



Legal Framework Of Domestic Violence Among Women

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ABSTRACT

In India, women are the victims of domestic abuse, which is well-known and all too common. To put it another way, gender norms and ideals that place women below males are considered to be the root cause of domestic violence against women. According to the findings of this study, there is a high rate of domestic abuse among Indian women. The prevalence of domestic violence was determined by preparing an interview schedule. In order to get a satisfactory answer, 50 ladies of good fortune were surveyed. The study found that spouses' drunkenness is a major factor in domestic violence. The study found that domestic abuse is still prevalent in Indian society, and women's awareness of domestic violence legislation and organizations is low. Research shows that spouses' drunkenness is an important factor in domestic violence against women.

KEYWORDS: domestic violence, women, gender discrimination, gender Sensitization

INTRODUCTION

Throughout human history, regardless of how far apart societies may be in terms of distance and time, one thing has remained constant: a disdain for women. Women are standing and position in Indian society has greatly improved since the Gandhi era and subsequent decades following independence. The equality of the sexes is a fundamental right under India's constitution. Because of this, it is not merely a case of men's advancement over time that led to women's advancement from a position of total degradation to one of equal status in the mid-century period. It has been difficult for women in Indian society to find a place in the mainstream. The current changes in the status of women in India

are, in fact, not a sign of progress, but rather a return to the position they held during the early Vedic period, and this cannot be overstated. It's not all good news for India's women, who make up about half of the population. For women, rape, domestic violence, sexual abuse, mutilation, and other forms of gender-based violence are serious health issues.

LITERATURE REVIEW

Akshaya Krishnakumar & Shankey Verma (2021) There was a surge in domestic violence, which is already a major issue in India, during the COVID-19 lockdown. The RAT framework is used to examine the factors that contributed to an increase in domestic violence events during COVID-19. Domestic abuse occurrences reported in the media were used as a source of information. Data was evaluated using content analysis and three primary themes—motivated offender, suitable target and absence of guardian—were identified. During the lockdown, domestic violence perpetrators were motivated by alcohol and unemployment, according to findings. Because of their lesser inertia, visibility, and accessibility for the offenders, women were ideal victims of domestic abuse because of the symbolic importance they were given by the perpetrators. Lack of police officers and travel limitations on official and unofficial sources were the final reasons for the absence of able watchmen. People's daily routines were disrupted by the COVID-19 lockdown, which created extra opportunity for domestic violence perpetrators.

Sanjay Deshpande (2021) Every time domestic violence is brought up, it is always in the context of how it affects women. The culprit is almost always assumed to be a man. Domestic violence isn't just a problem for women anymore because of recent socioeconomic changes in the family structure. Verbally, physically, emotionally, psychologically and sexually abused men are just as common as women. The effects of these violent acts go unreported by men, who are the silent victims. Due to the fact that domestic abuse laws in the United States favor women victims, these poor guys are unable to obtain justice for their plight in the home and in society. I'm attempting to get an idea of the scope of this problem, as well as the causes and repercussions. Gender-neutral domestic violence laws are needed. Violence against one's spouse should be classified as domestic violence.

Shalini Mittal (2020) In order to prevent the spread of the Corona virus disease, quarantine is important, but it also has significant psychological and societal implications. This is referred to as the quarantine paradox, because it has coincided with an increase in reports of violence against women. There is,

however, a glaring void in the body of research that systematically examines this issue. Gender-based violence is a component of the COVID-19 lockdown, and this research aims to shed light on this issue. Gender-based violence is on the rise, which has led to psychological and social problems. This report examines the trend and tries to raise awareness by initiating a discussion calling for a shift in how people respond to victims of gender-based violence. The report also makes suggestions for ways to reduce the risks of gender-based violence occurring during quarantine. There has been a lot of research done on the subject of the development of gender-based violence during pandemics both recent and past. Gender-based violence has increased during the imposed lockdown, its implications, and the steps taken by governments to address the problem.

