

A Brief Critical Analysis of Judicial System Dealing with Domestic Violence in India

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Abstract

Domestic Violence against women in India is a problem rooted in social norms and economic dependence, feminine, Fatalism, domestic violence, sexual harassment and other forms of gender-based violence are real life of most Indian girls and women. Wife beating affects the physical and psychological well-being of abused women, Also those of their children. Women's participation in public life is increasing and laws are changing, but India is still one. Indian women have a long way to go to become equal citizens in their country. Many women are treated violently in our society. Intimate partners while they suffer in silence. In some cases, domestic violence also leads to the deaths of these women. It is assumed that this paper discusses the meaning, causes, types of domestic violence, and the aftermath of these types of violence. Abused woman. Additionally, the paper describes how to address this threat to women and the role they play. It is performed by social workers, professionals, and other voluntary organizations in providing interventions to affected individuals. Finally, recommendations were made to eradicate domestic violence from society.

Keywords: Domestic Violence; Intimate Partner violence; Domestic abuse laws.

INTRODUCTION

The roots of domestic violence are deeply rooted in human evolutionary history in India. The history of mankind is a history of repeated invasions and embezzlement. It aims to

establish tyranny over women. Women have always been considered vulnerable and can be exploited. Violence has long been accepted as something. This happened to women. The family as a stage for love and affection, Centers of kindness, solidarity and warmth are now centers of exploitation. Family violence ranging from slaps, beatings and murders Other, sexual abuse of husbands and in-laws for dowry or other reasons, death by dowry, Including wife enrichment, girl child abuse, domestic elder abuse with domestic violence. Domestic violence is not unique to any particular person. His victims may be children Women, the elderly, the disabled, or other vulnerable groups. However, for traditional reasons, Patriarchy, Emotional and Economic Dependence, Inherent Biological Vulnerability. The term turns out to be the most powerful, and he is

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one of the vicious circles done behind the scenes. A closed door, the very door designed to protect women from the dangers of the world outside world. This is a form of prison violence and must be recognized as such. Domestic violence needs to come out of the closet and be dealt with.

DOMESTIC VIOLENCE IN INDIA

There is no universally accepted definition of violence against women. Some human rights Activists prefer a broader definition that includes "structural violence" such as poverty.

Unequal access to health and education. Some advocate a more restrictive definition in order not to lose the actual meaning of the term. United Nations Declaration on the Elimination of Violence Against Women (1993) defines violence against women as: "physically, sexually or threatening, coercing or Arbitrary deprivation of liberty, whether public or private."

This definition refers to the gendered roots of violence. "Violence against women an important social mechanism by which women are relegated to social status to extend the subordinate status of men. Define violence to include both physical and violent Psychological harm inflicted on women includes: Women work in both private and public life declaration defines Violence against women, including but not limited to: Three Areas: Domestic and Domestic Violence Communities in general and the violence perpetrated or tolerated by them situation.

Domestic Violence, aka Spousal Abuse, beatings, intimate partner violence (IPV) is defined as a pattern of abusive behaviour partner with another partner in an intimate relationship that: Marriage, dating, family, cohabitation, domestic violence, defined as such, physical attacks or physical injury (hitting, kicking, biting, pushing, grabbing, slapping, throwing objects) or threatening to do so sexual abuse; emotional abuse; dominance or domineering; intimidation; stalking; passive/cover tab use (e.g. neglect); economic deprivation.

