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Prasanna S,

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No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 - [info@iledu.in](mailto:info@iledu.in) / [Chairman@iledu.in](mailto:Chairman@iledu.in)



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## DOMESTIC VIOLENCE – A SOCIAL EVIL

**Author** – PARAS CHUGH, STUDENT OF RNB GLOBAL UNIVERSITY, BIKANER

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### ABSTRACT

In India, violence against women is rooted in societal standards and economic reliance. In India, female feticide, domestic violence, sexual harassment, and other forms of gender-based violence are a daily reality for the majority of girls and women. Wife abuse affects the physical and mental health of abused women, as well as the health of their children. Although female participation in public life is on the rise and laws have been modified, India has a long way to go before women are treated equally as citizens in their own country. In our society, intimate relationships subject numerous women to violence while they suffer in silence. Domestic violence sometimes results in the death of these women. On the basis of this premise, this study examines the definition, causes, types, and consequences of domestic violence on victimised women. In addition, the study explores the management of this threat to women, as well as the role of social workers, professionals, and other non-profit organisations in offering intervention services to impacted persons. In conclusion, suggestions were presented to abolish this societal problem.

**KEYWORDS**- Domestic Violence, Women, Wife battering, Physical, Psychological damage.

### I. INTRODUCTION

"Bride tortured to death for dowry," A school-aged youngster succumbs to his injuries after being thrashed by his father. Males are harassed in Chandigarh, a 70-year-old man was slain over a property dispute, etc<sup>77</sup>. This research examines the different types of

domestic violence prevalent in India. The forms' sources and intensity variance have also been discussed. The repercussions of various forms of domestic abuse and potential solutions have been discussed. A decision has been reached following a thorough examination of the subject using the available information and figures.

### II. DIFFERENT FORMS OF DOMESTIC VIOLENCE IN INDIA

UNICEF Reports on Development of Countries produced jointly by Government of India and UNICEF says that more than 60 million women, who should have been alive today, are missing<sup>78</sup>. Responsible factors include from feticide to domestic violence to dowry deaths to physical attacks. Discrimination begins before women are even born and continues until their deaths. It manifests itself as:

- A. **Feticide** – With technological advancements, new types of violence have emerged, as is shown in the instance of female feticide, resulting in an unfavourable sex ratio. Abortions were caused by a social prejudice favouring male children (out of 8000 cases of abortions following sex-determination tests, 7999 are female fetus, according to a Survey) In all of India, besides Kerala, the sex ratio is steadily dropping. Political, administrative, and economic structures and procedures that performed inefficiently and ineffectively were unable to prevent its occurrence.

<sup>77</sup> Legal Services India, [Crime Against Women & its Impact on Them \(legalservicesindia.com\)](https://legalservicesindia.com) (last visited Feb. 25, 2023).

<sup>78</sup> UNICEF, [Research and reports | UNICEF India](https://www.unicef.org/research-reports) (Last visited Feb. 25, 2023)

B. **Infanticide:** Hundreds of new born baby girls die from opium overdoses. They are abandoned or tossed to their deaths in rivers or trash cans. Among of abandoned children 90% are girls. Dangers to health - According to government statistics, females have a 10% higher mortality rate than boys as a result of malnutrition in infancy and childhood. 80% of the population is anaemic, which is similarly concerning according to the Health Statistics.

C. **Physical assaults/Rapes/gang-Rapes/molestations** - One rape is reported every 54 minutes, a molestation every 26 minutes, and an act of cruelty every 33 minutes, according to a report. National Crime Records Bureau (NCRB) statistic indicates - every 20 minutes, a woman is raped somewhere in India, not to mention the limitless number of cases of molestations or rapes remaining undetected. Cases of child rape have grown by 336% during the past decade. The percentage of adolescents committing crimes, particularly rapes and abductions of women, has increased exponentially over the past decade, from 48.7% in 2002 to 66.5% in 2012.

