



Domestic Violence Against Women

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ABSTRACT

In our Indian society there are many acts and offences that are being committed against women. Domestic violence is one of such act. It is a social evil that affects not only a victim or a woman against whom that particular act is committed but it affects the dignity or status of society at large. We often heard now a days that in our society both man and woman are at equal pedestrian but today also in many aspects we find that our society is still dominated by male members in many scenario. Prima Facie most of the families seems to be a happy and peaceful families but sometimes there are deep problems within a family that affects not only accused and victim but to the whole family. Domestic violence is an abusive behavior that is faced by a woman In her domestic relation it could be by Husband, parent in laws, father or anyone else . For an act of domestic violence one of the essential ingredient is that there has to be some close relationship between the offender and the victim. One single act of abusive behavior does not amount to domestic violence, there has to be series of act to constitute this offence. An act in which one person dominates the other person and commits abusive acts towards the other is known as a domestic violence. Many NGO'S and social groups are working towards the upliftment and helping of women in such a situation. We will discuss that what causes domestic violence and how one can deal with it.

INTRODUCTION

Many evils exist in our Indian society. Things become worst when it comes to women or children . Domestic violence is one of such evil. This act of violence is basically done by relatives, spouse or family members of women and not by any unknown or stranger. ***“The term domestic violence 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.”*** ¹This act not only affect or harm any particular women against whom such act is committed but this act affects the dignity of society at large . It can be in verbal form also as any word that amount to harm women dignity , mental health or affect her emotionally will also be termed as Domestic violence. Our Indian society is male dominated and this evil is on extreme level in such societies . This does not affect just victim but the whole family as well as the day to day engagements of victim. Any act that tries to gain power or control on a victim in an abusive or forceful way may be termed as an act of domestic violence . Even in 21st century this practice is on verge not only physical abuse is termed as a domestic violence but other acts that affects the well being of a victim in any way is termed as a domestic violence . some of the instances of domestic violence are as follows

1. Husband not supporting to his wife financially if she herself is earning and forced her to save as well as spend from her earnings only. People usually don't disclose such facts at the time of a marriage .
2. Force their wife to either stop working then only will take care of her financial responsibility.
3. Refuse to pursue for higher studies after marriage.
4. Pressure on a woman for family planning even against her wish.
5. Sometimes women is not allowed to continue working after her child birth .
6. Not taking care of child's expenses.
7. Not allowing a female to go to her paternal or maternal home after marriage.
8. Insulting for giving a birth to girl baby.
9. Leaving a mother to an old age home or not respecting her or providing her basic necessities.

All these are the instances that create a emotional pressure upon a victim and she started feeling humiliated and underestimated due to all these circumstances. All these will not be termed as an act of domestic violence or mental humiliation if these things are disclosed before the marriage .

Apart from this some of the instance of physical abuse that lead to an act of domestic violence are Hitting, slapping , punching or any physical injury .Dowry death is a worst form of domestic violence

where women have been forced for dowry and killed for it. Section 304 B of Indian penal code deals with the dowry death where punishment given is not less than seven years and that may extend up to imprisonment for life is given for such offence. Domestic violence in form of Verbal abuse is most prevalent in our society. Humilating, shouting ,yelling , calling a name of a lady for not having a baby are some of the examples of verbal abuse. Adultery i.e having sexual relationship with another married woman is also an act of domestic violence for a wife . It is no more an offence under sec 497 of IPC after the case of *Joseph shine v/s union of India (2019)* but this is still a ground of divorce that is a relief for an act of domestic violence. Women has a right to move In any direction but if someone confined her , lock her or restrain her from moving in any direction than that act is irrelevant and will amount to an act of domestic violence. Sexual abuse can also be an act of Domestic violence. Sometimes girl child suffer these type of abuse within in her family itself . when someone from her family only tries to outrage her modesty.

In many cases women is not aware of remedy available to her in case of such a violence and she is unable to seek a legal remedy available for her. Domestic violence is playing a major role in increasing number of Divorce cases. Marriage continues as long as female tolerates such acts but once she starts speaking for herself that lead to conflict and intolerance that becomes a cause of divorce. Divorce is obviously a remedy in such a case. There is no one particular form of domestic violence it vary from situation to situation and from person to person . In some cases it just lead to minor injury and in worst cases it leads to death . Sec 498- A of Indian Penal Code deals with cruelty by a husband or his relative to woman then punishment as per this section is imprisonment up to 3 years and fine.

Kinds of Domestic violence

- Sexual abuse
- Verbal abuse
- Emotional abuse
- Financial abuse
- Physical abuse

Now we need to discuss about all these types of violence one by one

- 1. Sexual abuse** – Sexual act is an act in which women is forced to have an intercourse without her consent .Sexual intercourse during a judicial separation is also consider as an act of Domestic



Violence. *“In India law does not recognize “ marital rape “ as an offence. Thus a man is not liable to be punished for raping his wife unless she is below the age of 15 years”²*. After 2017 in case Independent thought versus Union of India” 2017 age limit has been extended to 18 yrs for such an act.

2. **Verbal abuse-** Act of violence does not include only physical violence, it includes bad behaviour of calling by bad names or using abusive language, insulting in front of others. Abuser thinks that he can control the victim by abusing her.

