

DOMESTIC VIOLENCE - A PANDEMIC AMONGST WOMEN SHADOWS

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ABSTRACT

The epidemic that we've been dealing with for the last three years resulted in a large number of human deaths, and numerous laws and regulations were introduced in society. However, there is a pandemic that we are completely unaware of. Many women are facing death as a result of the massive domestic violence perpetrated by their close relatives or intimate relationships. We've been living with it for centuries, but many people haven't noticed it, and society hasn't even acknowledged it in the twentieth century. Because of elements including culture, religion, and economic standing, society has normalized it. Section 498A of the Criminal Law Amendment Act of 1983 "criminalized cruelty interior a marriage." Many girls who document proceedings beneath section 498A of the Indian Penal Code, on the other hand, wind up being abused again. Domestic abuse was frequently seen as a private or family concern rather than as a real crime or complaint, undermining women`s rights as citizens This research will investigate why it is women who suffer from domestic abuse, and why the legislation should not be limited down because it is a broad spectrum.

Keywords: *Domestic violence, Abuse, criminalized cruelty inside a marriage, broad-spectrum, a real crime.*

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INTRODUCTION

Gender-based violence, often referred to as Violence in opposition to ladies and girls, is an international epidemic that influences girls sooner or later in their lives.

This type of violence has many health and long-term and short-term consequences for women. The risk is much higher for young women, women who are in an unhealthy relationship are experiencing some form of violence. It is a widespread problem in the public health system that affects women in a variety of ways¹ DV has previously been seen as a threat to women's lives in India. Many laws have been enacted to prevent women from being abused, and it is important to have stronger policies in place that protect them, but there are still many unknown and well-known aspects to play.

The statistics and stories from this article will prove and recommends all forms of violence against women and girls, especially DV include unrecognized forms and, have increased since the inception of COVID-19. It is important to note that, in addition to the fact that both men and women realize that domestic violence is morally and legally wrong, they choose to ignore this fact. This may be because the values of our society have made it a norm to tolerate domestic violence. Violence against women is a serious social problem that affects many aspects of public relations. The issue of DV affects a range of important aspects of society, including public health, child rights, and social and economic stability.

Women's rights in modern India have substantially improved in contrast to the past. The situation has greatly improved as a result of modernization and the increase in women's educational institutions. The empirical fact, however, appears to differ from our preconceptions of women standing in India.

As a praiseworthy piece of legislation to address this issue, the Protection of Women from Domestic Violence Act² was enacted. Its Act was one of the first in this field to address the issue of DV in a specific way. The sorts of home abuse foreseen via way of means of this Act, in addition to the sufferers identified via way of means of it, provide it a broader attain than the IPC. The term originally "domestic violence" was never used to characterize this type of horrific abusive behavior in the IPC.

In India, there is little evidence of domestic violence against women. Women are less likely than males to disclose domestic abuse for a variety of reasons which may be of question to others. Various types of violence against women continue to exist in our culture today, albeit many

¹ WDV- Woman Domestic Violence

² Protection of Women from Domestic Violence Act, Act

occurrences go unreported owing to cultural conventions, indifference, or ignorance. The purpose of this study is to shed light on the current state of WDV³ in India.

The average goals of countrywide studies on home violence towards girls had been to

- To prove that domestic violence is gender-based.
- Practice of religious practices which violate a woman should be banned.
- Domestic violence against women is not only violence but also a crime.
- Legal framework or policies must be expanded on a broader spectrum.

The study's goal was to provide supporting data that could be used to develop national policies on domestic violence prevention in India, as well as to inform, communicate, and educate the public about gender rights and issues, engendering laws, policies, and plans, and supporting the establishment of service methods to prevent, protect, and respond to gender-based violence acts, as well as to improve the efficiency and effectiveness of efforts to address gender-based violence. This paper uses the responses of a common group of people in the society which will then be used to support the viewing and objective of this paper.

RESEARCH METHODOLOGY

Descriptive research has been used in which quantitative and qualitative methods were used to conduct only to support certain topics in this paper.

A qualitative method was used to find what people think about certain questions supporting this research.

The quantitative method was used to generate numeric data.

The most important intention of this shape of examination is to get a higher describe an opinion, attitude, or conduct held through a collection of people on a selected subject matter, and categorizing the replies into preset alternatives will bring about statistically inferable data. This allows you to assess the impact of your findings on the group you're researching. This study was conducted with a selected group of 20 people from different age categories, cultures, and living standards. This small group of people represents a range of opinions and thoughts, and through a survey, the results were conclusive and relevant to the research paper.