Every one hour and forty-two minutes, a dowry-related fatality occurs in the nation, which is a frightening statistic. Violence related to dower is also on the rise. Maharashtra, Madhya Pradesh, Andhra Pradesh, and Rajasthan had the highest number of instances reported. Several incidents are still unrecorded.

D. **Victims of consumerist culture** - Consumerist culture has led to a rise in atrocities, domestic violence, and physical assaults against women. Millions of girls are threatened by physical assault.

82.14 percent of men are literate compared to 65.46 percent of women, according to the 2011 census. In addition, the employment ratio in the

organised and unorganised sectors indicates discrimination against women in the work market.

### III. DOMESTIC VIOLENCE AGAINST WOMEN

Consequences of physical, sexual, emotional, psychological, and economic violence against women and girls are widespread and devastating (Gill & Rehman, 2004)<sup>79</sup>. It affects women of all ages, in all societies, and in all socioeconomic classes. "Violence against women" means any act of gender-based violence that causes or is likely to cause physical, sexual, or mental pain or suffering to women. This includes threats of such acts, coercion, or arbitrary deprivation of freedom, whether it happens in public or in private. The definition of violence against women shall include, but not be limited to, the following:

- A. Physical, sexual, and psychological violence happening in the family, including battering, sexual abuse of female household children, dowry-related violence, marital rape, female genital mutilation and other harmful traditional practises, non-spousal violence, and exploitation-related violence.
- B. Physical, sexual, and psychological violence occurring within the workplace, including sexual harassment, sexual assault, and retaliation. This is essential so that policymakers have a comprehensive grasp of the issues surrounding violence against women; otherwise, the ensuing laws and regulations would likely be ineffectual.

### IV. A CRITICAL ANALYSIS OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT OF 2005<sup>80</sup>

Under the guise of giving protection, this legislation undermines the institution of marriage by fostering intolerance and

<sup>79</sup> WORLD HEALTH ORGANIZATION, <https://www.who.int/news-room/fact-sheets/detail/violence-against-women> (Last visited on Feb. 25, 2023).

<sup>80</sup> Protection of Women from Domestic Violence Act, 2005.



encouraging frivolous litigation over even minor domestic disputes. This law is founded on a faulty assumption that assumes man as the lone perpetrators of domestic abuse. This is an entirely false perception that merely validates the gender prejudice generated by this regulation in favour of women. The law grants a woman a right without imposing any obligation, whilst men are overburdened with discriminatory obligations and denied any right of a similar nature. The law is entirely gender-specific and prohibits any domestic abuse against a male.

This Act has given recognition and legal status to extramarital and other immoral relationships, which are neither recognised by our culture nor by our current marriage and criminal legislation, in an effort to protect and aid women. By passing the Act, the legislature failed to recognise that having sexual relations with someone other than one's spouse is a reason for divorce. Even sections 24 and 25 of the Hindu Marriage Act, 1955, which provide for maintenance pendente lite and permanent alimony respectively do not recognise any relationship other than that of a lawfully wedded husband and wife<sup>81</sup>.

Other than an illegitimate child, section 125 of the Code of Criminal Procedure, which grants support to the wife, children, father, and mother, does not recognise those with illegitimate ties who are eligible to claim maintenance<sup>82</sup>. The clause 125(4) of the Code of Criminal Procedure precludes a wife living in adultery from seeking maintenance from her husband under section 125(1).

The legislature also failed to recognise that adultery is an offence under Indian Criminal Code section 497. Hence, while a man will be tried for adultery, he will also be required to provide support and residency rights to a woman with whom he is believed to have maintained an illegal connection. This provision will disrupt the marriage connections

consequently damaging the social fabric of the community.

