

# **LEGALFOXES LAW TIMES**

## **A STUDY OF EFFECTS OF DOMESTIC VIOLENCE ON WOMEN AND THEIR CHILDREN**

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## **Abstract**

The greatest foundation of a family and society is a woman. She gives birth to life, nurtures it, shapes it, and strengthens it. She also transmits tradition and serves as a vehicle for passing down culture from one generation to the next.

Tragically, she is treated with great injustice in our nation. She experiences domestic abuse regardless of her age, colour, caste, social standing, or economic or political position. Her vulnerability comes in many different forms, which is a regular occurrence in Indian society. A woman's secret sorrows make her an easy target for male dominance, which is backed by prevailing patriarchy. The situation is made worse by the dominant, autocratic nature of men in society and the victimisation of women. Nearly every household in India must experience some form of domestic abuse, wherein women are mistreated physically, mentally, verbally, or financially as wives, daughters, or daughters-in-law. Human rights apply equally to both men and women. In this largely male-dominated society, women face discrimination. Most women are therefore unable to comprehend their own rights and freedom. Domestic violence thus hinders not only women but also the development of the nation. This essay discusses domestic violence against women in India, including its many manifestations, root causes, and potential remedies.

## INTRODUCTION

Mahatama Gandhi said, "Violence includes exploitation, economic, social, political or personal, individual or by women by men and by the state".

Domestic violence has received national and international attention. Domestic violence is a universal phenomenon. Spousal violence is prevalent in both poor and wealthy countries.

Domestic violence has emerged as a widespread global problem of public concern and serious public health concern. Domestic violence against women is not a myth but a reality. Domestic violence against women is primarily a gender issue and the result of gender relations that assume the dominance of men over women. Domestic violence means that the victims are almost always women, so domestic violence refers specifically to violence against women.

In India, domestic killing is common for husbands to collect their wives' dowries. Due to the low status of women and the limited effectiveness of laws to protect them, dowry murders continue to go virtually unnoticed in India. Domestic violence is described by Amnesty International as the most violent attack against an individual or group of people or women. It concerns physical, sexual and psychological violence in the family, including domestic fights and sexual abuse of girls. Dowry-related violence, spousal rape, female genital mutilation, and other traditional practices harmful to household members. Domestic violence is not only increasing, it is taking more subtle forms every day. Previous victims of domestic violence did not file complaints, fearing that such complaints could create a hostile home environment. In many cases, women have endured violence in silence for fear of consequences.

Article 2 of the draft United Nations Declaration on Violence against Women identifies three areas where violence is common.

they are

- a) domestic violence;
- b) Violence occurring within the community and
- c) Violence perpetrated or tolerated by the State;

USA Office on Violence Against Women (OVW) defines domestic violence as a "pattern of abusive behaviour in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. The definition adds that domestic violence:

"can happen to anyone regardless of race, age, sexual orientation, religion, or gender", and that it can take many forms, including physical abuse, sexual abuse, emotional, economic, and psychological abuse.

The Children and Family Court Advisory and Support Service in the United Kingdom in its "Domestic Violence Policy" uses domestic violence to refer to a range of violent and abusive behaviours, defining it as:

Patterns of behaviour characterised by the misuse of power and control by one person over another who are or have been in an intimate relationship. It can occur in mixed gender relationships and same gender relationships and has profound consequences for the lives of children, individuals, families and communities. It may be physical, sexual, emotional and/or psychological. The latter may include threats, harassment, property damage, blackmail, and financial abuse.

## **Research Methodology**

Domestic violence is the most common form of violence experienced by women in developing countries. Despite increasing international attention and priority over the past decade, understanding of the factors that promote domestic violence and its consequences for women and their families is still limited.

The lack of more accurate information and an understanding of the determinants and risk factors of domestic violence remains a major obstacle to the development of effective prevention programs capable of addressing this serious social and public health problem. this

Domestic violence is a potential problem in India, as the house is considered a private space under the control of the male head of the household. Women are seen as traitors by their families when they report violence. This, along with a number of other factors, leads to underreported domestic violence. According to the International Center for Women's Studies, 4 out of 10 women in India have experienced domestic violence and 45% of women have experienced

physical or psychological violence at least once in their lives. Anyone, regardless of ethnicity, religion, social class, age, gender or lifestyle can experience domestic violence.

In India, there is a crime against women every three minutes, a rape every twenty-nine minutes and a dowry death every seventy-seven minutes. Every 9 minutes there are cases of husband and family violence. Patriarchal terrorism in which one partner uses economic and social power to maintain control over another is very common in India and other Asian countries due to the dependent status of the dependents. female.

### **Aims and Objectives**

- Investigate the extent of domestic violence against women in our society.
- Explore possible causes of domestic violence. Find out how economic and social conditions are related to domestic violence. Find out what level of education of men and women related to domestic violence. Learn the consequences of domestic violence for victims female.
- Exploring the effects of domestic violence on the development of kids.
- Measures taken by governmental and non-governmental organizations domestic violence organization. Propose measures to eliminate or reduce domestic violence.

The present study was conducted to find the nature, range, cause of domestic violence and its effects on women and their children. The study is an attempt to have closer look at the phenomenon of domestic violence against women and effects of domestic violence on women and their children. This study is a descriptive type.