According to National Criminal Records Bureau (NCRB) statistics, a woman is raped some wherein India every 20 minutes. Child rape cases have increased 336% over the past decade. Government data show that juvenile crime, especially rape and kidnapping of women, has increased exponentially over the past decade, from 48.7% in 2002 to 66.5% in 2012.²

AREA OF PROBLEM

Domestic Violence could be a problem so deeply rooted in our society that to completely eradicate the concept is next to impossible. Patriarchy isn't only the source behind the offence but also the prime instigator of the offence. The most problem is that the `invisibility` of the crime, because the largely accepted view is that it's a personal matter and may not be spoken intent on others publicly. In 1994, the World Bank survey eddo mestic violence in 35 countries and found that between a quarter and at least one-half of women in the secountries had been physically assaulted by a partner, and one in three women made reports of being victims of violence. Domestic violence occurs every day in different parts of the world. In stances of domestic violence have existed in India for centuries as society is seen as governed by patriarchal philosophies.³

DV is endemic in India, with 1000 cases from the country in Uttar Pradesh. Everyday Violence.³ This study focuses on the underlying realities of domestic violence. Coverage at private homes in Gautam Buddha Nagar District, U.P. Research is primarily based on the seriousness of such crimes, which are still routinely committed. Impact on women's lives in the region and why current laws are not enough to address them output. A woman has been victimized in her 54,074 cases, according to data compiled by UP Police. Domestic⁴ violence accounts for 43% of her total. 133 days after the start of UP 100 (state of emergency declared) 1.25 million DV cases have been reported (see above).

The Purpose of this Research

The main goals of the current research work are:

1. Examine the different forms of domestic violence India.
2. Analysis of data on domestic violence against women in India.
3. Propose some legal and suggestive measures About domestic violence against women in India.

RESEARCH METHOD

Current research is mainly About secondary data taken from National Criminal Records Bureau (NCRB), Press and Information Service and the cleverness of the statistical abstraction state. Census and crime data were analyzed or A

systematic approach was chosen for the analysis both Qualitative and quantitative methods were applied data analysis.

Forms of Domestic Violence

All the possible forms that will constitute the offence for a better understanding

A. Physical Abuse: While defining Domestic Violence under the Protection of Women from Domestic Violence Act, 2005, in section 3 of the act Physical Abuse is explained as any act or conduct which is of such nature as to cause bodily pain, harm or danger to life, limb, or health or impair the health or development of the aggrieved person and include assault criminal intimidation and criminal force. Physical abuse is the most pervasive and ancient method of subordinating of women in a family, it is the most common control mechanism applied against a woman within the domestic sphere.⁵

B. Psychological/Emotional: Abuse Causing of abuse to a woman in the domestic sphere is multidimensional. Under the Protection of Women from Domestic Violence Act, 2005 emotional or psychological abuse which has been categorized as verbal, is explained as to include – insults, ridicule, humiliation, name calling and insults especially with regard to not having a child or a male child and repeated there as to cause physical pain to any person in whom the aggrieved person is interested. Psychological abuses are one of the major forms of abuses faced by women. United Nations World Report Population Fund (UNFPA) and Washington-based International Center for Women's Studies - Inquiries 9,205 Male between her 18 and her 49 years in Uttar Pradesh Rajasthan, Punjab, Haryana, Orissa, Madhya Pradesh in Maharashtra, experienced men Four times more likely to be discriminated against as children Violent towards partner. Best report of It said the violence originated from Orissa and Uttar Pradesh. More than 70% of her in men have been reported in these areas. Admit that you are abusive to your wife or partner.⁶

C. Sexual Abuse: International law on violence against women Recognizes sexual abuse of women as one of them Forms of violence in both public and private sectors. Protecting Women from the Domestic Violence Act of 2005. It states that sexual abuse includes any type of sexual activity the quality of being abused, degraded, or otherwise offended female dignity. This

form of abusive Relationships between men and women are the best they are often in a marital relationship. Among the many duties a woman has to her husband, the performance of sexual duties is one from them, her wife is never expected to neglect her duties. She is unable to meet her sexual obligations or has mistrust of her wealth generally accepted and understandable Description of male violence, used by men now a days Sexual assault claiming and arguing boss Masculinity. This form of abuse is more common in the following areas: Men educated and wealthy families in a poll. He found that 79% of men used sexual violence to control Wives were highly fidelity, 57% had been married for more than six years of formal education.

