

Study and Analysis of Domestic Violence against Women: Causes & Prevention

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ABSTRACT: *The greatest tragedy in our country is the grave injustice done to a woman who has been the foundation stone of family and society in general, who gives birth to life, shapes it, and strengthens it, who is a transmitter of tradition and an instrument through which culture is preserved and passed down from generation to generation. Domestic abuse affects women of all ages, colours, castes, social, economic, and political statuses. In Indian society, her frailty reveals itself in a variety of ways. A woman's hidden sorrows make her an easy target for male dominance, which is supported by patriarchy.*

Domestic violence against women is well-known and prevalent in India. Domestic violence against women is defined as a condition that is encouraged and maintained by gender norms and attitudes that place women in a subordinate position to men. This study condemns the prevalence of domestic violence among Indian women. A schedule of interviews was created to estimate the prevalence of domestic violence. The study found that spouses' drunkenness is a major factor of domestic violence against women. Domestic abuse is still prevalent in Indian society, and women are generally unaware of the laws and organisations dealing with domestic violence.

Keywords: *tragedy, domestic violence, encouraged, interviews*

I INTRODUCTION

Domestic violence is defined as harming or injuring or endangering the aggrieved person's health, safety, life, limb, or well-being, whether mental or physical, or threatening to do so, and includes causing physical abuse, sexual abuse, verbal and emotional abuse, and economic abuse.

It recognises a woman's right to live in a household free of violence. Domestic abuse is defined as a violation of human rights under the Act. To implement this right, the Act recognises a woman's right to residence as well as her legal ability to request protective orders.

Throughout recorded history, practically every society and civilisation has documented domestic violence. Discrimination and oppression that culminates in physical, mental, or emotional violence have long been accepted in patriarchal communities (Privilege is related to power. Males have several advantages that women do not have under a society where men have more power than women). Except in rare cases, violence has been socially and legally sanctioned. Certain key statutes and regulations offer historical context for the idea of domestic abuse to become known. Male domination and presenting women as 'property,' an item belonging to males, and secondly expectations from women as an ideal 'role model,' fit each other, leaving her

defenceless and open to discrimination, persecution, and a variety of victimisation, so imposing their surrender.

"Violence against women may be a symptom of historically unequal power relations between men and women, which have led in men's control over and discrimination against women, moreover as women's complete advancement". Force is defined as physical, sexual, or psychological abuse directed towards one's spouse, partner, or other loved one living within the same household. Force happens when one friend, partner, or ex-partner seeks to physically or psychologically dominate or hurt the opposite. Violence happens across all cultures, and folks of all colours, ethnicities, and religions are abusers. Intimate partner violence and sexual violence against women are important public health issues and abuses of women's rights.

In the 1970s, revolutionaries recognised the widespread prevalence of wife bashing and declared that all classes of men abused their wives, not only working-class husbands. They classified wife battering as one of the hazardous male attempts to dominate women, and argued that rape was a violent crime, not a sexual one. Accommodations were founded by feminists. Where women may seek safety, demanded that the police do more to protect women, and advocated in court for abused women.

Domestic violence was once considered to be a legal means for husbands to 'teach' their wives. Simultaneously, male aggression modelled issues for patriarchy, which is defined as husbands' and fathers' power over wives and kids (a specific type of male dominance). If the husband killed or severely harmed the lady, the family's integrity would be jeopardised. Wives were equally concerned with keeping them safe from harm.

Furthermore, violence jeopardised the notion that marriage was founded on love, or at the very least companionship and company.

II REVIEW OF LITERATURE

According to the author of the book 'Beyond Closed Doors- Domestic Violence in India,' being abused, used, and raped by someone as personal as a spouse is the most demeaning experience for a woman.

Suresh Goel, in his book 'Psychological Aspects of Domestic Violence,' defines DV as a coercive attitude towards another person by different means such as intimidation, threatening, and harassing of the victim.

The author of the book 'Battered Women: Implications for Social Transformation' uses the word 'battered' to describe the situation of women who have been victims of domestic abuse.

III RESEARCH OBJECTIVE

To learn more about the prevalence, characteristics, and causes of domestic violence against adult and young females.

To learn about female attitudes of dealing with violent acts.

To find out the ways how women's overcome from domestic violence.

IV RESEARCH QUESTION

Is the Protection of Womens from Domestic Violence Act 2005 is sufficient for womens in reducuog of domestic violence?

What are the punishments given for domestic violence against women?

V RESEARCH METHODOLOGY

The qualitative research methodology used in the research study is based on secondary sources. Secondary sources of information include internet resources, research papers, publications based on the Indian legal code, reports issued by prominent authorities, newspapers, legal databases that aid in the interpretation of various instances, and so on.

This act protects the women from violence and provide the production on women's right which are provided by the constitution. In present time if any woman who is facing cruelty by her husband and relatives it is consider as a crime under section 498A of IPC 1860. Article 14 15 21 of our constitution also provides protection to the women's right which can be suffer from domestic violence. The domestic violence includes harms or injuries to life, health, limb whether physical or mental abuse, sexual abuse, economic and verbal and emotional abuse.