## Extent of domestic violence in India

### Why Measure Domestic Violence?

- A violation of the human rights of women
- India is a signatory to CEDAW, ICPD, and Beijing agreements
- Has significant economic costs including loss of women's labour hours and increased health-care costs, among others
- Has significant public health consequences, including effects on
  - Unwanted fertility and contraceptive use
  - Rates of HIV and other STIs
  - Infant and child mortality
  - Children's access to immunization and other health care

In India the concept of 'Ardhangini' [half of the body] seems to be restricted only in literatures and have never implemented in practical life. In addition to this, extracts from Ramcharitamanas of Tulsidas like Dhol, Gauwnaar, Shudra, Pashu aur Nari; Sakal Tadan ka Adhikari [drums, uncivilized illiterates, lower castes, animals and women are all fit to be beaten] besides other indicators like Pardala system [hiding the face in veils], Sati system self-immersion of the lady in husband's pyre] that are subject to women only, is a reflection of the history of women's subordinate status. In short, it is always the women who have to be in the tight rope, subject to inequality and looked down as an inferior sex. Staring from childhood to the end of her life she has to be under the control of father or husband or the son. The subordinate status of women combined with patriarchal and male sociocultural norms can be viewed as a key determinant of domestic violence.

Indian women experience many forms of violence throughout their lives that transcend caste, class, religion and region<sup>1</sup>.

According to the 1998 National Criminal Records Service, between 1997 and 1998 there was an 87.2% increase in girl smuggling, a 15.2% increase in dowry deaths and a 15.2% increase in sexual abuse cases compared to 1994-95. 40% increase. A complete overhaul of the program to empower women in the country.

Domestic murders are common in India so that husbands can collect their wives' dowries (Vindhya, 2000). Due to the low status of women and the limited effectiveness of laws protecting them, dowry murders continue to go virtually unnoticed in India (Vindhya, 2000). The Gandhian era and the decades after independence saw great changes in the status and position of women in Indian society. India's Constitution establishes equality between men and women as a fundamental right. But the transition from a 19th-century woman's stance of total depravity to her mid-20th-century stance of equal rights is not a simple example of modern man's progress. The position of women in Indian society was very complicated. In India, not only did women face violence in the colonial world, but due to cultural factors, the concept has always been ingrained in our minds. subordination and dependence on men.

Violence against women is a serious problem in India. Overall, one in three women between the ages of 15 and 49 have experienced physical violence, and about one in ten have experienced sexual violence. Overall, 35% have experienced physical or sexual violence. This figure represents the millions of women who have suffered and are still suffering at the hands of their husbands and other family members. In a comprehensive survey of 1,842 rural women in Uttar Pradesh and Tamil Nadu between the ages of 15 and 39, found that 40.9% of these women found that she was reportedly beaten by her husband for disobeying his orders and for other reasons. expectation

Rao (1996), in a survey in rural Karnataka, concluded that nearly 45% of women experienced physical violence and nearly 22% complained about it. As reasons, he cited alcoholism and a dowry.

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<sup>1</sup> Protection of Women from domestic violence Act, 2005, Kamal Publishers, Page 50, Paragraph

A study by Mahajan (1990) in rural Punjab concluded that about 22% of upper caste women and her 75% of lower caste women experienced violence.

According to a survey conducted by ICRW in collaboration with the International Clinical Epidemiologist's Network (200) of her 10,000 women in her seven major cities in India, 45% of Indian women received slaps from their husbands, being kicked or hit.

In India, a poor class woman was often beaten by her alcoholic husband. Middle-class women are shocked, unprepared, and tend to view their cases as isolated cases. Violence can be perpetrated by partners or other family members in a joint family system in Indian households. Selective abortion based on the sex of the fetus can be very harmful for women who are under tremendous pressure to father a male child. It violates human dignity and can cause psychological damage to entire communities. India's National Crime Register records her one crime against a woman every three minutes of her in India. Investigators say that every six hours a young married woman is beaten, burned or driven to suicide.

### **Condition of women Pre Independence and Post-Independence**

Violence against women is neither a new nor a recent phenomenon. Women are constant victims in all societies, cultures, regions and religious communities around the world. It is ironic that in India, which has produced messengers of peace and non-violence, women should bear the brunt of domestic violence.

In Indian mythology, the goddess of learning is Saraswati. The goddess of power (Shakti) is Parvati. An old Indian proverb says, "Where a woman is respected, God is pleased." The Constitution of India has reconciled with women's rights. In this context, it is no exaggeration to say that the Indian constitution was an anti-status renunciation.

### **The position of women from a historical perspective**

Violence against women can be viewed from a historical perspective as it is highly related to women's "place" in society. This can be seen throughout different periods of the Vedic period, the British period and the current scenario. In early Vedic times, women were considered and worshiped as goddesses and were therefore highly prized. She shared the same rights and duties within her family as her husband. She was considered inextricably linked to her husband and her

presence was an integral part of all religious observances. Gradually violence was waged against them. The doors to educational, economic, social, political and cultural opportunities gradually closed to them. As the idea of private property developed, women seemed to gradually lose their independent status. Her physical weakness and other disadvantages provided an excuse to attribute her to a decidedly inferior position. She scaled it down more and more until she summarized it in

"Her father protects the female child, her husband protects the young woman, and her son protects the old woman. A woman is never fit to be independent." was the Code of Manu. The Middle Ages in Indian history, synchronized with Muslim rule, further aggravated their position.

