.R. Batra vs. Smt. Taruna Batra(2017) 3SCC 169**”, the Supreme Court of India held that the Protection of Women from Domestic Violence Act, 2005, is a civil law and can be invoked in any civil court. This decision broadened the scope of the act and made it easier for victims to seek legal remedies.

Further the “**Dowry Protection act, 1961**”, which makes the dowry giving and taking cognizable and non bailable offence to protect women against DV.

“**Section 304B IPC Dowry Death**”-The court shall Presume death as dowry death where death is caused within 7years of marriage by burn or bodily injury where it’s shown that she was subjected to cruelty or harassment for demand of dowry and made it punishable with Imprisonment of term not less than 7 years and may extend to L.I.

In the case of “**State of West Bengal vs. Sk. Saddam Hussein (2016) SCC Online Cal 13806**”, the Calcutta High Court held that demanding dowry is a form of domestic violence and can be punished under the Protection of Women from Domestic Violence Act, 2005. This decision highlighted the interconnection between dowry-related violence and domestic violence against women.

- Awareness campaigns: Various awareness campaigns have been launched in India to educate the public about the dangers of domestic violence and encourage victims to seek help. These campaigns often use mass media, such as TV, radio, and social media, to reach a larger population.

In 2017, the Indian government launched a national program called the "One Stop Centre" to provide integrated support and services to women affected by violence, including domestic violence. These centres provide legal aid, medical assistance, counselling, and other supporting services to DVvictims. Community-based interventions: Community-based interventions, such as support groups, counselling services, and helpline, provide victims with a safe space to share their experiences and receive emotional support. These interventions also help to break the silence surrounding domestic violence and encourage victims to seek help.

- Education programs: Educational programs that promote gender equality and non-violent conflict resolution can help to prevent domestic violence by changing societal attitudes towards violence against women. These programs can be implemented in schools, workplaces, and other community settings.

The government has also implemented the “**Beti Bachao Beti Padhao**” (Save the Daughter, Educate the Daughter) scheme to promote gender equality and address the issue of female foeticide in India. The aim of this scheme was to educate the females.

- Economic empowerment: Economic empowerment programs can help to reduce the incidence of domestic violence by providing women with financial independence and greater control over their lives. This can include job training, microfinance initiatives, and entrepreneurship programs.

Some of govt. Schemes to support Women-

1. Mahila E-Haat: This is an online platform that enables women entrepreneurs to sell their products directly to customers across the country. It is managed by the “**MWCD**”.
2. Stand-Up India: Under this women & SC/ST entrepreneurs are given loan from 10 lacs upto 1crore to setup Greenfield enterprises & its implemented by the Department of Financial Services.
3. Pradhan Mantri Mudra Yojana: This scheme provides loans up to Rs. 10 lakhs to women entrepreneurs to start and grow their businesses.
4. National Skill Development Corporation (NSDC): The NSDC provides training and support to women entrepreneurs through various programs and initiatives.
5. Start-up India: This initiative aims to promote entrepreneurship and innovation in India by providing funding, mentorship, and other support to start-up’s&controlled by the Department for Promotion of Industry and Internal Trade.
6. Udyogini Scheme: It provides monetary assistance and training to women entrepreneurs to initiate and operate their businesses &its controlled by the Department of Industries and Commerce.
7. Mahila Coir Yojana: This scheme provides financial assistance and training to women to start coir-based businesses & Its controlled by the Ministry of Micro, Small and Medium Enterprises.

8. Stree Shakti Package for Women Entrepreneurs: This scheme provides loans at a concessional rate of interest to women entrepreneurs & Its controlled by various banks and financial institutions.

While these prevention strategies have shown some success in addressing domestic violence against women in India, there is still a long way to go to eliminate this pervasive problem. Continued efforts are needed to raise awareness, provide support to victims, and change societal attitudes towards violence against women. Additionally, greater resources and political will are needed to fully implement existing laws and policies and improve access to support services for victims.

Findings

There are several factors that may contribute to a woman's decision to remain in a domestically violent relationship:

1. Fear: The fear of retaliation or further violence may prevent a woman from leaving an abusive relationship.
2. Economic dependence: Women may stay in abusive relationships due to financial dependence on their partner, especially if they have children to support.
3. Social and cultural norms: Societal pressure and cultural norms that prioritize keeping the family together may make it difficult for women to leave an abusive partner.
4. Emotional attachment: Women may have emotional attachment to their partners and may hope that the abuse will stop.
5. Lack of support: Women may feel isolated and lack the support network necessary to leave an abusive relationship.
6. Psychological manipulation: Abusers may use psychological manipulation, such as gas lighting and emotional abuse, to make their partners feel like they are responsible for the abuse and should not leave the relationship.