In the case of Inder Raj Malik v. Sunita Malik (1986)¹ It was held that complain was filed by Sunita who married to inder Raj Malik .the reason of complain was Sunita was ill treated , misuse ,keep hungry or treat badly by her husband and other family members mainly at the time of the festivals because of the order to receive money from her family side. Due to this she has to face physical and mental abuse by all family members and also infaint but there is no provision for treatment and not bring her to doctor. She was also received threatening to kill her brother and for not sold land to give them money.

Delhi High Court gives the judgement in the favour of lady and all family members being guilty of dowry laws. Domestic violence also done by husband and family members so it again also a term in section 498A of IPC and Section 4 of dowry prohibition act the 1956. Offenders provide punishment under Section 4 of dowry prohibition for demand dowry as well as in section 498A of IPC for cruelty against women.

¹1986(2) crimes 435, 1986 RLR 220

Salient features of act.

The main motive of the act is to protect the right of women against abuser with whom she leave it together marriage or a relationship in nature of marriage ,in addition with family members who are living as joint family. Another reason for domestic violence is a dowry demand by their family members.

Punishment for domestic violence

According to Section 313 to 316 of IPC female abortion must be considered as a total illegal or unlawful practices which means powerful ending the Pregnancy of women.

There are many laws and order also made for the protection of the rights of women's against domestic violence, by the section 304b of IPC which is related to dowry death.

There is also a section 31 of Protection Of Women From Domestic Violence Act 2005 which is "penalty for breach of protection order by respondent". This Magistrate may also file charges under Section 498A of the IPC, which protects women from cruelty and criminal conduct.

To justify this statement there is a case of Rupali devi V. state of UP² in this the respondent and petitioner were married in December 1997 at the time of marriage all the demands related to the dowry was fulfilled but after some time husband feel unsatisfied by dowry and a start treating badly or harassing and create a new demand for rupees 2 lakh and a car. The Supreme Court pass an order to provide shelter to women after threw out the from husband's house and husband being a guilty of cruelty under section 498A of IPC.

VI REASONS OF DOMESTIC VIOLENCE

Poverty and unemployment: in present era poverty and payment becomes the main reason for the domestic violence .people that are facing financial crisis and more likely include in domestic violence. homeless women and children have to face domestic violence in the various way they are also threw out from their houses because of poverty, they become the burden and livelihood in less and they can't handle their expenses and unable to fulfill their needs and wants. They didn't have any source to reach the legal help or able to afford their personal resident.

Young parent: the person who become parent in young age they didn't have any experience that how to run family or leave together peacefully. They are full up with the anger, frustration, aggression and depression, anxiety and many more. Young parents also not have any knowledge that how treats children and women and how to behave or live in society. They always want to live with their own Desire or stay single also facing/ struggling the economical or financial problems and also have no standard of education.

² Criminal Appeal No. 71 of 2012

Education: there is a significant role of education on the domestic violence it a create a large amount of a variations in the causing in family violence. School and college and all educational institutions are also creating and spreading awareness regarding domestic violence and knowledge about unwanted or unnatural sex or difference between good touch and bad touch. In the earlier time period women had low level of education so they get easily abuse but at present time they have some Secondary Education so they decrease the chance of violence. This is only possible due to fully educated women who know about her good or bad and can also see the equality regarding abusers and keep herself safe from family violence.

Relationship retention behaviour: some of the partners are the thinking that if they wanted to secure their relation, so they have to do domestic violence they consider it is only way to maintain marriage or a restraint the partner to go. if any mishappening or threat come in relationship or fear that a partner will left so they are motivate for doing these type of practices but sometime or in present era, these types of strategies are not reasons to retain relation but also cause of separation of marriage or divorce .

Cultural factors : it is commonly seen in today's era that people from different culture are decided to stay together and change their relationship into proper legal marriage which is full filled by all culture but a we can't say that a both partners are fully familiaries or having knowledge about their different culture. in starting they thought that are different culture relationship can work for long time or they thought that they are a new generation or different point of view to watch things but in it also cause or domestic violence after sometime example: in some culture the consumption of beer, wine or alcohol, smoking or eating non-veg is normal but some culture didn't like.

Historical factor: in our Indian society or in our culture we have male dominating society or always provide preference or priority to male against female. if there was a question arise that a between male or female that who is the right so it is easily answerable that a male is always right male can't be wrong, if they do domestic violence it is also right. Historical factor also a great cause of domestic violence.

Suspicion of unfaithfulness: the marital relationship is only depending on the trust and Faith. if any partner feel and insecure or over possessive and receiving some hint that he /she cheated on themselves and question is arise regarding trust or faith and seems that level of trust on partner become decrease so it will leads the reason of domestic violence .

VII ROLE OF GOVERNMENT

Our Indian government gives topmost priority to the safety of women. Safety of women can't be ignored, first preference must be given to it.