³ Who.int. 2022. Violence against women. [online] Available at: <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>

GENDER AS A FACTOR IN ABUSE AND VIOLENCE

Domestic violence, like any other form of violence, is a human problem. Gender-Based Violence refers to any sort of violence "directed at an individual based on their gender." It is the widest and most encompassing of these three phrases. It is rooted in gender inequality, the abuse of energy, and dangerous norms. GBV⁴ is a human rights violation that has major health and security consequences for women who are impacted. In India, it's majorly a woman's issue it is incorrect to classify spousal and partner violence as a women's issue rather than a human one. Women are considered Goddesses with awe and constraint by humanity, across India's main religions. In today's culture, women are held in high regard when it comes to family and community status, however, they face hardship and shame because of patriarchal culture. Women's violence and crime have spread over the world. Women's criminality is a common occurrence in Indian society, and it is deeply ingrained in the culture. Rape, kidnapping and abduction, murder for dowry and dowry killings, torture, molestation, sexual harassment, and the importation of girls are all crimes labeled below the Indian Penal Code. But Domestic violence is the most widespread kind of VAW in India, affecting people of all castes, classes, religions, and regions.⁵

The most frequent sort of gender-based violence is domestic violence Domestic violence is typically used to consult violence among intimate partners (IPV). VAWG is a subgroup of gender-primarily based violence that makes a specialty of GBV aimed closer at ladies and girls because the call suggests. From lady genital mutilation to mental torture, VAWG incorporates a huge variety of acts of violence. A simple questionnaire yielded a high response rate among people who responded, with 64.7% of respondents stating that home violence is mostly a woman-related issue. However, 35.3% of respondents denied this was the case.⁶

Hence Gender-based violence has a long-term impact on its victims in India, and it is common due to typically insufficient responses. As a result, even in crises, In the case of gender-based violence, it is important to maintain a sense of urgency. A comprehensive response plan is necessary to address gender-based violence during both pandemics and future events. To effectively address gender-based violence, health professionals, the media, and the community must all work together. Additionally, to eliminate the stigma associated with gender-based violence in India, ongoing and concerted efforts are necessary.

⁴ GBV-gender-based violence

⁵ Who. int. 2022. Violence against women. [online] Available at: <https://www.who.int/news-room/factsheets/detail/violence-against-women>

⁶ Identifying Unrecognized Domestic Violence faced by Socially Backward class of Women a survey conducted by the authors.

Domestic Violence in India and its causes.

Domestic abuse may be due to quite a few elements. There isn't any one-size-fits-all solution. A complicated mixture of sociological/behavioral, historical, theological, and cultural elements make contributions to home violence towards girls. At least as soon as of their lives and expected 736 million girls—About one in three girls aged 15 and older have been subjected to sexual intimate dating abuse, non-companion sexual assault, or both. This number does not always include information about sexual harassment.⁷ Current or previous spouses or intimate partners are the most common perpetrators of violence against women⁸

- Physical assault is the most visible form of domestic violence directed towards women. Domestic abuse is defined by the Domestic Violence Act as any act that causes bodily damage to the victim or jeopardizes the victim's life, limb, health, or development. Physical abuse includes assault, unlawful force, and criminal intimidation. This only is because the other men think they are physically stronger than women and are weaker than men in society. A survey found that 88.2% of people agreed that women in society are considered weaker than men. Meanwhile, 11.8% disagreed.⁹
- Marital rape: Marital rape is the phrase used to describe sexual actions perpetrated by a woman's spouse without her permission and/or against her will. It is a legal act in India where no punishment is prescribed in the IPC. This should be a crime since it is a basic human right whether married or not married it is up to one's personal wish to do no matter which age you are.

Overall, these are just some major factors there is no specific explanation for domestic violence, and there is no causation for domestic violence. In practice, it may be described as a collection of numerous elements that contribute to domestic violence. Anger difficulties or an aggressive attitude are two prominent causes. In everyday life, we witness a lot of toxic macho males whose arrogance stems from a position of power. Men go to work in the majority of Indian homes, either being domineering and demanding or slogging for long hours. In any case, such men may express their wrath or tension, or they may just treat their women as if they are their property. Because this practice has become common in most Indian houses, the spouses of such toxic personalities are forced to bear all of the physical, mental, and emotional abuse without being able to speak openly about it. This is true for all victims of such abuse, regardless of their financial

⁷ World Health Organization, on behalf of the United Nations Inter-Agency Working Group on Violence against Women Estimation and Data (2021).