Violence against them has become a social sanction. Around AD, Manu established the code of Hinduism. That law asserts that an ideal wife must view her husband as a god. The ideal woman is one who does not seek to break these bonds of dominance. A woman's salvation and happiness depend on her virtue and chastity as a daughter, wife and widow. To make matters worse, the widow's right to life was denied around the 6th century AD when the practice of sati was introduced. Wife-beating is religiously and socially sanctioned by the Matsya Purana, whereby a husband beats a "going astray" wife with a rope or split bamboo (rather than on her head or chest). was accepted. Violence against women continued to increase as young girls were forced to serve as Devadas in temples. This also made prostitution part of religious life.

Violence against women increased exponentially during the Middle Ages, when her two major cultures, Islam and Hinduism, met and mingle. It contained new elements. Even the Parda system, which isolated women from the world, was, after all, violence against women. Girls were married from an early age, and in certain communities, newborn girls began to be killed by her parents. Polygamy took root in society, and women lost their right to enjoy the undivided love of their husbands. started Revenge rape and forced marriage became commonplace. Ramcharitmanas, although in a different context, mentions:

***"Dhol Ganwar Shudra Pashu Nari,  
Ye Sab Taran Ke Adhikari."***

The drum, the uncultured, the untouchables, animals and women should be beaten. (Meaning of the above line).

## **The British Regime**

With the advent of British rule, a new social era emerged. Christian missionaries brought about a revolution in society by bringing to light the social evils that existed in the social structure of Hindus. They also support the remarriage of widows. While Christian missionaries left their mark on social and religious institutions, Western education was responsible for introducing a new way of thinking whose main features were Christian idealism, theory, democracy and liberalism. The growing role of women in the economic, social and political spheres in the West in the wake of the industrial revolution and the rise of the democracy movement has put a strain on the consciences of men who know thinking in this country. The British government remains largely indifferent to violence against women. Under British rule, Swami Vivekananda attempted to abolish the Sati system prevailing in India. Jyotiba Phule is another example who sacrificed her life to provide education for girls.

The first social reformer was Raja Ram Mohan Roy who supported the abolition of 'Sati' and the law that came into force was passed in 1829. Other social reformers also supported women's rights, women and as a result a number of social reforms were carried out by them, alleviate the suffering of women. The issues discussed were widows' remarriage, their education, the "Pardah" system, early marriage, their property rights and several other measures for the welfare of unfortunate women. Among the important documents are the 1856 law on the remarriage of Hindu widows, the 1929 law on the restriction of marriage in Chile, and the 1937 law on the property rights of Hindu women. 19th century and beyond. Several laws were also passed to control the immoral trafficking of women in 1923.

Besides individual social reformers, including the great contribution of Mahatma Gandhi, a number of women's organizations have also come forward to defend women. These include the one dedicated to women at the Society of India Conference from 1904, and several others joined the field after that. The first women's organization was the Indian Women's Association, founded in 1917 by Dr. Annie Besant, Madras. In 1925, the National Council of Women was established.

## **After Independence**

After independence, violence against women only increased in every respect. Indeed, some other forms of violence such as the killing of pregnant women have developed due to advances in science and technology. The dowry system has existed in Indian society for a long time.

However, today's growing materialism has increased bail, resulting in a large number of brides murders every year.

After independence, every effort was made to promote the welfare of women. The new constitution declares India a sovereign democratic republic founded on the four pillars of justice, freedom, equality and brotherhood. Article 15 of the Constitution grants equal rights to both sexes, although the State may make any special provisions for women. Articles 14, 15 and 16 concern the guarantee of fundamental rights for all citizens, without distinction of men and women, "equality before the law, equal protection of the law, and equal opportunity in public employment". In light of these provisions of the Constitution, social laws were passed to improve their status and rights. Special measures are taken to improve their education, sanitation, economic situation and appropriate participation in family and community life. However, all these programs are linked and one affects the other.

**(i) Improved rights and status:** As noted earlier, a number of laws were passed during the British era to improve women's rights and status, but progress in this direction was not proportionate to the times. Widows have rights over property. Likewise, in cases of adoption, inheritance and marriage, women's rights are not equal to men.

The Act passed after independence places women on equal footing with men based on our Constitution. To eliminate all irregularities in the rights of men and women, the Hindu Code Bill, which covers all aspects related to women's rights, was introduced to the Parliament in 1948, but due to strong opposition from the Orthodox section, so it could not be passed. Later, this law was passed piecemeal to improve their position. The various laws passed were the Hindu Marriage Act of 1955, the Hindu Succession Act of 1956, the Hindu Minority and Guardianship Act of 1956 and the Maintenance Act. and Hindu Adoption in 1956. Under the Hindu Marriage Act, polygamy was ended and the right to divorce was granted to both men and women. Under Hindu inheritance law, widows have full rights to their property. In addition, mothers and daughters

also enjoy the same property rights as sons. Under the Minority and Guardianship Act, custody of minors under the age of five usually rests with the mother instead of the father. Under Hindu adoption and retention laws, a woman can adopt a son in her own name. Both men and women can be adopted, and if the children are still alive, the husband must get the consent of the wife to adopt. Thus, in many respects, women's rights have been placed on an equal footing with men.

**(ii) Educational Advancement:** With the improvement of women's social status, their need to access education has also received more attention in recent decades, but the problem has not been solved to the desired extent. The report of the Hartog Commission (1929) rightly emphasized its importance:

"The importance of education for girls and women in India cannot be overstated. It seriously affects the accessibility and effectiveness of all education. India has long suffered. contains discrimination between educated men and "uneducated women" - a dualism that lowers the overall standard of family and family life and has its response to individual character and the country. Women's education will bring to the country many capacities that are currently being squandered because of lack of opportunities.