Before this Act, there was no comprehensive legislation defining domestic abuse, with the exception of the offence of cruelty punished under section 498-A of the Indian Penal Code. Opponents believe that the term violence should not be so broadly defined<sup>83</sup>. According to the definition of "economic abuse" provided in section 3 of the Act, even if a male family member only misappropriates or disposes of the portion of a female family member, i.e., moveable or immovable assets, he could still be charged with domestic violence. This interpretation is contrary to the intent of the Act and the fundamental concept of domestic abuse. Likewise, the Act does not differentiate between actual abuse and the fear of abuse and provides equal weight to both. However, regarding the notion of emotional abuses, insults, and verbal abuse established in the Act, the phrases are exceedingly relative and subjective, often depending on one's frame of mind, and astonishingly, the husband has no recourse in the event that his wife abuses him. The requirements of this article will apply to the refusal to pay any amount of money for whatever reason. Even if the husband lacks sufficient finances or is incarcerated, failure to pay the rent associated with the shared residence will constitute economic abuse<sup>84</sup>.

In this statute, the Magistrate is vested with unaccountable powers, as he is charged with taking cognizance of the case and implementing his own instructions in favour of the aggrieved woman, even if he is not contacted for the implementation of his orders. In addition to evaluating the actual act of violence, the Magistrate presiding over the case must also assess the surrounding circumstances.

The Protection of Women from Domestic Violence Act of 2005, Section 14, contains a

<sup>81</sup> Hindu Marriage Act, 1955.

<sup>82</sup> [The Code of Criminal Procedure, 1973.](#)

<sup>83</sup> The Indian Penal Code, 1860.

<sup>84</sup> Nagpal, Vijay and Singh, K. P., The Protection of Women from Domestic Violence Act 2005 - A Critique, CBI Bulletin, Jan-March, 12 (2007).



problematic clause that empowers the Judge to instruct the plaintiff, the offender, and any member of the service provider to cooperate in psychotherapy together. This goes against all known counselling norms. The victim and the perpetrator are in an unequal position, making joint counselling impossible. It can only result in the dilution of the unequal party's influence. Counseling is one approach for addressing abusive behaviour; therefore, the abuser, and not the victim, should get counselling. The victim may be able to seek out counselling voluntarily.

Section 16 of the Protection of Women from Domestic Violence Act of 2005 authorises the Magistrate to hold hearings in private upon the request of either party<sup>85</sup>. Yet, sometimes intimidate the aggrieved party in favour of the responder during closed-door sessions. This is especially so when the offended party is the sole woman in the court confronting a wholly male phalanx of hostile, sneering Magistrates, lawyers, officials, police, male respondent, etc. The scenario will evolve This clause is intended to permit in-camera proceedings only if the aggrieved party requests them. The offended party should be permitted to be accompanied for moral support by any female relative, social worker, etc. of her choosing.

In accordance with section 498-A of the Indian Criminal Code, a domestic violence complaint may be lodged with both the protection officer and the police officer<sup>86</sup>. Both authorities can conduct their respective investigations and present their respective reports to the Magistrate. In the event that the reports of both agencies are inconsistent, it is the Magistrate's responsibility to make the final determination. This double investigation of the same offence has been concluded in accordance with the major deficiencies of the Act.

The Act is silent regarding noncompliance with certain orders. That eliminates the possibility of reconciliation in the future. The most incorrect

implication would be that future reconciliation opportunities would be eliminated. On the one hand, the Act penalises a man for forcing his wife to quit her job, while on the other side, it pays maintenance to the same wife. Yet, the law does not afford a similar remedy for males in similar situations.

Under the Act, when no eye witnesses are present, the lady will be the principal witness and her statement is evaluated as circumstantial evidence, to come at a conclusion on the facts of the case. This has effectively empowered all women to punish men at their will. This law's sloppy language will empower cunning and unscrupulous women to teach any of their male relatives a lesson at their sole discretion.