It is important to note that every situation is unique, and the reasons why a woman may choose to stay in an abusive relationship are complex and varied.

SUGGESTION AND CONCLUSION

The study helps in understanding the influence of DV on the victims and its reasons certain suggestions for the purpose are:-

Suggestion

Major issue is not the domestic violence to which victims are exposed but the problem is that they are not opposing such violence's and start compromising with them and try to justify the

violent actions of the partner/accused and start convincing themselves that the conditions will improve on their own. Here would like to suggest that the domestic violence conditions escalate vigorously. And if one doesn't oppose such violence instantly they may start with simple beating and may end up to rape or murder.

In case of having child such violence produce a severe impact on their minds and being witness to domestic violence in their home they also develop a violent mentality and become violent in their further life.

- Strongly enforcing the existing laws- There are a large no. Of the laws in favour of the women and if they are enforced tightly the ratio of crime against women would drastically reduce. A great issue is that the government makes the laws as per requirement but the laws are loosely enforced giving chances to the offenders to repeat the offence.
- New counselling centres- There should be establishment of new counselling and helping centres operated by the government where the women who are victim of violence can stay for short time and can come out of the trauma they suffer because of the violence they suffered.
- Economic status improvement- I suggest that the government should emphasize on the making of policies which enhance the financial conditions of the females in the country for those females who are economically incapable of taking care of themselves and due to which they tolerate any type of violence against them by the husband or family and don't oppose.

Solutions and Actions for Victims

Domestic violence is an offence of serious nature and is needed to be reported but it remains covered because of many reasons like sometimes the victims are unaware of the offences which are under domestic violence and they are suffering from such while sometimes they don't have enough knowledge that how to respond such violence and report it. Public should be made aware of the different resources available to get help against domestic violence like Police, legal prosecution, emergency shelters etc.

IV Conclusion:

The Indian Constitution provides various rights aimed at achieving gender equality for women. However, despite these rights and principles, certain types of violence against women in India are not classified as criminal offenses, and are therefore non-punishable. For

instance, marital rape is not legally recognized as a crime. While some forms of violence against women, such as rape and dowry deaths, are covered under criminal laws, domestic violence by a husband resulting in harm or grievous injury to his wife is not always considered an offense. In such cases, lack of evidence and support from the victim's family and society often hinder investigations by law enforcement agencies.

Violence against women is a curse to a country's development. As **Pt. Jawaharlal Nehru** **J**once remarked, "**you can tell the condition of a nation by looking at the status of its women.**" Therefore, it is essential to ensure gender equality and protect women's rights for the nation's progress. To achieve this, governmental authorities alone cannot end violence against women. It is also important for families and society to play their role in educating girls about offenses and violence against women and supporting them in protesting against such violence.

In conclusion, while the Indian Constitution provides rights for women's equality, there are still gaps in the legal system and societal attitudes that need to be addressed to eliminate violence against women. A collective effort is required to end this curse and promote gender equality for the nation's progress.

V References:

1. <http://blog.ipleaders.in>
2. NATIONAL CRIME RECORD BUREAU (NCRB)
3. <http://NCRB.GOV.IN>
4. SECTION 498A, IPC 1860
5. Protection of women from DV act,2005
6. <http://NCRB.GOV.IN>
7. SECTION 113A,THE INDIAN EVIDENCE ACT,1872
8. SECTION 113B, INDIAN EVIDENCE ACT, 1872
9. SECTION 304B, IPC 1860
10. TIMES OF INDIA.
11. LEXPEEPS.IN

12. <https://www.scobserver.in/journal/court-reinterprets-shared-household-under-the-domestic-violence-law>
13. <https://www.google.com/amp/s/lexpeeeps.in/indra-sarma-v-vkv-sarma/%3famp=1>
14. <https://www.google.com/amp/s/blog.ipleaders.in/hiralal-p-harsora-ors-v-kusum-narottamdas-harsora-ors/%3famp=1>
15. <https://yourstory.com/2018/01/8-landmark-judgements-that-changed-the-course-for-women-in-india/amp>
16. Vidushi, R., & Sethi, S. (2018). Domestic violence: A review of literature. *International Journal of Scientific Research and Review*, 7(5), 525-534.