Jayanta Choudhury Moutoshi Deb (2018) Discrimination based on gender dates back to prehistoric times. Domestic violence, in which intimate partners or ex-partners inflict physical, emotional, or sexual harm on each other, is the most widespread form of violence against women around the world (Heise et al., 1999). Additional ethical and methodological issues arise when conducting research on violence against women. More than a third of all women have suffered domestic abuse at some point in their lives, according to data gathered from around the world (WHO, 1997). Domestic violence against women is extremely rare in India. Women may be reluctant to disclose domestic violence for a variety of reasons. Although many incidences of violence against women go unreported owing to cultural conventions, apathy, or ignorance, the problem persists even today. Research in this area aims to shed information on the real-world consequences of domestic violence. A purposive random sampling schedule survey is used to get data on how people perceive domestic abuse. While violence against women is a major problem throughout India and Tripura ranks 4th among states, this study was undertaken in the state. However, despite the fact that the study is limited to examining the socio-cultural and educational backgrounds of domestic violence victims, a critical evaluation of relevant literature and an analysis of secondary data on these and other closely connected topics have been ensured.

Bhartiya Stree Shakti (2017) With the Ministry of Women and Child Development, the Government of India, Bharatiya Stree Shakti has agreed to look at how new policies and laws affect women and children. Tackling Violence Against Women: A Study of State Intervention Measures (A comparative study of new laws, crime rate and reporting rate change in awareness level) sought to document the changes in enrolment of cases of violence against women after policy level changes and to compare the national scenario relating to violence against women. The study focused on stakeholders such as police stations,

government social cells, counseling centers, non-profit organizations, medical and legal practitioners, as well as medical and legal practitioners. Four Indian states were chosen for this study: Maharashtra, Kerala, Uttar Pradesh, and Delhi. Based on the prevalence of violence against women, representatives were selected from each of the state's two districts. In terms of the prevalence of violence against women, these two districts, one from each state, include the highest and lowest prevalence areas.

METHODOLOGY

Study Design and Data Collection:

To what extent are women's rights adequately safeguarded under current national legislation is the focus of this paper's investigation.

The study's findings are the result of a combination of qualitative and quantitative methods.

Secondary sources are used to gather the information necessary for completing the task at hand. Research papers, journal articles, and other formal publications are used to gather secondary data.

Comparing DVAW eradication legislation from two nations in an attempt to discover what is going wrong with the legal framework and what can be done about it by providing a legal framework remedy, the authors of this study may have missed out on other sociological viewpoints on DVAW in their efforts. Only Bangladesh and Sri Lanka were examined in this study. Additionally, this study focuses on the laws and legal systems in Bangladesh and Sri Lanka that protect domestic violence violations. Other organs' roles in addressing or correcting these problems are not addressed in this study. An intimate partner's use of violence or abuse against a woman is considered domestic violence. In this forum, domestic violence of any form will not be addressed.

GAP ANALYSIS: Specifically, this paper sought to identify the gaps in the laws.

Definitions in the legislations, as well as the jurisdiction of a certain court and so on

Consequences of domestic violence against women:

There are a wide range of implications for DVAW, from physical to mental to social and economic, according to the World Health Organization (WHO). Victims of violence are frequently plagued by symptoms of depression and anxiety (Kumara et al., 2013). It can also severely limit their ability and motivation to participate in social and economic activities. Injuries to significant numbers of young women due to violence continue to improve at a slower pace at the individual, family and even national level.

DVAW affects children:

According to Campbell and Lewandowski (1997), children suffer in numerous ways as a result of domestic abuse. They are terrified when they witness their father striking or harassing their mother. Dishonor and violence in a person's childhood can often result in disturbing and unhappy adults who go through life following the same patterns of survival that they did as a youngster.

DVAW creates physical and psychological problem:

Women's health is also impacted by violence. The World Health Organization's Department of Reproductive Health and Research says that DVAW can cause mortality and a wide range of injuries. Abortion, infertility, persisting pains and gastrointestinal problems can all be linked to violence; so are indicators of post-traumatic stress disorder (PTSD), such as depression, and suicide attempts (Department of Reproductive Health and Research WHO, 2014). (2013). When women were hurt, they mostly got bruises and welts, which healed quickly on their own without the help of a doctor (Sheridan & Nash, 2007). However, the psychological fallout was far more severe and debilitating (WHO, 2012). Victims who have been beaten repeatedly over time experience fear, anguish, embarrassment, weakness, and anger against the abuser (WHO, 2012).

Violence during Pregnancy/Motherhood

Women who are subjected to violence during the course of their pregnancies are more likely to lose their fetuses and infants as a result of factors such as delayed access to health care facilities, neglect, and helplessness (Silverman et al., 2007).