⁸ Rakovec-Felser, Z., 2022. Domestic violence and abuse in intimate relationship from public health perspective.

⁹ Identifying Unrecognized Domestic Violence faced by Socially Backward class of Women a survey conducted by the authors.

circumstances in the survey, 52.9% of respondents said that masculinity is a major factor in domestic abuse.¹⁰

DOMESTIC VIOLENCE AGAINST WOMEN

People had been pressured to live at domestic at some point during the lockdown, giving households more time to be together. Movement restrictions and being kept at home with the offender during quarantine are making it difficult for survivors to flee, report domestic abuse, and seek treatment in India, where women are generally responsible for household responsibilities. Because of the loss of privacy, they are also unable to reach out and chat on the phone or call for help. During public health emergencies, where the police system is overwhelmed by the epidemic, women's access to legal and health care systems is constrained, leading to heightened disdain for prosecuting acts of gender-based violence. The National Commission for Women received 5,297 domestic violence complaints in 2020, a substantial increase from 2,960 in 2019.¹¹ That was the year of the lockdown when most people were sequestered in their houses.

During the Covid-induced lockdown, the National Commission for Women (NCW) received over 13,000 domestic abuse reports (March to September). Uttar Pradesh and Delhi accounted for 53% of the cases. The state of Uttar Pradesh has the most complaints (5,470), followed by Delhi (1,697). Surprisingly, complaints from the North-East States are lower than those from the rest of the country.¹²

From the survey conducted to support the question of whether domestic violence against women has increased because of the pandemic (COVID-19), 76.5% agreed that violence increased during the pandemic. The sharp growth in home violence incidents posted in India's main information newspapers is a sturdy signal that the house area stays risky for almost all the ladies. While the hazard of an epidemic has surpassed and the lockdown has been lifted, the injuries of the violence will continue to be for the ladies who've been harmed. Despite the truth that the cutting-edge have a look indicates that home violence is at the upward push in India, a multi-fold growth in home violence times has been observed.

¹⁰ Identifying Unrecognized Domestic Violence faced by Socially Backward class of Women a survey conducted by the authors.

¹¹ Financialexpress.com. 2022. Complaints of domestic violence against women spiked in the year of lockdown: NCW data | The Financial Express. Available at: <https://www.financialexpress.com/india-news/complaints-of-domestic-violence-against-women-spiked-in-year-of-lockdown-ncw-data/2220153/>

¹² Rise in domestic violence, police apathy: NCW. Thehindu.com. Available at: <https://www.thehindu.com/news/national/covid-19-lockdown-spike-in-domestic-violence-says-new/article31238659.ece>

LEGAL PERSPECTIVE

Domestic violence is presently described in India via way of means of the Protection of Women from Domestic Violence Act of 2005.

Laws relating to women in India -

- The Immoral Traffic (Prevention) Act, 1956.
- The Dowry Prohibition Act, 1961 (28 of 1961) (Amended in 1986).
- The Commission of Sati (Prevention) Act, 1987 (3 of 1988) Protection of Women from Domestic Violence Act, 2005.
- The Sexual Harassment of Women at Workplace (PREVENTION, PROHIBITION, and REDRESSAL) Act, 2013.
- The Criminal Law (Amendment) Act, 2013.
- The Indecent Representation of Women (Prohibition) Act, 1986.

After a lengthy wait, The National Crime Record Bureau of India has launched its document on crimes in India 12 months in 2020. 1, 25,298 instances were filed beneath Section 498A IPC, a crook regulation managing 'cruelty' towards married ladies via way of means of their husbands and in-laws; 7,466 instances were filed beneath Section 304B, a crook regulation managing dowry deaths; 10,336 instances were filed below the Dowry Prohibition Act, a regulation prohibiting the giving and taking of dowry, and 10,336 instances were filed under the Dowry Protection act.

The most important is the criminalization of MARITAL RAPE: In *Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan*,¹³ the Supreme Court emphasized that the proper to existence encompassed the proper to stay with human dignity, basing its selection on a slew of precedents that supported this stance. The right to dignity would include the right not to be subjected to sexual practices that are degrading. Just because a woman is married doesn't mean that she has lost her dignity to choose if she wants intercourse or not but the law sees it otherwise. There is an existing law for this kind of act and the Indian government has acknowledged this link and has established a WhatsApp hotline under the National Commission for Women. This also demonstrates the seriousness and widespread nature of the problem at hand. The range of court cases of home violence in India improved via way of means by 53% withinside the first week of the shutdown (March 23-April 1)¹⁴, in keeping with reports. Several states have installed

¹³ Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan, [2022].

