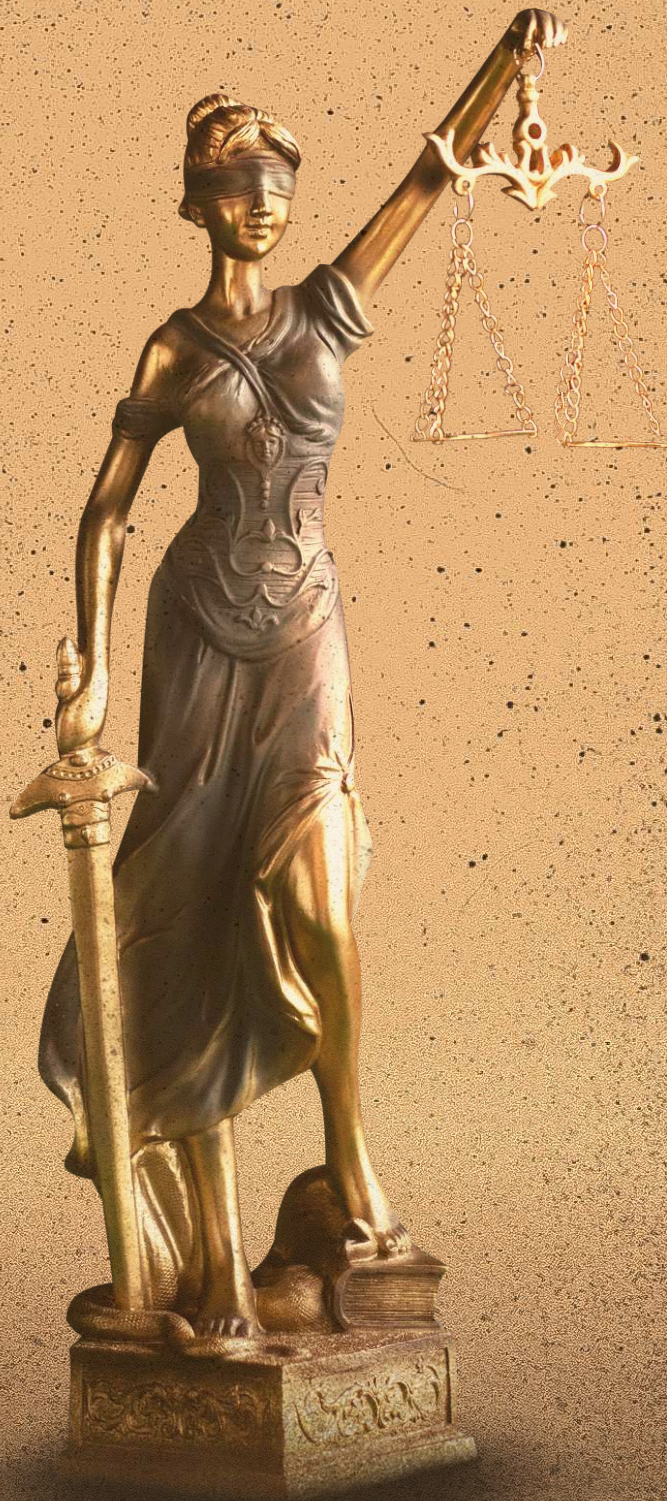


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DOMESTIC VIOLENCE – A LEGAL ANALYSIS

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ABSTRACT

A woman who has been the foundation stone of her family and society in general, who gives birth to life, nurtures it, shapes it, and strengthens it, who is a transmitter of tradition and an instrument through which culture is preserved and transmitted from generation to generation, the greatest of all women. Our country's tragedy is that she has suffered grave injustice. Domestic violence affects her regardless of her age, race, caste, social, economic, or political status. Her vulnerability manifests itself in various ways in Indian society. A woman's silent sufferings make her an easy prey for male domination, which is supported by prevalent patriarchy. The male member of society's authoritative, autocratic nature and victimization of women exacerbates the situation. Almost every home in India must be experiencing some form of domestic violence in which women are abused physically, mentally, verbally, and economically as a daughter, daughter-in-law, or wife. Men and women have equal human rights. In this male-dominated society, women face discrimination. As a result, most women are unaware of their own rights and freedom. Domestic violence thus not only harms women but also impedes the growth of the country. This paper discusses domestic violence against women in India, its various forms, as well as the causes and solutions to domestic violence.

I. INTRODUCTION:

Domestic violence has been reported in almost every society and civilization throughout recorded history. Discrimination and oppression that result in physical, mental, or emotional violence have long been accepted as normal in

patriarchal societies. With the exception of recent domestic violence has historically been socially and legally acceptable. Some significant events, laws, and codes provide historical context within which the concept of domestic violence becomes crystal clear. Male dominance and projecting women as 'property,' an object belonging to men, and secondly expectations from women as an ideal 'role model,' suit each other, making her vulnerable and subject to discrimination, oppression, and various forms of victimization, and thereby compel their subordination. "Violence against women is a manifestation of historically unequal power relations between men and women, which have resulted in men dominating and discriminating against women, and preventing women's full advancement...¹¹⁴". Domestic violence is defined as physical, sexual, or psychological abuse directed at a spouse, partner, or other family member living in the same household. Domestic violence occurs when a family member, spouse, or ex-partner seeks to physically or mentally dominate or hurt the other. Domestic violence occurs in all cultures, and people of all races, ethnicities, and religions can be perpetrators. The major public health issues and violations of women's human rights are violence against women, particularly intimate partner violence and sexual violence against women. However, according to some national violence studies, up to 70% of women have experienced physical or sexual violence from an intimate partner in their lifetime.¹¹⁵

¹¹⁴ UNICEF (2000), Domestic Violence against Women and Girls, Innocenti Digest N0. 6, available at <http://www.unicef-irc.org/publications/pdf/digest6e.pdf> (Visited on 15 March, 2019).