The Issue for Them the Higher Education Commission (1948) in its report rightly emphasized the importance of educating women, both in the family and in general. The report adds:

"A woman's greatest occupation is, and will likely continue to be, housewife. Her world, however, should not be limited to this relationship." Emphasizing the importance of women's education, he added:

"If education should be for men or women, it should be given to women, because then it will be passed on to the next generation with more certainty."

The percentage of girls over the age of 14 attending secondary school and university is also much lower than that of boys. The main reasons for this low rate are girls' early marriage which causes them to drop out of school and the lack of educational facilities for women at the secondary level. Proposed measures to improve this placement in the five-year plans are more educational institutions for women, more private study opportunities and taking exams as private candidates. Regarding adult education, we will discuss it within the framework of social programs. Condensed educational course for adult women. Central Social Welfare Board, with

the dual purpose of (1) providing employment opportunities to deserving and disadvantaged women, and (2) creating a pool of skilled and skilled workers needed to run various social welfare projects, especially in rural areas, began planning condensed courses for adult women in 1958.

**(iii) Health services:** Besides the general medical facilities necessary for both men and women, special medical facilities are needed for pregnant women. Along with the expansion of general health services after independence, special efforts were made to establish maternity and child care centers. Thanks to intensified efforts in recent years, health services for women and children have expanded significantly and government agencies are increasingly involved in this area of work, which formerly mainly business activities of private organizations. Unfortunately, the number of staff trained for this purpose is far below our needs.

**Family planning mode:** Another important aspect of women's health is related to family planning, as uncontrolled motherhood harms women's health. In an underdeveloped country, where the standard of living is already very low, population growth further reduces this standard of living. Thus, the population must be maintained at a level compatible with the needs of the national economy. Measures to limit the family by educating the people, providing the necessary advice and services existed before independence, but they were not proportionate to the problem. Within the framework of the five-year plans, these efforts have been enhanced by allocating specific funds for this purpose. These funds are used to expand these services and to conduct research and field trials of different methods. Many women's organizations and especially the Family Planning Association of India are organizing propaganda about this effect. In all maternal and child care centers and other hospitals, education on family planning methods is provided. Separate family planning centers have also been opened in various cities. But the need to integrate family planning with maternal and child health services as well as other health services has been deeply felt. It has now been decided that, where possible, there should be one clinic in each maternal and child health center as well as in primary care centres, hospitals and medical teaching institutions. economic.

**(a) Industrial workers:** Women and children occupy a special place in the history of labor law in India. The establishment of the International Labor Organization's office in India in

1919 greatly influenced the activities of the state in this area and now legislation is in force to regulate not only the number of hours worked. work, but also to ensure the health, safety and welfare of workers. worker. Under the Minimum Wage Act of 1948, the minimum wages payable to those employed in industries must be fixed and must be the same for men and women. Under the Factory Act 1948, separate toilets and sanitary facilities must be provided to women. To avoid the dangers that arise from lifting weights, both under the Factories Act and the Mining Act, the government must set a maximum load that women can lift. Women are also prohibited from doing cotton press work in any part of the factory.

**(b) Plantation and Mine Workers.** Women are employed in large numbers on tea, coffee and rubber plantations in Assam, Bengal, Mysore and Madras. Although the law allows up to 12 hours a day in plantations, female employees typically work seven to eight hours with a break of about an hour at noon. Female employees benefit from additional maternity leave. However, the income of women is lower than that of men.

There is no separate union for female workers and they are often members of the same union that protects both men and women. For female workers, they solve specific problems such as (1) exploiting female workers by paying them lower wages than men; (2) regulation of working hours as there are special provisions regarding women in certain industries, the right to work, etc.; (3) maternity benefits and (4) provision of canteens, recreation rooms and kindergartens for employees' children.

**(c) Women in handicrafts:** In India, women have been employed since the earliest times in cottage industries, mainly as male servants and sometimes independently. These cottage industries provide jobs for women from their homes. The most common cottage industries in which women work part-time or full-time are as contractors, trimming, spinning, weaving, printing, dyeing, yarn making, rope making, embroidery, sewing, basket weaving, bamboo and mat making, toy making, soap making, phulkari making, match making, bracelet making, fruit preservation, pottery and dairy farming. Thus, they contribute to the improvement of the family's living standard by supplementing the family's income. But sometimes it's hard for women to find jobs in these industries. Several programs have recently been launched to

create job opportunities for women who need them. These programs have been discussed later in this chapter.

**(d) Female agricultural workers:** In all farming communities, women work side by side with men and share equally with men all farm work, except plowing. Workers are divided into two groups:

(1) wage earners and (2) family members, such as wife, daughter, widow, mother, etc. Self-employed workers are mainly female family members. The only response they received was the interview. Paid farm workers are employed only during the harvest season or raising livestock and poultry. But workers in this agricultural sector do not enjoy any of the same protections or amenities as workers in industry, such as providing daycare and medical facilities, and they are often underpaid.

**(e) Women in occupations:** Within the framework of the organization, all specialists and offices are open to women, except for the army, navy and air force. Women are admitted to all services and benefit from the same pay scales and remuneration as men in different services.

Women as teachers, doctors and nurses have a special role, and under the five-year plans, emphasis has been placed on training them for these professions by granting them a number of degrees. certain scholarship. To boost the nursing industry, which is facing a severe shortage of manpower, a nursing course has been introduced at universities in Calcutta, Delhi and Madras, which offers a Bachelor of Nursing degree. There is a female only medical college in Delhi called Lady Hardinge Medical College.

