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## A Critical Analysis On Domestic Violence

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### ABSTRACT

The phenomenon of domestic violence is widely prevalent what has remained largely deceptive in public. Violence against women is very serious problem in worldwide. Violence may be in the form of domestic violence, sexual harassment, acid throwing, pre-natal sex determination etc. World's two third countries have outlawed domestic violence but in India mostly women are likely to experience physical and sexual violence by their husbands or their relatives. Main causes of domestic violence-male dominating society, lack of awareness of laws, less efforts to implement the existing laws, bureaucracy and fear. The Indian parliament enacted a bill to protect the women from domestic violence and it came into force in the year of 2005. i.e. "Protection of women from domestic violence Act, 2005." The post of protection officer was created to provide mechanism for the implementation of the Act. Any person who has reason to believe that domestic violence has taken place or is likely to take place can inform the protection officer. The primary function of the protection officer is to protect the victim from domestic violence and also serve as a liaison between the woman, police and the service provider. This paper highlights the role of protection officer in curbing domestic violence.

**Keywords:** Domestic Violence, Cruelty, Physical, economic abuse

### INTRODUCTION:

Violence against women is very old social issue which has taken its root deeply to the societal norms and economic dependence. These issues of violence against women come forth time to time in the form of brutal gang-rape, sexual harassment at workplace, acid attack etc. Domestic violence figured as the top category of violence against women. Violence against women by the live-in spouse or partner is a wide spread phenomenon, both in developed and developing world as well as in rural and urban areas. Mostly 35% of women worldwide have experienced either physical or sexual intimate partner violence or non-partner sexual violence.

According to data from the crimes in India 2018, report compiled by the national crime records bureau (NCRB). A total number of 89,097 cases related to crimes against women were registered across in India 2018. The figure indicates not much has improved when compared to the figure of 86,001 cases registered under this head in 2017. 'Crime rate' is calculated by dividing the number of cases reported by the population size in lakhs. Out of the total crimes registered under the Indian Penal code against women. A majority of cases were registered under the 'cruelty by husbands or his relatives' at 3.19%. This was followed by "assault" on women to outrage her modesty at 27.6%. The cases of kidnapping and abduction of women stood at 22.5% and the rape cases comprised 10.3% of the overall crime figures. A total number of 50,74,634. Cognizable crimes, comprising 31,32,954 IPC and 19,41,686 special and local laws (SLL) crimes were registered in 2018.

**DOMESTIC VIOLENCE AND ITS EFFECTS:**

Domestic violence manifests as verbal, physical or psychological abuse often in forms that are more subtle than violence elsewhere in society. Violence may be in the form of domestic violence, sexual harassment, acid throwing, pre-natal sex-selection etc. Basically domestic violence includes actual abuse, threat, physical, sexual, verbal, emotional or economic abuse. Many of the victims of domestic violence are at a risk of further violence or even death when they attempt to leave abusive relationships. Because of women's weak and vulnerable position inside their homes. Thus most incidents of domestic violence go unreported because women are reluctant to bring a complaint against member of their own family. Domestic violence is not confined to wives only but includes mothers, daughters, sisters, widows relationship with accused including bigamous relationship. It covers all domestic relationships in a "shared household".

**FORMS OF DOMESTIC VIOLENCE:**

a. Physical Abuse: Physical abuse is defined as any act or conduct which is of such a nature as to cause bodily pain, harm or danger to life, limb or health. Thus physical violence is:

- i) Any kind of bodily harm;
- ii) Any threat of bodily harm;
- iii) Beating, slapping and hitting;

b. Sexual Abuse: Sexual abuse is any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of the person and cover instances where women is forced to have sexual intercourse with her husband against her will.

c. Verbal and Emotional Abuse: It has been defined as any insult ridicule, name calling humiliation.

d. Economic Abuse: It is a deprivation of economic or financial resources which an aggrieved person requires out of necessity. Other examples of economics abuse are 'not providing money, food, clothes or medicine'. Forcing a woman to vacate her house and not paying rent.

**SH. MARUTI V. SAU GANGUBAI & ANOTHER**

In a recent case the Bombay High Court ruled that denying financial support and access to matrimonial home to the wife by her husband is domestic violence.

**VIOLENCE CAUSES:**

- i. Male Dominating Society;
- ii. Lack of awareness of laws.
- iii. Less efforts to implement the existing laws.
- iv. Bureaucracy and fear.

**THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005.**

The debate of domestic had a long journey from 2001, when the bill was introduced in parliament to 2005, when finally the Act was passed. There were long discussions to have consensus, number of changes were made, and serious lacunae which existed were filled. Finally the much awaited Act was passed. This Act was important to prevent women who were Ostracized by their "own" people in their "own" homes.