¹¹⁵ Narwadkar, Dr. Pooja P., Law Relating to Domestic Violence in India 9, (Hind Law House Publication, 2014).

II. DIFFERENT FORMS OF DOMESTIC VIOLENCE:

Feticide, domestic violence, dowry deaths, and physical assaults are all factors to consider. Discrimination against women begins before they are born and continues until they die. Some of the forms are:

- A. Feticide** - With technological advancements, some new forms of violence have emerged, such as female feticide, resulting in an adverse sex-ratio. Abortions are caused by social bias in favor of a male child (according to a survey, out of 8000 cases of abortions following sex-determination tests, 7999 are female fetuses). The gender ratio is steadily declining throughout India, with the exception of Kerala. Political, administrative, and economic structures and mechanisms were inefficient and ineffective in stopping it.
- B. Infanticide**- Thousands of newborn baby girls are killed by opium overdoses. They are abandoned or dumped in rivers or garbage cans to die. 90% of abandoned children are female.
- C. Health risks** - According to official figures, girls have a 10% higher mortality rate than boys due to malnutrition in infancy and childhood. The health statistics are equally concerning, with 80% of them anemic.
- D. Dowry deaths** - The number of dowry deaths in the country is quite alarming - one every hour and forty-two minutes. Dowry-related violence is on the rise as well. The states with the most reported cases are Maharashtra, Madhya Pradesh, Andhra Pradesh, and Rajasthan. Many cases go unreported.
- E. Physical Abuse:** The most visible type of violence against women is physical assault. The Domestic Violence Act defines conduct that causes physical pain or danger to the victim's life, limb, health, or development. Assault, criminal

violence, and criminal threats are forms of physical abuse.

- F. Sexual Abuse:** Sexual abuse of women is inherent in the nature of sexual/reproductive coercion. In general, spousal rape should fall within sexual abuse. However, marital rape is not prohibited unless the wife is under the age of 15. According to the Domestic Violence Act, sexual abuse is any abuse of a sexual nature that "abuses, degrades, degrades, or violates the dignity of a woman." Verbal abuse leads to emotional abuse, and from a human rights perspective, it is an incredibly common form of domestic violence. A combination of verbal and emotional abuse leads to psychological abuse and damages a woman's self-esteem.
- G. Economic Abuse:** The introduction of economic abuse into the abuse category of the Domestic Violence Act was a notable government move. Financial abuse is commonly referred to as methods of depriving or threatening to deprive victims and their children of use of financial resources/assets.

III. CAUSES OF DOMESTIC VIOLENCE:

Domestic violence has a diverse and multifaceted set of factors. Domestic violence is caused by a variety of circumstances, including:

- A. Gender Inequality:** Historically, men have held more power and privilege than women, which can create imbalances in relationships and contribute to domestic violence.
- B. Cultural and Social Norms:** Certain cultural and social norms may condone or even encourage violence, especially towards women and children.
- C. Economic Instability:** Financial stress and insecurity can exacerbate existing tensions in relationships and increase the risk of violence.
- D. Mental Health Issues:** Individuals who struggle with mental health issues, such as depression, anxiety, or substance

abuse, may be at a higher risk of perpetrating domestic violence.

E. Trauma and Abuse: Individuals who have experienced childhood trauma or abuse may be more likely to perpetrate domestic violence in their adult relationships.

F. Relationship Dynamics: Power imbalances, jealousy, possessiveness, and control issues can all contribute to domestic violence.

It is important to note that domestic violence is never the fault of the victim, and it is never justified. Perpetrators are liable for their own conduct and must be held accountable. Addressing the root causes of domestic violence is crucial in preventing and stopping this pervasive issue

IV. IMPACT OF DOMESTIC VIOLENCE:

Domestic violence can have a significant and long-lasting impact on victims, including physical, emotional, and psychological consequences. According to the World Health Organization (WHO), the physical health consequences of domestic violence can include injuries such as bruises, cuts, broken bones, and head injuries. In extreme cases, domestic violence can result in death.¹¹⁶

In addition to physical harm, domestic violence can also cause emotional and psychological trauma. Victims of domestic violence may experience anxiety, depression, post-traumatic stress disorder (PTSD), and other mental health issues as a result of the abuse.¹¹⁷ Domestic violence can also affect victims' self-esteem, confidence, and sense of safety, making it difficult for them to trust others and form healthy relationships.¹¹⁸

Children who witness or experience domestic violence may also experience a range of

negative consequences. According to the American Psychological Association (APA), children who are exposed to domestic violence may experience a variety of emotional, behavioral, and cognitive problems, including anxiety, depression, aggression, and academic difficulties.¹¹⁹

Overall, the impact of domestic violence can be devastating for victims and their families. It is important for society to address and prevent domestic violence to ensure the safety and well-being of all individuals.