### **Legislative Enactments for the Protection of the Woman under the Various Laws**

There are many laws in our Constitution such as the Hindu Marriage Act 1955, the Hindu Succession Act 1956 and others that guarantee the protection of women's rights. These are explained below.

## **The Indian Constitution**

In our Constitution, Article 14 provides for “equality before the law” that the state shall not deny any person the right to equality before the law or equal protection before the law in the territory of India. .

In the eyes of the law, men and women are equal, which has been decided in earlier judgments, such as *Ajay Kumar v. Chandigarh Government*, *Ashwinder Kaur v. Chandigarh government*.

Likewise, in the Hindu Marriage Act, 1955, the Hindu Succession Act, 1956, the Hindu Adoption and Support Act, 1956 and the Hindu Disposal of Property Act, in 1916, many provisions were made in favor of women, even the Marriage (Amendment) Act, 2001 favored women.

Despite all these terms, the real position of women is still very sympathetic. She was abused by her husband's parents, family members and rejected in all areas of society. The reason is not law enforcement. We all know that many rights have been given to women on paper. In fact, aside from occasionally being concerned with issues of violence against women, the state has made little effort in the past to actually curb or address violence. One question that arises from the above is whether women are aware of their rights and even if they are, are these rights within their grasp, accessible to them or just an illusion, like mirage in the desert? Indian Penal Code, 1860

The Indian Penal Code of 1860, taking into account the religious, moral, social and ethical background of the Indian community, made intentional abortion a criminal offense under section 312-316 of the IPC. Section 497 of the Indian Penal Code of 1860 allows a man to prosecute another man for adultery with his wife, but it excludes the adulterous wife from the scope of these provisions, even though she did engage in adultery. The Supreme Court of India in the case of *Yusuf Abdul Aziz v. Somotri Vishnu*<sup>2</sup>, confirmed the power of this provision as a protection for women based on the Article. 15(3) of the Constitution.

### **Child marriage restriction act of 1929**

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<sup>2</sup> 1954 AIR 321, 1954 SCR 930.

While providing penalties for child marriage, make the exception that no women are punished under the law.

### **Dowry Prohibition Act 1961**

Sometimes modified, there is another example of social law reform, whereby the acts of giving and receiving dowry, asking for dowry and reducing these three acts have been declared as punishable offenses. imprisonment and fine or both. This law is purely intended to protect women in the sense that it deals with the social evils of dowry.

### **The Indian Evidence Act, 1872**

Article 113-A added in 1983 provides that "when it is known whether a woman's suicide was encouraged by her husband or a relative of her husband, and proves that 'she committed suicide within seven years period. from the date of marriage and her husband or that of her husband's relative has treated her cruelly, the court may consider, based on all other facts of the case, that the Her suicide was encouraged by her husband. 113-B was added by amending the Indian Evidence Act 1986, which states that "when questioning whether a person is guilty of murdering a woman for a dowry and it shows that immediately after her death the woman was subjected to cruel treatment or harassment by that person because of or in connection with any dowry request, the court will hold that no one caused the "dowry death".

Article 174 of the Criminal Procedure Code was also amended in 1983 and a sub-clause (3) was included, which stipulates that the case involves suicide if it occurs within seven general years. living.

### **The Medical Termination of Pregnancy Act, 1971**

To eliminate the high rate of illegal abortions, the Medical Pregnancy Termination Act of 1971 was enacted, allowing abortions on three grounds:

Medical facilities when there is a danger to life or a risk to a woman's physical or mental health;

Humanitarian basis - during pregnancy as a result of a sex crime or having sex with a mad man, etc. and;

For eugenics reasons - where there is a significant risk that the child, if born, will suffer from deformities and diseases. As such, the right to birth is vested in the unborn child, which may be restricted in the interest of the mother's or the child's own health.

### **Defining Domestic Violence**

Definitions of domestic violence are socially constructed, have evolved over time, and reflect prevailing understandings, interests, and divisions of power<sup>3</sup>. However, researchers have paid little attention to sex, psychology and other abuses<sup>4</sup>. Some issues of terminology are still actively debated, such as whether domestic violence should be gender-specific or gender-neutral and/or inclusive of all forms and rates of abuse in all. all types of intimate relationships<sup>5</sup>.

### **Domestic violence in India**

Women in India are subjected to violence in various forms throughout their lives, and this crosses caste, class, religious and regional boundaries<sup>6</sup>. Among the types of gender-based violence, domestic violence is the most common in India. The National Family Health Survey (NFHS) is a large-scale, multi-round survey conducted among a representative sample of households across India. Three rounds of surveys have been conducted since the first survey in 1992-93. According to the National Family and Health Survey-2 (NFHS-2), 21% of married women in India have experienced physical violence by their husband, in-laws or other family members since the age of 15.

Equally disturbing is the finding that two out of five women who experience violence in India keep quiet about their suffering because of shame and family honor. Studies also show that nearly a third of abused Indian women have thought of running away, but most say they are afraid of abandoning their children and have nowhere else to go. Activists feel that for

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<sup>3</sup> Protection of Women from domestic Violence Act & Rules by Gyanvati Dhakar, Page 86

<sup>4</sup> Available at <[www.jstore.com](http://www.jstore.com)>.

<sup>5</sup> Ibid.