D. Financial Abuse: Economic abuse is deprivation of basic needs, A person who supports him in the social system. It's a kind of abuse When one intimate partner dominates the other Access to economic resources. Financial abuse may include: Prevents spouse from gaining resources, Amount of resources available to victims or available through exploitation of economic resources different levels of education International Journal of Applied Research they have different mental levels and both cause isolation. They find it difficult to relate to each other on an intellectual level. Most often Indian marriages are Clouded with words like adjustment and compromise. No mention of camaraderie or friendship as John Stuart Mill explains it. In this scenario a woman comes intellectually inferior, hysterical, unreliable, etc. This isolates women in the household limiting its role to child reproduction, Caring for a good son and his family, flat Educated and financially independent women face Isolation because men control access in patriarchal structures Includes all economic activity and all assets Knowledge that contributes to profitability, moreover works of Indian women are designed and monitored Mainly by domestic and foreign patriarchal authority. The Domestic Violence Act 2005 failed to address this. Forms of abuse consistent with other abuse such as: psychologically, emotionally, and financially lacking there Meaning.⁷

E. Abuse Tolerance: Because domestic violence tends to be culturally ingrained, Many women derive from culturally determined gender roles tolerant of the abuse they receive. Domestic Violence Research in India, reflecting this

sentiment, it states: 29% of women who reported violence had never experienced it 10% have never received medical care after domestic violence. She told health workers she was being abused only 5%. The woman reported speaking to a health care worker about it problem of domestic violence.⁸

Domestic violence against women in India: Data Analysis

Domestic violence in India includes all forms of violence Affected biological relatives, typically Violence that women receive from male members family and relatives. According to families across the country, 2005 Health Survey, National Total Lifetime Prevalence Violence was 33.5% and sexual violence was 8.5%. Women aged 15-49, assault was reported. The lowest and highest among Buddhist and Jain women among Indian Muslim women. The 2014 study of The Lancet says the reported rate of sexual violence in India is lowest and most populous in the world India means violence has affected more than 27.5 million people women throughout their lives. "Number of cases registered for domestic violence Act, 2005 has declined over the past three years. Published by the Press and Information Bureau on March 13, 2015. "According to preliminary data from the National Crime Records Bureau (NCRB), available until 2014, figures of these registered cases, 531 in 2014, 4204 in 2013, in 2012 it was 16,351. As Fact Checker discovered, the reality seems to be: Contra: Limited data available indicate domestic Violence can rise sharply. Domestic Violence Low in 2013 17 of the 34 states and federal territories have not been liberated Arbitrary data. Among them were many large states, such as: Maharashtra, Gujarat, Bihar. Like us if reported He said domestic violence appeared to be on the rise. Under the state that published the data occupied the former state of Andhra Pradesh most registered Domestic Violence Laws: 3,758 in 2013, an increase of 75% 2012 (2,150 cases). Kerala is second with 142 cases 21% increase compared to 2013 and 2012 (117 cases)⁹. Magazines published in 2015 Article on Domestic Violence in India, by Claire Snell-Rood, op Medical Anthropologist, Department of Behavioral Sciences Science at the University of Kentucky, 75-86 Percentage of women who do not disclose that they are victims Family abuse (Snell-Rood 2015). March 3, 2015 According to an IPS report article, "the latest According to a state household survey, 40% of women Abused at home. Middle, rear Independent research

supported by Planning Commission in India, this figure approaches her 84%. Hindu According to a household survey of India by United Nations Office on Drugs and Crime (UNODC) Her 10% of Indian women said this was the case have been sexually assaulted by her husband Lifetime (The Hindu 19 December 2014). Reuters reported in June in 2012, according to Health and Program Development Advisor for save the Children UK "International NGO working in 120 countries to save" Kinderleben" (Save the Children), despite Indian domesticity Violence Act.