“ Where Verbal abuse to find help”³

In an emergency, call 911 or your local emergency number or law enforcement agency. The following resources also can help:

1. Discuss it with friend, colleague, or relative who . may help you out.
2. Get in touch with health care provider who will treat you ..
3. **A local women's shelter or crisis center.** Shelters and crisis centers typically provide 24-hour emergency shelter as well as advice on legal matters and advocacy and support services.
4. Get a counseling done from any counselor who can guide you and motivate you to proceed in a right direction.
5. Get a help from any lawyer who can get orders from court to restrain abuser from abusing or committing any act of violence

Partner abuse can happen to anyone but domestic violence is most often directed toward women .Sometimes women is unable to identify Domestic violence at first instance . Abuse start over little things and it gets worst if not controlled or raised voice against it. Women usually avoid these acts at first instance to save her relationship or marriage from being destroyed. Some of the incidents that are being common in day to day life that amounts to violence are

1. Calling by bad names.
2. Drinking by a spouse and committing a violence .
3. Hit, kick, slap, punch

Domestic violence is threatening if it takes place at the time of pregnancy. It puts danger to health of both mother and baby.

3. Emotional violence –Being independent is not sufficient. one has to be emotionally strong. Emotional abuse involve an act of controlling another person by using emotions, to make one do those things that one don't want to do, To make one person stop doing that she loves to do. Emotionally abused people are too worried to continue the relationship as well as too afraid to leave. This is the feeling of one in which another person or abuser takes the advantage of one who is being emotionally weak .It is always said that women has to be financially strong but actually women has to be emotionally strong as in many cases financially independent women also suffers domestic violence if they are not emotionally strong.

4. Financial abuse –Financial abuse can happen to anyone. It is a situation where finances of women are controlled by a husband or his family. Her basic expenses are even considered as a unnecessary expenses . In many situation women works for her own expenses but she has been forced by her husband or in laws to transfer her salary to them without asking any question to them So this situation not only make her financially weak but emotionally weak also.

5. Physical abuse – Physical abuse is an abuse that includes the act of violence that can cause hurt to a women . Kicking, Slapping , Hitting , Punching , or any other act that causes bodily pain or injury to her is termed as a physical abuse.

An act of abuse may vary from person to person or may vary in different circumstances to constitute the act of Domestic violence. Greivous hurt, sexual intercourse during separation, Adultery, Bigamy, wrongful confinement, wrongful restraint, passing abusive comments, Not providing basic facility of food , shelter , medical treatment are some of the kinds of Domestic violence . These acts are not considered as an act of domestic violence by Judiciary. ***“Some Judicially recognised kinds of Domestic violence are as follows”*** ⁴

- *Dowry death*
- *Abetment to commit suicide*
- *Cruelty*
- *Hurt*

Remedies for Domestic Violence

Domestic violence is an act in which women and children suffers the most by their family members only. In such a situation they need someone who can listen to them , Guide them and help them. The number of Domestic violence cases are increasing day by day. Sometimes women do not complaint for abuse or violence against them and not reporting such abuse or violence triggers the act of Domestic violence. When A women is illiterate then in such a circumstance she is unaware of her legal remedies .

1. First thing that aggrieved person has to do is to discuss her problem with someone instead of keeping it with herself.
2. Aggrieved person has to register a complaint to women cell or to police station.
3. Receive medical and shelter facility.
4. One can seek a protection police officer if she is residing in a same house .
5. Women can get a Divorce file and and claim a maintenance if she suffers from act of Domestic violence.
6. Women cell is working for upliftment and to improve the situation of women who suffers any harm or any act of violence in society.
7. One can take assistance of shelter homes.

CONCLUSION

In our society Domestic violence is an act or is a danger that women suffers within her family. It is not mentioned anywhere that only physical abuse is considered as an act of Domestic violence. Making her do things emotionally that she doesn't want to do also amount to domestic violence . Any act that affect the mental peace, health, reputation or disgrace her in front of others is also considered as an act of Domestic violence.

Calling her by bad names, restricting her to move out, Comparing her with others, restricting her to meet her parents, not meeting her financial expenses, not providing her medical assistance when needed . All these acts amount to Domestic violence .women is afraid of reporting such cases due to embarrassment and keep tolerating herself all these acts. One has to stop other from committing such acts as not reporting or not telling to any other only increases such cases. Our society always prefer a girl to be independent but never tell her to be emotionally strong.

If one is emotionally strong then she can easily raise a voice against such acts. Many women are self independent but still they tolerates all these because they are not emotionally strong . Education plays a vital role to stop or to lower down number of such cases as many a times women is not aware of her rights and remedies that are available to her. One must aware of her rights, remedies and should never tolerate such acts. people needs to understand that respecting a woman, treating her with right attitude , giving her freedom is a basic thing . It not only lower down the cases of Domestic violence but society will also grow if women is respected and treated well . this act of kindness and respecting her begins from home itself so one must always respect her Wife, mother , and daughter .

References

¹Dr. S.C. Tripathi & Mrs. Vibha Arora, Women and Children(pg. no 28) (Central Law Publications, Allahabad, Sixth Edition 2015)

² Dr. S.C. Tripathi & Mrs. Vibha Arora, Women and Children(pg. no 38) (Central Law Publications, Allahabad, Sixth Edition 2010)

³ <https://www.mayoclinic.org/healthy-lifestyle/adult-health/in-depth/domestic-violence/art-20048397>

⁴ Dr. S.C. Tripathi & Mrs. Vibha Arora, Women and Children(pg. no 31) (Central Law Publications, Allahabad, Sixth Edition 2015)