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Prasanna S,

Chairman of Institute of Legal Education (Established by I.L.E. Educational Trust)

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – info@ilededu.in / Chairman@ilededu.in



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INVESTIGATING THE LEGAL ORIENTATION TOWARDS DOMESTIC VIOLENCE – CONTEMPORARY BOTH NATIONAL AND INTERNATIONAL LEGAL ISSUES IN CRIMINAL LAW

Author - PALAK AGRAWAL, STUDENT OF MANIPAL UNIVERSITY JAIPUR OF LAW, JAIPUR

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ABSTRACT

Almost all societies in the world have some level of domestic violence. The phrase can be categorised in a number of ways. Some cases of violence that are frequently seen involve violence against the elderly, children, or spouse. The attacker may use a number of different strategies to harm the victim. The most frequent forms of abuse that victims experience are physical abuse, emotional abuse, psychological abuse or deprivation, economic deprivation/abuse, etc.

Domestic violence is a worldwide issue, not only in emerging or underdeveloped nations. It is also fairly common in wealthy nations. Our pretend-civilized society is reflected in the prevalence of domestic violence. Violence has no place in a civilised society. Yet, the number of cases recorded each year increases a severe alarm. And even so, the majority of occurrences go unreported or overlooked in daily life, thus this is not the full picture. Our society is observing a very hazardous tendency that needs to be dealt with harshly.

Children and women are frequently the easy prey. The situation is truly horrible in Indian society. Every day, a sizable number of people pass away solely as a result of domestic abuse. Some of the contributing elements to the issue include illiteracy, economic dependence on men, and the general male-dominated society. One of the main factors leading to violence against newlywed wives is dowry. Women are frequently subjected to physical abuse, vile

insults, and denial of fundamental human rights in many regions of the country. Children are similarly made the subject of this cruel behaviour.

A serious investigation is necessary. Such issues clearly demonstrate the society's members' hypocrisy and double standards. The abuser frequently exhibits psychotic symptoms or needs psychological counselling for their bad behaviour. But, in most cases, domestic violence is the outcome of a group of people in the society acting irresponsibly over time. Not only is the abuser the primary offender, but those who are seeing it happen and acting like mute spectators are also complicit in the crime. Recently, a campaign named "bell bajao" was initiated in India to address the matter. The campaign's primary goal was to encourage members of the public to speak out against domestic abuse that occurs in homes and around. The campaign was a huge success and was successful in getting people to pay attention to this problem.

I. INTRODUCTION

The idea of domestic violence against women is not a recent one. It refers to abusive behaviour towards intimate partners, including physical, verbal, sexual, and financial abuse. 30% of women reported experiencing physical and/or sexual assault from partners, and one in three women reported experiencing such violence in their lifetime, according to the World Health Organization. Men's aggression towards women has a negative impact on both their physical



and mental wellbeing. Women in India feel frightened in their married homes. It's because women aren't given enough opportunities in patriarchal society. Their husbands, their in-laws, or others are violent towards them. Because of traditional society and conventions, women tend not to report the majority of domestic abuse cases. Various forms of domestic violence are frequently experienced by women however, they don't react to it. Even though the nations have a system in place for women to report cases of domestic abuse against their spouses, this behaviour persists.

Most women experienced employment losses during COVID-19, which increased their reliance on their husbands' income. They are now experiencing physical abuse from their husbands as a result. Female partners have reported that their male partners' unpleasant, violent, abusive, impulsive, and domineering behaviour has increased as a result of the current economic crisis. According to numerous reports, domestic violence has affected the majority of women since 2019. That comes as a result of the working women being trapped with their violent male spouses. Even they lack a cell phone, a place to call for assistance, and the necessary time. Due to a lack of official support systems, communication barriers, restrictions on movement, and decreased contact with families, the majority of domestic abuse cases go unreported. Indian ladies made complaints during COVID-19 of domestic assault. Between March 25 and May 31, 2020, 1,477 reports of domestic violence were made by women. In this state of lockdown, there are a lot more crimes committed against women. It's because women are confined to their violent partners' homes. Their partners are abusing them physically, psychologically, and domestically. Legislation protecting women from all forms of violence was passed by the parliaments of numerous nations. They continue to experience violence from their spouses and families.

II. Typical Myths And Fallacies That Foster Domestic Violence

Domestic abuse is still a common problem, despite the recent improvements. The numerous myths and misconceptions regarding the problem that are still widely held in society are one explanation for this. Despite more individuals are educating themselves, many people still dismiss this as an inconsequential issue. The most prevalent myths concerning domestic violence are discussed here.