<sup>6</sup> Available at <<https://www.ncbi.nlm.nih.gov/>>.

intervention strategies to be successful, attitudes towards violence need to change and awareness levels, among both men and women, of the negative impact of violence need to be enhanced.

Academic research on domestic violence in India began as an offshoot of the interventions of the women's movement in that country. By the late 1970s, the women's protest movement was in fact fueled by incidents of violence against women, ranging from dramatic bride burnings or "dowry death" to cases of "sexual violence"<sup>7</sup>. It is through the efforts of the women's movement that violence against women, disguised in the name of privacy, has emerged as a clear manifestation of gender and class power. This is how the most obvious form of oppression – violence against women in public as well as in the private sphere of the family – has become a major gathering point for women's organizations in the country.

Most cases of domestic violence against women, reported in various parts of the country, were found to be related to increasing pressure on immediate families over recurring gifts. The fact that a significant number of them result in the murder or suicide of women shows the pervasive role of dowry requirements in this form of violence against women. Several empirical studies on women's torture, violence and death due to extortion and dowry have been published since the early 1980s<sup>8</sup>.

These studies indicate that the custom of dowry, its contemporary manifestation as a coercive phenomenon, appears to be significantly related to the increasing rates of violence against women in their in-laws. (Kumari, 1989). Dowry in its present form is actually associated with negotiation, conflict and violence that the message of the value of a woman is very clear, the new family must pay the price if accepted, they also become hostages. for her husband's material desire to continue. ownership (Kumari, 1989). The link between dowry and prolonged dowry extortion and wife abuse has indeed prompted women's organizations to request separate legislation to combat the practice. Thus, in the mid-1980s, the Indian Penal Code was revised to include a new section on "dowry-related deaths". For the first time in the history of women's

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<sup>7</sup> Available at <<https://thelawbrigade.com/>>. by S. Kalpana.

<sup>8</sup> *ibid.*

legal rights in this country, physical and mental cruelty to wives has been recognized as a recognizable crime. However, despite these amendments, the record of punishing perpetrators and demanding justice for victims is poor. Women's groups soon realized that linking dowry to domestic violence was a short-sighted strategy. It has been found that although dowry-related murders predominate, not all cases of domestic violence can be classified as dowry-related harassment, as the Women can be abused for almost no reason. Dowry demands and harassment of women for more money are certainly an indicator of women's subordinate position in society. But, as activists in the women's movement have pointed out, this fact should not obscure the equally important fact that a woman can be abused for a number of reasons, from "being poor home", "suspected" husband of adultery ", " husband's extramarital relationship', 'inability to bear a son' to 'alcohol attacks'. Agnès (1995) actually argued that legislation to protect women from violence did not serve women's interests and instead contributed to giving the state increasing punitive powers.

From the above, it can be seen that the understanding of domestic violence in India is significantly different from that in the West. The women's movement first became aware of the issue of domestic violence when it dealt with dowry-related deaths and the case of brides being burned alive. While these acts of violence take place in the private sphere of the family, dowry campaigns and spousal violence are linked. The Indian Penal Code has been expanded to cover a wide range of acts of violence, including dowry-related harassment. After years of such efforts, the women's movement has realized that in addition to focusing on dowry-related violence, the definition of domestic violence and intervention efforts to address it have significantly expanded..

### **Causes of Domestic Violence**

There are many factors that contribute to the nature of domestic violence. The root cause of domestic violence is dependence on men. Domestic violence stems from a number of reasons.

Dowry is one of the main causes of domestic violence in India. There are many factors that lead to domestic violence such as social factors, cultural factors, economic factors and legal factors.

In international studies, factors are associated with stress, such as:

Poverty, lack of education, lack of financial resources, levels of jealousy, excessive alcohol consumption, substance abuse and living in a large family are associated with an increased risk of domestic violence.

A number of complex and closely interconnected social and cultural factors have made women particularly vulnerable to violence, all of which are manifestations of unequal power relations. history between men and women. The most influential factor of domestic violence in society is the continuation of the cycle of abuse and/or a history of abuse in the family of origin. Children who grow up in an environment where control is maintained through verbal intimidation and intimidation, and where conflict escalates into physical violence, are more likely to use the same abusive methods as like adults<sup>9</sup>. However, there are several predictors that can lead to domestic violence. A recent cross-cultural study on domestic violence and rape, gathering data from 90 societies around the world, found that the following four factors, when taken together, are predictors: strongly leads to the rate of violence against women in society:

1. Economic inequality between men and women
2. Model of using physical violence to resolve conflict
3. Men's decision-making power and control, and
4. Limiting women's ability to leave home
- 5.

A series of studies conducted by WHO (2002) in developed and developing countries produced a remarkably consistent list of events believed to cause patterns of violence<sup>10</sup>. Including:

1. Don't listen to men
2. Debate

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<sup>9</sup> Domestic Violence against women: Indian Prospective, South Asian Law Review Journal, Page 78.

<sup>10</sup> Ibid.

3. Not preparing food on time
4. Not giving enough attention to children and family
5. Ask a man about money or a girlfriend
6. Going somewhere without human permission
7. The man who doubts his woman

### **Social factors**

Social factors such as acceptance of domestic violence, women's low social status, oppressive political structures, oppressive basic religious beliefs that devalue women, civil conflicts, and the existence of a state of war continued to contribute. Nation. (Pedestrians, 1999). Cultural and social factors are involved in the development and spread of violent behavior. Given the different socialization processes that men and women go through, men assume roles of dominance and control according to gender stereotypes, while women take on submissive, submissive, and respectful roles. power weight. A girl who grew up feeling weak and in need of protection, whether physically, socially or economically. This helplessness has resulted in it being exploited at almost every stage of its life.