Violence against Women and Human Rights

Human rights law considers violence against women to be a violation of their rights. Abuse of any kind by an intimate partner can lead to claims for violations of the following international human rights obligations by States:

- Freedom from gender-based violence is a fundamental right (ICESCR, 16 December 1966).
- Discrimination against women is a major problem in this country (CEDAW, General Recommendation No. 12, and Art 19).
- The right to a family (ICCPR, 1966, Art 18, 19)
- A fundamental human right: the right to be treated humanely and free from torture (CAT, Recommendation No.2 and ICCPR, Art 7).

ANALYSIS

Statistical overview of domestic violence against women both in Bangladesh and Sri Lanka:

As of 2015, the BBS reported that 74% of women had been abused or were at risk of being abused by an intimate partner at least once in their lives. Around 87 percent of married women in Bangladesh have suffered some form of domestic violence from their present spouse, and 77 percent had experienced domestic violence in the past year, according to a 2011 poll on violence against women in Bangladesh (Alamgir, 2014, P 1). In terms of the types of violence women suffer, psychological violence accounts for the most. In the previous year, nearly 90% of women who have been abused by their present husbands have had to deal with their issues. This indicates that domestic violence perpetrated by the spouse is on-going. More than half of married women have experienced physical violence at the hands of their current or former partners at some point in their lives (Alamgir, 2014, P1).

More than half of married women had suffered economic violence at some point in their lives, according to the same survey. Rural areas appear to have a little higher incidence than metropolitan ones. Violence against older women appears to be less common. Nearly three-quarters of women have paid a dowry for their current marriage (33.7 percent) (Alamgir, 2014).

There are several forms of domestic violence against women (DVAW) in Bangladesh, including physical assault, dowry-related violence, acid attacks, murder, and so on.

Table 1: Comparative Frequency of different forms of violence by year

Year	Acid Throwing	Dowry	Seriously injured	Others
2015	46	6595	277	8652
2016	20	5278	145	7562
2017	5	4125	85	6999

In 2016, a poll was taken in Sri Lanka. Domestic violence is an issue that affects 17 percent of married women in Sri Lanka between the ages of 15 and 49, according to that report (Demographic and Health Survey, Sri Lanka 2016). Different forms of violence, such as slapping, beating, and so on, are used to inflict harm on the victim. Over 75% of women who had experienced domestic violence were "belittling or significantly offending the victim," according to the study. "Slapped, beaten, or pounded the victim" was the second most common

form of violence, followed by "pushed or shoved the victim" (Demographic and Health Survey, Sri Lanka 2016).

Table 2: Type of Violence

Type of Violence	Daily	Weekly	Monthly	Less often	Total
Slapped/Beaten/Thumped	3.0	4.8	22.3	15.1	45.2
Pushed/shoved	2.4	4.2	12.7	12.7	32.5
Tried to Strangulate	1.8	1.8	4.8	4.8	13.3
Dragged/Pulled	1.2	2.4	5.4	7.2	16.3
Beat with an Object	1.2	2.4	4.2	6.0	13.3
Burned	1.2	0.6	0.6	1.8	3.0
Prevented Leaving Home	-	2.4	6.6	9.6	19.9
Forced to have sex	3	3.0	3.0	6.0	15.1
Belittle/Seriously Offended	10.8	6.6	24.1	33.7	75.3
Any Type of violence	12.7	15.1	47.6	66.9	100

The percentage of married women aged 15-49 in Sri Lanka who had suffered various forms of domestic abuse committed by their partner in the 12 months prior to the survey.

Besides this, the poll found that urban women were more likely to be victims of domestic abuse (20 percent) than their rural and estate counterparts (16 percent and 17 percent respectively) (Demographic and Health Survey, Sri Lanka 2016).

CONCLUSION

Violence against women in the home has been around for a long time. Historically, women have been viewed as weak, defenseless, and ripe for abuse

and exploitation. The situation of domestic abuse against women can be examined using a life cycle approach. Domestic violence against women is on the rise in many countries because of a variety of economic and societal issues. The type and severity of domestic violence varies by culture and value system, as does its prevalence. Individual study and surveys tend to give larger estimates of violence than government records. But they are also thought to underestimate the extent of domestic violence. Women may fail to disclose domestic abuse for a variety of reasons. Violence against women in the home is often described as emotional, yet this type of violence can vary greatly based on socio-cultural factors. Domestic violence is mostly caused by economic causes, although other social factors can also have a role in the frequency and character of domestic violence.

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