Without a question, the Act is a milestone piece of legislation in the history of India, and the people of India embraced it with great enthusiasm; nonetheless, there is worry among the populace regarding the Act's possible misuse against innocent husbands and their families. In no way can it be argued that husbands and in-laws are always the source of all conflicts, tortures, and disagreements. The married lady cannot always be described as just and fair. In a lot of instances, this statute is being abused by spouses and their father's family to subject an innocent husband and his relatives to needless harassment. Before utilizing the provisions of the Protection of Women from Domestic Violence Act of 2005, it is essential for responsible parties and authorities to consider the repercussions, so that innocent people and their families are not subjected to unnecessary harassment.

#### V. CONSEQUENCES OF DOMESTIC VIOLENCE

There are several outcomes of domestic violence depending on the victim, their age, the severity and frequency of the abuse, and the intensity of the violence<sup>87</sup>. The repercussions of the domestic violence in detail can be widely categorised under - the Effect on the victim and

<sup>85</sup> ibid 5.

<sup>86</sup> Ibid 8.

<sup>87</sup> ibid 2.

the family, Influence on the society and the Effect on nation's growth and productivity.

## VI. THE RESULT FOR THE VICTIM AND ANY FAMILY MEMBERS HE OR SHE MAY HAVE

- A. **Physical Impact**- Some of the acute repercussions of domestic violence that necessitate hospitalisation are contusions, fractures, brain injuries, lacerations, and internal bleeding (Jones, 1997). Some chronic health disorders that have been connected to victims of domestic violence are arthritis, irritable bowel syndrome (Berrios,1991) (Berrios,1991). Pregnant victims of domestic violence are more likely to encounter miscarriage, preterm labour, and foetal damage or death<sup>88</sup>.
- B. **Psychological Impact** - Victims who continue to live with their abusers frequently report experiencing high levels of stress, fear, and worry. As a result of being made to feel guilty for 'causing' the abuse and frequently being subjected to severe criticism, depression is also widespread. Sixty percent of the victims fulfil the diagnostic criteria for depression, either during or after the breakup, and have a significantly higher risk of suicidal ideation (Barnett,2001). Post-Traumatic Stress Disorder is the most frequently cited psychological repercussion of domestic violence (PSTD). According to Vitanza, Vogal and Marshall (1995), PSTD is characterised by ashbacks, intrusive images, heightened startle response, nightmares and avoidance of triggers that are connected with the abuse. Generally, these symptoms persist for an extended period of time after the person has left the risky setting.
- C. **Effects on Children**: There is growing recognition that a child who is exposed to domestic violence during his

upbringing will suffer in terms of his development and mental health (Dodd, 2009). Among the emotional and behavioural difficulties that can come from domestic abuse are increased aggression, anxiety, and alterations in how a child interacts with friends and authorities. Issues with attitude and cognition in schools can start emerging, along with a lack of abilities such as problem-solving. There is a correlation between childhood trauma and neglect and perpetrating domestic violence and sexual violence as an adult (Sadler, 1994). Also, in some instances, the abuser will abuse the mother in front of the child to generate a ripple effect, concurrently seeking two victims.

## VII. FIGHTING THE 'DOMESTIC VIOLENCE' EVIL

### A. Intervention and activity at numerous levels

Attempts done so far on gender issue defy basic and easy solutions. Elimination of all sorts of violence against women involves channelizing simultaneously the attention and efforts of all the concerned people and work together<sup>89</sup>. These sensitive subject needs intervention and action at several levels - state, society and individuals in public and private capacities.

### B. At the federal level

Amongst immediate initiatives, the most crucial responsibility of government is to halt continuously deteriorating law and order situation. There should be diligent policing round the clock both in cities and suburban areas and more woman police officers in all police stations.

Urgently required is prompt and timely justice. Criminal-minded parts of society are emboldened by delayed justice, which allows them to escape by exploiting legal loopholes. Many criminals go off scot-free even after committing a horrible crime.

<sup>88</sup> ibid 4.

<sup>89</sup> ibid 4.



Reforming the structure and systems of governmental organisations engaged in the law-making and enforcement responsibilities are extremely desirable, but it may take a longer period.