The family socializes its members to accept the hierarchical relationships expressed in the unequal division of labor and power over the allocation of resources. The family and its unit of operation are places where a child is exposed to sex differences from birth and, more recently, before birth, in the form of a sex-determination test that leads to murder. fetuses and kill female infants. The home, which is supposed to be the safest place, is where women are most vulnerable to violence.

Indian society is first and foremost a male-dominated society, where men occupy a higher status and women are merely his subordinates. A woman is never an entity in her own right; first she is a daughter, then a wife and finally a mother of a man. In patriarchy, the husband has every right to punish his wife if she does not behave according to social norms. Despite the fact that social

life has changed a lot, the old thinking about the submissive and dependent role of women has not changed. The husband still expects her to play the role of a traditional wife at home and integrate her identity into his man like a river flowing into the ocean. On the outside, he expected her to behave like a modern woman. The problem arose because of the conflicting demands placed on her as a good housewife and a productive employee. Now, again, getting out of an unhappy marriage is a choice from a male perspective. But for a woman, there are absolutely no psychological or physical support structures. In such a situation, the woman defied all this and resorted to the law, the proceedings themselves were a protracted torture and in the end she was also deemed to be in court. a thief and a criminal. In India, family power relations are enforced, women's sexual fear and control, belief in inherent male superiority, laws and cultural sanctions. Culture has traditionally denied women and children independent legal and social status. In Indian society, dowry is the main cause of domestic violence.

### **Economic factors**

Root causes of domestic violence Women's economic dependence on men. The lack of economic resources makes women vulnerable to violence and difficult to leave abusive relationships. The link between violence and lack of economic resources and dependence is circular.

Due to low levels of education, women face more domestic violence than educated women. Educated women are aware of their rights, they are no longer willing to follow orders blindly.

### **Effects of domestic violence**

#### *Impact on children*

Domestic violence has detrimental effects on children and young people, both emotionally and psychologically. The term domestic violence defines physical, emotional, sexual, social, verbal, and financial abuse initiated against each other by family partners. Children living in families with domestic violence witness at least three-quarters of bad adult-to-adult incidents.

Exposure to domestic violence can abuse children emotionally and psychologically in a variety of ways; they may be terrorized by behavior that makes them fear for their own safety and/or that of their mother or sibling. In a British study interviewing children who had lived with domestic violence, the most commonly reported response was fear that often lingered after the abuser left

or moved. Anxiety about recurrent violence leads to sleep disturbances and nightmares. Children are often threatened by abusers, who may threaten to abandon them, harm them, their pets or their mother if they tell anyone about the abuse. Children can also be damaged by exposure to violence and education about abusive and belittling practices, which may include being forced to spy on their mothers or being bullied. questioned about her activities before and after the separation.

Children can be deterred by defamation and critical verbal abuse directed at them and their mothers, especially if they oppose the abuse. The child's isolation may also result from the abuser's attempt to deprive the mother of social contact, and moreover, the child's health and educational needs may be neglected. worn when parents are preoccupied with their own problems and do not meet their needs.

Depression has a devastating impact on eating disorders, mental illness, learning difficulties, and cases of substance abuse in children.

Children living in such circumstances show signs of distress and stress in their behavior. Their anxiety often manifests as body aches, bed-wetting, trouble sleeping, aggression, cowardice, or extremely childish behavior. Differences in estimates of children's exposure to domestic violence are partly due to differences in the types of exposure measured. Children may experience domestic violence before birth; the fetus may or may not be an intentional target, or it may be influenced by the psychological state of the fearful mother,

Children may also be witnesses or hear of violence, or may suffer short-term consequences (mother distress, injury, police, property damage, hospitalization), or more long-term consequences such as moving out, incarceration or deportation from the abuser, and psychological problems for their mother. Children who have not directly seen or heard the abuse may hear or hear about it from others. Sometimes mothers can discuss abuse with their children and look to their children for comfort and support.

*Effect on women*

Post-traumatic stress disorder, depression, anxiety, dissociation, and substance abuse can all result from abusive family circumstances. For many victims of domestic violence, these problems are the result of violence and contribute to continued violence, creating a vicious cycle that is difficult to break out of. In other words, psychologists have observed that spousal violence or abuse and psychological problems interact in a vicious cycle that interferes with the victim's ability to act to prevent violence.

The international health costs of domestic violence cannot be quantified. The World Health Organization (WHO) points out that domestic violence puts women at risk internationally because of its negative health consequences, which are physical injury, problems mental health problems, sexually transmitted diseases, including HIV-AIDS and unwanted pregnancy.

Women in Mexico and women in other cultures report high rates of emotional, physical and financial abuse and report illness, bruising, injuries, tooth loss, tumors, unwanted pregnancy, reduced life expectancy, mental confusion, depression, post-traumatic stress disorder (PTSD), emotional distress, fatigue, sleep and eating disorders, general fear, other psychological effects and trauma, and exposure to sexually transmitted diseases, particularly HIV-AIDS, as a result of domestic violence<sup>11</sup>.