V. DOMESTIC VIOLENCE AND CHILDREN:

Domestic violence can have a profound and lasting impact on children who witness or experience it in their homes. Children who grow up in homes with domestic violence may experience a range of negative physical, emotional, and behavioral effects that can last well into adulthood.

Children who witness domestic violence may experience a wide range of emotions, including fear, anger, sadness, and confusion. They may also blame themselves for the abuse or feel powerless to stop it. This can lead to low self-esteem, anxiety, depression, and other mental health issues.

Children who experience domestic violence may also be at increased risk for physical harm, as they may be caught in the crossfire of violence or become targets of abuse themselves. They may also experience disruptions to their education and social development, as the abuse can make it difficult to attend school regularly or form healthy relationships with peers.

It is important to note that domestic violence can have different effects on children depending on their age, developmental stage, and individual personality traits. Some children may be more resilient and better able to cope with the effects of domestic violence, while

¹¹⁶ World Health Organization. (2013). Global and regional estimates of violence against women: Prevalence and health effects of intimate partner violence and non-partner sexual violence.

¹¹⁷ Campbell, J. C. (2002). Health consequences of intimate partner violence. *The Lancet*, 359(9314), 1331-1336. [https://doi.org/10.1016/S0140-6736\(02\)08336-8](https://doi.org/10.1016/S0140-6736(02)08336-8)

¹¹⁸ Stark, E. (2009). *Coercive control: How men entrap women in personal life*. Oxford University Press.

¹¹⁹ American Psychological Association. (2014). *Effects of domestic violence on children and adolescents: An overview*.

others may be more vulnerable and require additional support and resources.

Overall, addressing the impact of domestic violence on children is an important part of any comprehensive response to domestic violence. This may involve providing children with counseling or other support services, helping them develop coping strategies, and working with families to create a safe and stable environment.

VI. A STUDY IN DOMESTIC VIOLENCE:

The most prevalent type of violence against women is domestic abuse. It impacts women at all stages of life, from forced suicide and abuse to sex-selective abortion of female fetuses, and is to some extent present in every community in the globe.¹²⁰

According to India's National Family Health Survey-III, which was conducted in 29 states during 2005–2006, a substantial percentage of married women had experienced physical or sexual abuse at some point in their marriages. According to the poll, 37.2% of women nationally "experienced violence" after marriage. The most violent state was shown to be Bihar, where 59% of married women were abused. Intriguingly, metropolitan households reported 63% of these instances in contrast to the state's most underdeveloped communities. Madhya Pradesh (45.8%), Rajasthan (46.3%), Uttar Pradesh (42.4%), Tamil Nadu (41.9%), Manipur (43.9%), and West Bengal (40.3%) came in second and third, respectively.¹²¹

Even these alarming statistics are likely to be greatly underestimated, considering that domestic violence remains a taboo issue in both developed and developing nations.

VII. Prevention and Intervention:

Prevention and intervention are two key strategies in addressing issues such as domestic violence. Prevention involves taking

proactive steps to stop a problem from occurring in the first place. In the case of domestic violence, prevention strategies may involve educating individuals on healthy relationships and communication, promoting gender equity and addressing power imbalances, and challenging harmful cultural norms and attitudes that contribute to violence. Prevention can also involve providing resources and support to individuals and communities that are at risk of experiencing domestic violence, such as counseling services and safe housing options.

Intervention, on the other hand, involves taking action to address a problem that has already occurred or is currently ongoing. In the case of domestic violence, intervention strategies may involve providing immediate safety measures for victims, such as restraining orders and emergency shelters, as well as legal and law enforcement responses to hold perpetrators accountable for their actions. Intervention can also involve providing counseling and other support services to victims and perpetrators to address the underlying causes of the violence and prevent future incidents.

VIII. Conclusion:

Domestic violence is a serious and widespread issue that affects individuals and families across all communities and demographics. The effects of domestic violence can be far-reaching and long-lasting, impacting not only the immediate victim but also children, family members, and entire communities. It is important to understand that domestic violence is never acceptable and that there are resources and support available for those who are experiencing it. This includes hotlines, shelters, counseling services, and legal options such as protection orders and criminal charges. Breaking the cycle of violence requires a multi-faceted approach that addresses the root causes of domestic violence, provides victims with access to resources and support, and promotes education and awareness to prevent violence from occurring in the first place. By

¹²⁰ WHO. Multi country study on Women's health and domestic violence against women. Geneva: World Health Organization; 2007.

¹²¹ Ministry of Health and Family Welfare. Govt of India; Fact Sheet: National Family Health Survey NFHS-III 2005-06.

working together to create a society that is safe and supportive for all individuals, we can help prevent domestic violence and provide hope and healing to those who have been impacted by it.

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