¹⁴Rise in domestic violence, police apathy: NCW. [online] Thehindu.com. Available at: <https://www.thehindu.com/news/national/covid-19-lockdown-spike-in-domestic-violence-says-new/article31238659.ece>

their helplines, and you could discover a complete listing of central, state, and non-earnings helplines right here and withinside the 'Helplines' tale archive. But still many have no knowledge that there is existing law and the hierarchy of powers which becomes a hindrance when many reports are not being acknowledged enough. Certain kinds of violence or abuse which violate a basic human right should be banned. In a survey conducted 100% agreed that the next generation will suffer if domestic violence is not banned by law. Therefore, the laws should be implemented in a way that satisfies the majority of people who are being victimized which is majorly women in the present case. Though there are existing laws to prevent such violations, its 2022 and such acts keep increasing drastically every year. It is time that the knowledge of these laws, implementation, enactment, and justice under this law must be improved according to societal needs.

SURVEY QUESTIONNAIRE

The authors have asked a specific question about the impact of DV on our society, and this issue is deeply rooted in our culture. 100% believe that if the law does not prohibit domestic violence, the next generation will suffer According to the survey, 64.7% of people believe that domestic violence is mainly a gender issue for women, and 94.1% of people believe that domestic violence against women is higher than that of men.

The National Family Health Survey-III found that a substantial proportion of married women have been physically or sexually abused by their husbands at some point in their lives. According to the survey, 37.2% of women nationwide have experienced violence after getting married.¹⁵ In the survey conducted, 88.2% agree women are viewed as weaker than men in society, and 52.9% believe toxic masculinity is a major factor in domestic violence and 41.2% agree that this might be possible. The main issue addressed in the papers is the increase in domestic violence because of the pandemic Covid-19. 76.5% of the respondents agree that this has occurred because the laws are not strong enough and adequate. DV includes any form of physical or verbal abuse, as well as any tradition or practice which violates a woman's rights. This is Illegal. But many in India are unaware that these religious practices are legalized in India and there is very little awareness which is conclusive in the survey as only 29.4% are aware that in India, FMG and other related religious practices are legalized religious practices, 70.6% are unaware that such practices exist.

¹⁵ Kaur, R. and Garg, S., 2022. *Addressing domestic violence against women: An unfinished agenda.*

CONCLUSION AND SUGGESTIONS

These are some of the recommendations made by members of the public who took part in a survey on the subject and also by us (author) that violators should face tougher punishments to assist victims to get the justice they deserve. People have also suggested that victims be given counseling on how to treat everyone properly, with offenders facing jail and a monetary fee.

Several people have suggested that the legal system can improve the existing laws, based on their legal analysis of the circumstance. Individuals urge that the legal system identify practices that involve violation of human rights and outlaw such adherents and places of worship since there are no laws prohibiting religious behavior that violates human rights. To minimize prejudice among such law-making authorities, a bench of judges can be appointed with the privilege of witnessing judicial operations (provided it does not infringe a person's right to privacy under the courts' discretion) to acquire various viewpoints from both men and women in society.

The main issue to be addressed is that women must be treated equally and ethically and that laws must be made with women in mind. Because it clearly shows that there are many forms of violence in our culture, and the most common forms of violence against women are: Found in this country. The home. It affects women throughout life, from forced suicide and violence to gender-based abortions of babies, and exists to some extent in every civilization in the world. In addition, a recent UN Population Fund survey found that almost two-thirds of married women in India have suffered domestic violence. For women between the ages of 15 and 44 in India, violence causes more deaths and disabilities than cancer and women's health combined.¹⁶

As a collective, the judicial bench can reach an unbiased judgment to protect society from the development of more such offenders, and awareness campaigns for high school and college students might be launched. Educating children at an early age may help them develop their entire character, which can help them build a better future. Not most effective are the authorities and regulation enforcement corporations however additionally the non-governmental corporations and the overall public ought to come collectively to create situations wherein achieving assistance is made easy. This paper addresses the fact that the rise in DV cases has shown that current laws and policies are not strong enough, as evidenced by the COVID-19 pandemic which shows that the rise and laws that legalize religious practices should be banned.

¹⁶ <http://www.ptinews.com> [last cited on 2005 Oct 13], [last updated on 2007 Mar 5]