**OBJECTIVE:**

The objective of the Act is to provide more effective protection of the rights of women, guaranteed under the constitution, who are victims of violence of any kind occurring within the family and for incidental matters. 2The protection of women from domestic violence Act 2005 covers acts which violate women's dignity or any other unwelcome conduct of a sexual nature.

Another important feature of this Act is women's right to secure housing. The Act provides for the women's right to reside in matrimonial or shared household whether or not she has any title or rights in the household. This right is secured by residence order, which is passed by the court and cannot be passed against a woman.

**APPOINTMENT OF PROTECTION OFFICER:**

The primary function of the protection officer is to protect the victim from domestic violence. These officers to be appointed by the state governments will be under the jurisdiction and control of court and are responsible for monitoring the case of domestic abuse. The protection office assists the court in making domestic incident report (DIR) or an application for protection order on behalf of aggrieved woman and/or child. Protection officer will ensure that aggrieved people are provided legal aid, medical services, safe shelter and other required assistance. They will also ensure that necessary information on service provider is provided to the aggrieved woman and that orders for monitory relief are compiled with.

A woman who is victim of domestic violence can file her complaint to the protection officer. The first step is filing a DIR. Even she can file complaint to service provider or at the local police station. She can file for orders as per the Protection of women domestic violence Act. For this she can appeal to court directly. She can also seek the protection officer's help or approach the court directly.

**DUTIES AND FUNCTIONS OF PROTECTION OFFICERS:**

- i) To assist the magistrate in the discharge of his functions under this Act.;
- ii) To make a domestic incident report to the magistrate, on receipt of complaint of domestic violence and forward copies thereof to the police officer in charge of the police station within the local limits;
- iii) To make an application in such form and in such a manner to the magistrate, if the aggrieved person so desires, claiming relief for issuance of protection order;
- iv) To ensure that the aggrieved person is provided legal aid under the legal services authorities Act and make available free of cost the prescribed form in which a complaint is to be made;
- v) To make a list of all service providers providing legal aid or counseling;
- vi) To get the aggrieved person medically examined if she has sustained bodily injuries and forward copy of medical report to the police station and the magistrate.

**RIGHTS OF WOMEN UNDER PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005.**

- a) Women's right to reside in a shared house hold:

Every woman in a domestic relationship shall have right to reside in shared household whether or not she has any right, title or beneficial interest in the same. The aggrieved person shall not be evicted or excluded from the shared house hold or any part of it by the respondent.

- b) Right to alternate accommodation if required:

- c) The right to services of protection officers and service providers:

- d) Right to get reliefs, namely, protection order, residence order monetary relief, custody order for children, compensation order and interim ex-party order:

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Taruna Batra was married to Amit Batra, son of appellants. After marriage respondent Taruna Batra started living with her husband in the house of appellants which belonged to her mother-in-law. After Taruna Batra's husband filed an FIR, she filed an FIR under section 406, 498-A, 506, 34 IPC and got the family of her husband including him arrested who were granted bail after three days. She shifted to her parents' residence from where she then tried to enter the house which was of her mother-in-law, failing which she long with her parents forcibly opened the doors of the house. The appellants alleged that they were terrorized by their daughter-in-law meanwhile mandatory injunctions had been filed by her to enable her to enter the house. The trial judge granted temporary injunction restraining appellants from interfering with possessions of Taruna Batra. When an appeal was filed against the order of trial court, senior civil judge held that the house was not the matrimonial home and therefore she had no right to properties other than that of her husband. Aggrieved Taruna Batra filed a petition under section 227 where in the high court held that she was entitled to continue to reside since it was her matrimonial home.

**RELIEFS:**

The reliefs the magistrate can grant are:

Protection Order.

Residence order.

Monetary Orders.

Custody Orders.

Compensation Orders.

**ROLE OF JUDICIARY:**

Special courts must be setup for cases of domestic violence against women and children with upto date technology support like video-graphing of statements of rape and child abused victims. Cases should be taken promptly and completed without delay avoiding unnecessary imposition of strains and stress on them.

**ROLE OF GOVERNMENT:**

Efforts should be made for the proper and effective enforcement of existing laws related to women.

Government agencies/departments should be made use of the assistance of NGO's to create awareness of domestic violence among the people.

**CONCLUSION:**

There should be awareness among women prevention should be start early in life, by educating and working with the youth boys and girls promoting respectful relationship and gender equality. There should be more laws for protecting women.

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