### **C. Role of Non-Governmental Institutions/Organizations**

Non-governmental groups and institutions should hold series of seminars, workshops meetings at different sites on various aspects of violence/oppression against women<sup>90</sup>. They should discuss in depth the gravity, enormity and dangers of continuously deteriorating law and order position, deteriorating human values, self-centred attitude of individuals and alarming rise in bestial acts against women, which makes it very unsafe for women to move freely outside their homes and try to out remedy for it.

### **D. Media**

Media should bring women issues to public domain in a powerful manner. They can play a significant role in awareness-raising. They can provide a forum to speakers and panellists from diverse elds, eminent persons responsible for decision-making to share their perspectives and perform an in-depth study on various gender issues, and examine it holistically touching many elements of the subject. The perspectives of certain victims of atrocities should also be considered in order to comprehend their traumatic experiences and how they overcame the agony they endured as a result of inhuman crimes.

At the level of the family, the family is the primary institution in which children receive their first lessons in humanity and social interactions. The family is the finest environment in which to instill healthy values, such as honesty, simplicity, modesty, a feeling of responsibility, and respect for elders, in children and young adults of both sexes. Childhood is

the most formative, instructive and impressionable phase of a human's life and most opportune time for inculcation of such principles, as it remains permanently and embedded in their sensitive psyche throughout their lives. | Training for gender sensitization should be imparted inside the family. All children should be treated equally and without gender bias from birth onward.

### **E. On women' part**

Instead of meekly enduring all the atrocities committed against them, women should speak up against injustice, educate other women about their rights, and redirect their energy through publishing articles, hosting seminars, etc.

Regardless of their socioeconomic standing in society, individuals should work together in a spirit of togetherness. They should raise their voice loudly against social evils like dowry, bride-burning, female infanticide, etc.

Women should practise the maximum mental and physical vigilance to safeguard their safety and security, so that no one can exploit them when placed in precarious situations. They must always be prepared for self-defence through training in Karate and other martial arts.

## **VIII. ROLE OF SOCIAL WORKERS**

Social professionals should help victims and offenders of domestic violence. Domestic abuse survivors receive another expert help, jurisdictional awareness through local victim associations, or women's rights community advocacy to prevent sexual assault. These services are offered through shelter activities and workshops.

### **A. Shelter Program Direct Service Providers (Women's Advocate).**

Through shelter programmes across the country, social workers should assist victims of domestic abuse. The context in which services are given is empowerment and advocacy focused.

<sup>90</sup> United Nations Human Rights Council, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women> (last visited on Feb. 25, 2023).



#### B. Community Education Coordinator-

Several shelters across the country have a Community Education Coordinator on staff who may be a social worker. This person should be accountable for managing all sorts of community education from professional development and training to delivering speakers for civic or social groups.

Whether victims of domestic abuse live at home or are a part of society, counsellors are required to treat them. Social workers should also serve as executive directors of groups combating domestic abuse.

#### IX. RECOMMENDATIONS

- Comprehensive and lengthy premarital counselling should be given to intended couples on how to manage their married connection.
- The public should be educated through the media about the negative effects of domestic violence against women, particularly wife battering.
- Moreover, religious leaders should forcefully teach against domestic abuse in houses of worship.
- Youths should be encouraged and taught to despise and not imitate brutal treatment of wives around them.
- Following physical care, medical providers should connect victims to counsellors and psychotherapists.
- The punishment meted out to egregiously offending husbands should be made public to serve as a deterrent to others.

#### 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 that are granted to them by that legislation, but the most important issue is that women do not know their rights, which is caused by traditional norms. 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. Domestic violence may have far more extensive and deep impacts than those mentioned in this essay. A comprehensive evaluation of the factors that contribute to a particular type of domestic violence is required. If these aspects could be regulated, it would be possible to avoid multiple forms of violence from impacting an individual or our community, and India would be a much better place to live.

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