

## **“Domestic Violence in Modern Society”**

*Ishan Parashar  
Amity Law School,  
Noida*

Domestic Violence is any act which harms the life or health or give rise to instance of coercion towards a woman or her relatives falls within the ambit of definition given under Section-3 of Domestic Violence Act, 2005. It is a prominent problem in India, in 2014 a total of 426<sup>1</sup> and in the year 2015 a total of 161<sup>2</sup> cases were registered under Domestic Violence Act, 2005. However, it is pertinent to note that India is a nation where women are personified has the Goddesses and woman have proved to be an ultimate warrior like great Rani Laxmi Bai of Jhansi, who didn't let anyone take her territory till she was alive. So, a doubt arises as to why did the status of woman in our society got so deteriorated. For clearing this doubt let's focus on the instance when a daughter is born. The very first emotion felt by every parent is of utter happiness and joy but then a thought strikes in their mind that they will need a lot of money for her education and marriage. Eventually that emotion of utter joy fades away and daughter begins to look like a liability. However, it is noteworthy that this kind of thought is not very common anymore but still there is a significant number of people who have a thinking process reminiscent to this. The major reason for having such thought is lack of education and awareness among the people. Nevertheless, it would not be correct to say that this barbarous act of domestic violence is practiced only among the uneducated society or rural areas, but this is practiced in urban society as well. However, in urban society this act is not reported because a daughter whom some people considers as a burden is very thoughtful of the reputation of her parents and family. That's why she prefers to torture over the status of her family. This thought process of a daughter is highly considerate still extremely condemned as well. It is duty of every parent to build a strong foundation of their daughter, make her strong and impart her with the thought that nothing in this world is more important to you than her happiness and joy.

Another bar that comes in the process of claiming benefits under domestic violence act is the personal laws. India is a secular country which follow the principle of Rule of Law therefore every religion is respected here but this doesn't mean that any religion can be above the law and justice. Also, no religion supports or preaches the violence against women. There has been various instance where it has been contended in the court that a Muslim Woman is governed by the Muslim Laws hence, Domestic Violence Act, 2005 doesn't apply on her. This aspect of Indian religious society posed a hindrance in the path of proper implementation of the Domestic Violence Act, 2005. In a very recent case of Ali Abbas

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<sup>1</sup> <https://data.gov.in/resources/no-cases-registered-under-domestic-violence-act-2005-during-2014-ministry-women-and-child>

<sup>2</sup> <https://data.gov.in/resources/state-ut-wise-number-cases-registered-cr-under-domestic-violence-during-2014-and-2015>

Daruwala v. Shehnaz Daruwala<sup>3</sup> the Bombay High Court held that, personal law cannot be allowed to hinder the path of a Muslim Woman from invoking protection under Domestic Violence Act, 2005.

We live in a world which continuously evolves and so is the case with law. In modern society a new concept is evolved of live-in relationship. For quite some time this practice was illegal in India but once it was recognized by law a new hurdle was faced by the Indian Judiciary that how to entail the concept of Domestic Violence in a live-in relationship. In the judgement of Indra Sharma v. V.K.V Sharma<sup>4</sup> court brought the live-in relationship under the ambit of Domestic Violence Act, 2005 by stating that any couple living together will be considered as a married couple within the provision of Domestic Violence Act, 2005. Similarly, in case of S.P.S Balasubramanyam v. Suruttayan<sup>5</sup> the Supreme Court further widened the scope of live-in relationship by stating that any child born out of such kind of relationship will be a legitimate child.

Indian Judiciary has been taking an activist approach towards the safety of Woman in our society. Now it is our duty to help judiciary in achieving the target of the India where woman is treated equally in every field. In current situation of lockdown, it has become necessary to conduct online seminar for mental wellness as people are losing their patience due to mental stress and this ultimately resulted in the steady increase in the act of Domestic Violence. However, it is praiseworthy that our society is moving towards betterment no matter how slow this pace is but any step towards the procurement of equality for woman should be appreciated.

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<sup>3</sup> 2018 SCC Online Bom 1195: (2018) 6 Mah Lj 546: (2018) 4 AIR Bom R 207: (2018) 3 HLR 693: (2019) 195 AIC 517

<sup>4</sup> (2013) 15 SCC 755: (2014) 5 SCC (Cri) 440: (2014) 6 SCC (Cri) 593: 2013 SCC Online Sc 1042

<sup>5</sup> 1992 Supp (2) SCC 304: AIR 1992 SC 756