

**“Domestic Violence”**

*Astha Mishra*  
*Amity University,*  
*Rajasthan*

**INTRODUCTION**

The term ‘Domestic Violence’ is common in the society, it comes forward with many different incidents and that term not only defines the reality of the world and the thinking of the society but it also aware us on a large scale to differentiate between the term ‘literate’ and the ‘educated’. In the present scenario, there are many kinds of the abuses which took place with the female and children as well but the domestic violence as it names itself suggests the violence related to the family or we can say violence in the family, the term is not only related to a particular gender it is common with both the men and women but, on the global scale it was found that it was mostly related with the women and children. The families in which domestic violence took place and as a result children of such family suffer with any kind of trauma and psychology disorder. In ancient time the domestic violence is considered as the domination of the male on the women to prove himself the strongest, as the time passes the change took place with the empowerment of females with respect to men. But the problem here arises is with the activities like domestic violence, assault, criminal force stalking and voyeurism like activities took place in the society. these acts are not specifically in any country but it is worldwide taking place and not even this problem is based to any religion, race of the person, basically it the gender issue and the psychology of the person towards another person/ partner. The domestic violence not only effects the single person but it affects the upcoming generation so deeply that sometimes they change their thinking accordingly and became traumatized in their life. Domestic Violence is not specifically related to the married couples but it is also related to those couples who cohabit together and it is the form of the violence of the one spouse towards others. Domestic Violence not in the form of the bodily harm to the other partner but it can be abusive words and actions, forcefully intoxication, coercion and threats are all the part of the domestic violence because these acts violate the human rights of the individual. Usually, the domestic violence is mainly considered due to dowry most commonly in India and it may also cause dowry death to the victim, physical torture, sexual and emotional all are these considered as the part of the domestic violence. This issue is recognized so deeply but the awareness related to it is not present among the women. They don't know the statutes and amendments related to domestic violence, that brings justice. In India, there are many statues which basically enact for the benefit of women. Like section 498A of the Indian Penal Code, Domestic Violence Act of 2005 is the statues which give them the strength to fight against those who harm bodily as well as mentally. When we talk that domestic violence is not related to a single factor but it contains many factors like frustration etc all these activity increases the rate of domestic violence. With the definition of the Domestic Violence given by the authorities, *harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse,*

*verbal and emotional abuse and economic abuse; or harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security<sup>1</sup>.*

### **Various Reports and Data**

Some reports and data show the rate of Domestic Violence in the year of 2018 was 58.8 and the year of 2017 it was 57.9. In the year of 2018 Domestic Violence is one of the top violence against the women. With respect to certain cases, 89,097 are the cases related to crime against the women in the year of 2018, 86,001 cases related to violence in the year of 2017, and the cases related to the cruelty of husband and relatives was reported 31.9%. These data reflect the situation of crime rate, and when the whole world is facing the problem of COVID 19 the pandemic disease, which not only harms the economic stability but also affects the social life of the individual in this period it was found that the rate of Domestic Violence is increased or decreased? Well, the direct answer of this question is not as easy as we think but with time and reports, it comes as the reports of 310 cases were reported just after a month of the lockdown and with the 144 cases reported in the particular region. The pandemic not only harms the situation of the country but it also increases the rate of domestic violence in the country. When we talk about awareness of the women related to the wrongs against them they are not much aware because of the not habitual user of the internet as like men. They stand equally with the men but the problem is that 43% of women don't have access on the phone while the men 80% of men have access on the phone. It's not as easy as we think to cope up with the issue but awareness is most importantly widespread through NGOs to the rural sector, where women have thought that violence is the part of their life but it is not, the voice should raise against such crimes either it is urban and rural. The media can also play the role to make them aware of the statues are made for the safety of the women.

### **Cases of Domestic Violence Act 2005**

There are many cases which bring a change in the society like in the case of the

- **Vimlaben Ajitbhai Patel v. Vatslaben Ashokbhai Patel and ors.**<sup>2</sup> *In this case, the court observes that when it comes to maintenance of wife under the Domestic Violence Act read with the Hindu Adoption and Maintenance Act, 1956 it is the personal obligation of the husband to maintain his wife. With reference to other cases, in the case of the*
- **Sabita Mark Burges vs Mark Lionel Burges**<sup>3</sup>, *In this case, the Court observed that no matter that a man may alone own a particular house, he has no right to be violent against his wife or the woman he lives with and if the Court sees any violence he must be restrained from entering upon the residence essentially to secure the wife and children against further violence and similar disputes.*

---

<sup>1</sup> DOMESTIC VIOLENCE ACT 2005

<sup>2</sup> [(2008) 4 SCC 649]

<sup>3</sup> WP.4150/2013(906)

All these cases and the decisions under the Domestic Violence Act 2005, in which women get their proper rights against the cruelty of husband and his relatives.

- **S.R. Batra vs. Smt. Taruna Batra**<sup>4</sup>, in this case, the Court observed that the wife is only entitled to claim a right to residence in a shared household, and a 'shared household' would only mean the house belonging to or taken on rent by the husband or the house which belongs to the joint family of which the husband is a member.

### **Conclusion**

It's not as easy as we think the solution of this problem but the word impossible itself says I'M POSSIBLE so the solution of the problem can be recognized but the efforts are important when we think such problems, efforts are to be made in the form of education to the students in the schools and colleges to give the guidance about such activities which not only harm the person bodily but the also harms the dignity of the individual, like sex education given just to clear the myths and misconceptions in the same way the education related to such acts is also introduced in the studies that make the person literate with the educated. This gives the idea to give respect and protection to women and maintains her dignity in society. This is not enough related to the awareness of the women regarding these activities but the media and NGOs can also play the major role to create awareness among the people basically to women, it can also modify the thinking of the rural areas and this can enrich the positivity in society and brings dignity to women not in the family but in the eyes of other. The Indian Constitution treats each and every citizen equally<sup>5</sup> no discrimination is there with respect to race, caste, gender, religion but the uneducated women don't know their rights and power which is given in the Constitution because the education gives the way to walk but literacy gives the direction with the goal to achieve that brings positivity in the society, these activities are not limited to one and two houses or the one and two villages but it is related to society, the country who is developing needs to be developed not in the economic level but the development should be related to the internally to the grass root of the country and become the example to the other countries in peace and harmony.

---

<sup>4</sup> (2007)3SCC169

<sup>5</sup> ARTICLE 14 OF THE INDIAN CONSTITUTION