For this Purpose the government made some organisation that focuses on women safety that are the ministry of women's child development and the ministry of home affairs. The ministry of a woman and child development by this introduced many policies which are beneficial for the women and they are easily accessible like "one stop Centre for those women who are facing domestic violence. The government also established non-lapsable nirbhya fund, which aims to provide financial help or aid towards increment of the women safety against violence. Mahila police volunteers' and 'universalisation of the women helpline.

By the Use of technologies there is a great development for the tracking offences related to the women like for tracking the sexual harassment of a woman a system as a launched name "investigation tracking system for sexual offences" whose role is to monitor or track the sexual assault case.

There are certain initiatives which are set a down by government, stable funding the government rise the nearly £40 million stable funding for reducing the domestic violence and provide them support

Domestic homicide reviews has released a fund of amount £150000 where main aim is to protect the women from the domestic violence who are residing in the rural or village areas.

Some new type of offences is seen in present era of forced marriage of women with means a marriage is done forcefully without their will. On 12 July 2012 launch a summer campaign and also making three short films and the provide screening which can be easily recognizable by women.

Some more initiatives are also taken by government whose aim is to diminish the amount of rape and sexual abuse of teenagers. In backward area mostly teenagers are depicted as the sexual object. A helpline number also invented that is emergency response support system. Through this, when violence is occurring women can call on 112 which automatically traces the location from where call is operated and help is a thus provided to women.

Government established some laws regarding domestic violence .the sexual harassment of a woman at a workplace act which is the helpful in the reducing the chance of a physically abuse women at the time of employment or a place where they work .There is also an act and the protection of a woman from the domestic violence act 2005 which is a helpful for protecting women from the family or a domestic violence .the main reason of domestic violence is dowry because,if married women or the women are about to marry doesn't fulfill the demand of dowry than domestic violence is practice upon them,due to the above reason ,dowry prohibition act is established.

VIII TYPES OF DOMESTIC VIOLENCE

Emotional violence :

When someone says or does something that is emotionally violent, it is done to make someone feel useless or stupid.

Cultural violence :

Cultural violence is that when someone is hurt for practicing her religion or custom that fall under the society.

Physical violence :

Physical violence is the deliberate use of physical force that has the goal to damage, injury, any kind of disability, or even result in death of that person. This includes scratching, pushing, biting, punching, slapping, burning, hitting, shaking, use of weapon, use of one's body against another person.

There is a case for this *Arnesh Kumar v. state of Bihar and another* 2014³ the parties of case arnesh Kumar and Shweta Kiran were married on July 1 2007. Sweta Kiran who was the suffered from her family members who are making some demands to her in the name of dowry demands,some demands are done by them for the costly things like brand new Maruti car which cost lump-sum amount of 8 lakh rupees and big or new smart or Android television or air conditioner ,but these demands are done without the knowledge of arnesh Kumar when he came to know he also go in the favour of her mother and threatening Shweta that he may Marry with the someone else if she not bring or full will this demand and she also pull out from house .the high court reject his appeal and Supreme Court for special leave and consider all the matter of facts and release and interim order and give punishment by section 498A is a cognizable and non- bailable offence and police arrest husband and relatives under this provision .

Psychological violence :

It is also referred as mental abuse, it used with the intent to harm another person mentally, or to make control over the person.

Sexual violence :

Sexual violence involves a sexual act being attempted or done without the free consent of the victim to with such act is done. This type of violence also create physical harm to another person.

³ CRIMINAL APPEAL NO. 1277 OF 2014 (SPECIAL LEAVE PETITION (CRL.) No.9127 of 2013)

Spiritual violence :

Spiritual (or religious) violence happens when someone tries to manipulate, dominates, or controls another person based on their spiritual convictions.

Financial abuse ;

Financial abuse happens when somebody controls or misuses an individual's financial resources without the individual's consent, or not restrict them to use money for their personal use.

Verbal abuse :

Verbal abuse happens when someone utilizes language, whether spoken or written, to injure another person.

Neglect :

Neglect happens when someone is responsible for providing care or support to another person but does not do so.

IX SUGGESTIONS AND CONCLUSION

Suggestions

In my opinion domestic violence against women should be control in India, and womens should get their full rights in family and society so that they don't feel incapable to do anything and for that government have to play a major role in this situation, as government have to make new policies which are beneficial for womens and must ensure that the policies they are making for womens protection are reaching to them.

X Conclusion

Domestic violence is still not considered a serious criminal offence by the Indian judiciary. This is a closed-door crime that is often overlooked by neighbours and the community, as evidenced by the lack of convictions over the years. Due to convenient judicial system, offenders also took advantage of this system and continuing domestic violence. As a result, about one in every three women globally experiences physical or sexual abuse, most often at the hands of an abusive spouse. Human rights are violated when violence is directed at women and girls. Violence has a negative influence on women's overall well-being and stops women from fully participating in society. It has an impact on their families, their community, and the country as a whole. It has huge costs, from greater stress on health care to legal bills and losses in productivity.

XI REFERENCES

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