Legal measures by Government of India

Law on the Protection of Women from Domestic Violence, Year 2005 Central Government, 26 October 2006. We inform you of this law at Official bulletin. Law is intended to protect Domestic Violence Women Facing 4 wall of their home. This law is a big win Women's rights in India. New laws matter Criminalize abuse by a spouse, partner, or woman. Other men in the household perceive themselves to be abused Women's right to safe housing sections 18-23 are the soul. These sections of this law provide for a number of laws. How Abused Women Get Relief. She can get courts, protection orders, residence permits, Waivers, Custody Orders, for Children, Indemnification Orders and Interim/Unilateral Orders.

Short Stay Program for Rape Victims and Domestic Violence Victims

Press release of the Ministry of Women's Affairs dated March 13, 2015 and child development are subject to state administration by the Ministry. "Swadhar and Short Stay Home Schemes", Development Relief and rehabilitation services for women in distress situations involving victims of rape and many a times Domestic Violence Victims having no shelter.¹⁰

Agencies working for women India

There are various agencies that provide services in cases domestic violence, family courts, police stations, Family Counselling Centre, mediation center's NGO's, CAW cell (crime against women cell). Women's Commission, People's Committee Council for Social Justice and Religious Institutions. Despite these there is no compliance of law and even after a long legal battle Indian judiciary makes women more deprived and helpless.

Changes required in Awareness raising and sensitization in India

- Recognition of gender equality and women's rights boys and girls should be taught from an early age Age at which consciousness reform is necessary future generations.
- Legal literacy camps should be held regularly. A systematic foundation at the local level.
- List of active NGOs and government agencies should be Women's issues to know Propaganda.
- Health care providers such as doctors and nurses Emergency medical staff should be well informed about treatment women subjected to violence. Awareness programs are Policy maker. Recommendation Premarital counselling should be mandatory. After that, a post-marital consultation should be arranged. Prevent family disintegration. Promotion of women's self-employment today it is not uncommon for women to enter the business. In fact, we decide to choose more companies, career. Why self-employment is considered the best Not only does it help women change their self-image, It also helps in gaining social status justice.
- A special court of one judge is required for domestic violence victim and such judge should be accountable to the higher courts/ high court on monthly basis along with reason why relief isn't granted to the victim. That in India many cases judges doesn't even consider the submission of domestic violence victim even there are prima facie evidence's. That domestic violence cases are not be taken on priority by appellant courts. That appellant court doesn't take disciplinary action against non-compliance of statutes i.e. Domestic Violence act 2005 which isn't strictly done.

County Judges who Handle Domestic Violence Case.

- Violent cases should be handled only by female judges who have strong knowledge about interpretation of statutes. That most of the judges doesn't even comply to the judgements passed by supreme which amounts to judicial dishonesty neither they are able to interpret the statutes. Appellant

courts should keep an eye on such attitude in order to promote good governance in Indian judiciary.

Strategies for Bringing Justice to Victims in Domestic Courts Power.

- Law enforcement should be conducted from coordinates police efforts.
- India need strict laws to prevent vices Alcoholism, drug addiction, socio-pathology, etc. Like the dowry system.

Role of Indian Government

- Governments must ensure proper enforcement Existing laws on women's rights.
- Women should Commission; Women's Commission Office must be established at the district and lower levels.
- Police should be trained to behave respectfully and politely to women in need. role of media

Media should be used to raise awareness among authorities and the general public. On Domestic Violence to Foster a Positive Attitude against women in general, and female victims in particular.

CONCLUSION

Women have to challenge, not accept. She is not allowed she is impressed by what has been built around them. She she must respect a woman who fights for it Expression. Achieving female empowerment is not "Quick resolution" judicial approach and accountability should be improved over the time to handle the matters should be improved. There should strict implementation of laws in India. We need robust public policies, holistic policies all development approaches and long-term commitment actor. Women's empowerment is both aright and a 'wise'. Economy". After all, it's about empowering women Empower society.

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