### **Role of Government curb the domestic violence Legislation on Domestic Violence**

#### **The Protection of Women from Domestic Violence Act, 2005 (No. 43 of 2005)**

**[13th September, 2005.]**

Indian lawyers together drafted the Domestic Violence Bill in 1992 and made it widely available to all women's organizations and groups. In 1994, the National Commission on Women (NCW) published its draft law, which was met with fierce criticism from various women's organizations. Most groups of women unanimously expressed the need for domestic violence legislation at this

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<sup>11</sup> Available at << <https://www.who.int/> >>.

time. They determined that half of India faced the typical threat of gender-based violence. It is also recognized that the existing criminal law is not sufficient to meet the needs of Indian women<sup>12</sup>. The law collective then published a copy of the domestic violence law in 1999, after a nationwide consultation with various groups of women. Then the Indian government introduced the Domestic Violence Bill in Lok Sabha. The bill is titled Domestic Violence Protection Bill 2001.

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There has been much controversy surrounding this bill, both at home and abroad, about its meaning and scope. The Judiciary Authority of India has created a social revolution in India by amending the loopholes of the bill and enacting it in its latest form. This new law is an important milestone in efforts to protect women against domestic violence. The new domestic violence bill expands to prohibit dowry-related harassment through dowry claims. The law has proven to be particularly effective, as it gives the judge a variety of powers to issue protective orders in such cases.

India's National Criminal Records Bureau records a crime against women every three minutes in India. According to police officials, every six hours, a young married woman is beaten to death, burned alive or forced to commit suicide. While there are many problems with crimes against

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women in India, there are no specific laws to control the actual threat of abuse or abuse against women in their homes. The new Domestic Violence Bill attempts to fill this void by including actual violence or threats of violence, whether sexual, physical, economic or emotional. This law is specifically designed to protect a spouse or partner from violence perpetrated by a husband and parents-in-law or a partner and a partner's parents. Penalties can range from a fine of up to 20,000 to imprisonment for up to one year. This historic new law, which protects Indian women from domestic violence has come into full force in India.

The Domestic Violence Protection Act of 2005 is groundbreaking in many ways. The Act was announced on October 25, 2006. This is a comprehensive definition of domestic violence as “all forms of physical, sexual, verbal, emotional or economic abuse” which is very important. The civil remedies offered to abused women through this action are unique.

In addition to the "Protecting Women Against Domestic Violence Act, 2005"

other legal documents to protect women under

The different laws are as follows-

- Hindu Marriage Act, 1955
- Child marriage restriction act of 1929
- Dowry Prohibition Act. 1961
- Indian Evidence Act, 1872
- Criminal Procedure Code, 1973
- Law on termination of pregnancy. 1971
- Section 498A of the Indian Penal Code. Sati (Prevention) Commission Act 1987

### **What new mechanisms have been recommended to implement the law?**

Article 8 of the law regulates the establishment and operation of security forces. These officers, appointed by the state government, will be under the jurisdiction and control of the courts and will be accountable to the court for monitoring domestic violence cases.

The PO will help the court to bring up a domestic case. Report or request a protective order, on behalf of the injured woman and/or child. The FO will ensure that those affected receive legal aid, medical services, safe havens and any other necessary assistance. GPs will ensure that necessary information about service providers is provided to the injured woman and that financial assistance orders are followed. It is important to note that POs may be penalized for failure to/refuse to perform their duties, provided prior authorization is obtained from the state government.

Service providers are an essential tool in implementing this law. Service providers, as defined by law, are private organizations accredited under the Companies Act/Registration of Companies Act. They will need to register with the state government as a service provider to register for domestic incident reporting and medical examination of the injured. Among other things, service providers will make sure that the injured person stays in a foster home, if he wants to. A service provider is protected against all acts done in good faith, in the exercise of powers under this law involved in the prevention of domestic violence, so they are protected by law and cannot be prosecuted for performing their functions properly.

The new law therefore recognizes the role of voluntary organizations in the fight against domestic violence. Women's rights NGOs can now register as service providers under the law.

### **What happens next?**

The government passes the law; now have to set up the execution mechanism. To this end, the government must provide funding to encourage service providers to sign up, who will need the protections of this new law.

The government will also have to launch a major public awareness campaign. It will also have to implement training programs so that the police, the media and the judiciary understand the scale, scope and operation of this new law.

## **CONCLUSION**

Abuse of women is clearly pervasive and not tied to any culture or socio-political system and has been openly accepted and tolerated.

The majority of women in our country endure all kinds of atrocities without speaking up. It is clear that women are the main victims of domestic violence, and the intimate tradition in the family has hidden this violence against women from scrutiny.

Today, society is changing and women have the opportunity to express their feelings and sufferings thanks to the support of the law and the government.

Despite these efforts, violence against women in the family has, until very recently, received little attention as a social or public health issue. This study was conducted with the aim of understanding the effects of domestic violence on women and their children.

It is important to know the causes, scope and extent of domestic violence.

Research shows that women experience violence in many ways. It turned out to be most common in the group where the respondent and her spouse were illiterate.

Violence is considered higher in the 18-45 age group. It has also been found that violence is considered to be more common in the Hindu religion, although it is not limited to any particular occupational group. Domestic violence is more common among housewives, service workers, the unemployed and production workers.

Violence is considered higher among mixed groups Although common in all socioeconomic classes, domestic violence is thought to be particularly high among middle socioeconomic groups.

In general, physical, psychological and sexual violence has been demonstrated. The study remained the same drinking habits; Gambling and illicit relationships are also causes of domestic violence. Research shows a relationship between domestic violence and the physical, psychological and sexual problems that result from domestic violence. A link has also been found between domestic violence and children's physical and psychological problems when witnessing domestic violence in the family.