“Myth #1: Women and Children Are Inferior to Men”

Despite the fact that women now have more rights than ever, many cultures still uphold the notion that women are subordinate to men and must submit to them. This, regrettably, reinforces the notion that wives should obey their husbands despite being abused or having their lives in danger.

The same principles exist for children as well. Many parents who abuse their children believe that children are their property, and they may do whatever they choose to them. These ideas lead to the physical punishment of many youngsters.

“Myth #2: Domestic Abuse Is Just Physical Abuse”

People frequently associate the terms "domestic abuse" or "domestic violence" with only physical abuse when they hear them. Domestic violence comes in a variety of forms, not all of which are physical. Abuse, intimate partner violence, and family violence are all types of behaviours used to control, threaten, or harm another person. These acts include:

1. Physical abuse
2. Sexual assault
3. Emotional abuse
4. Spiritual abuse
5. Financial Abuse
6. Stalking
7. Harassment



8. Reproductive abuse
9. Psychological abuse

“Myth #3: Intimate Partner Violence Only Happens To Women”

Whilst women experience abuse considerably more than men do, this does not mean that men are exempt from intimate relationship violence. Yet, the exact rate at which men encounter domestic violence is difficult to quantify. This is due, in part, to the fact that many men are afraid of being seen as weak and do not report domestic violence. The few men who are brave enough to report their experiences are often shamed or ignored by society.

“Myth #4: If It Were Really Bad, They Would Just Leave Home Or Get a Divorce”

Domestic abusers will stop at nothing to maintain control over their partners or kids. To make it more difficult for them to seek assistance or leave home, they will take away their means of contact or transportation. Although many abuse victims want to leave, they might not have the means to do so. Consequently, just because someone stays in an abusive marriage or domestic abuse situation does not mean that it is not awful. It may just mean that they physically cannot leave.

“Myth #5: She Provoked Him.”

This misconception stems from the widely held notion that males should physically abuse their wives and kids as a kind of "discipline." As a result, some people think that a wife "deserved" to be beaten if she "acted out" or did anything to enrage the guy. Yet, it is never acceptable to abuse anybody. As witnessed in healthy partnerships, if a woman has offended a guy, the two should calmly discuss it. Victims of violence are never at fault.

“Myth #6: Domestic Violence Is a Secret Family Matter, Not a Social Issue”

Society suffers when domestic violence is not curbed by the law. Situations involving domestic

abuse incur hefty costs for medical care, prescription drugs, court charges, and attorney fees. Many women who are in violent marriages and relationships are often discouraged from working or participating in the economy. Yet even all of these pales in comparison to the psychological toll that this has on women across society. The nation's economic and social advancement are continually harmed by ignoring domestic abuse and brushing it off as a family concern.

III. WHO CAN FILE A COMPLAINT FOR DOMESTIC VIOLENCE

Any woman may register a complaint on her behalf if she claims to have been the victim of domestic violence by the perpetrator or another person. The Domestic Violence Act also gives children the right to relief. The mother of such a child can make an application on behalf of her minor child (whether male or female) (whether male or female). In circumstances when the mother brings an application to the court for herself, the children can also be joined as co-applicants. Under act against whom can a complaint be filed?

Any adult male family member who has shared a home with the woman. Both male and female relatives of the male partner are considered to be the husband's or male partner's relatives. "Where to apply for orders or reliefs (section 27)" According to the law, a petition for relief may be filed with a Metropolitan Magistrate or First Class Judicial Magistrate. Being the aggrieved individual, can file such an application at any of the following places:

- a) Where the harmed party resides, either permanently or temporarily
- b) Where the harmed party conducts business
- c) Where the harmed party is employed
- d) Where the harmed party resides
- e) Where the harmed party conducts business
- f) Where the harmed party is employed



- g) Where the cause of action has arisen, such as where the domestic violence incident occurred.

Orders and relief that a magistrate may issue under the Act

- a) The Magistrate may order counselling for the respondent or the aggrieved party, either alone or jointly.
- b) Order that the lady cannot be kicked out of the house or excluded from any aspect of it.
- c) If considered necessary, the proceedings may be directed to be conducted in camera.
- d) Issue Protection order, affording protection to the woman.
- e) Provide financial assistance to cover the costs and losses sustained by the victim and any affected children as a result of the domestic abuse.
- f) Give the person who was wronged custody orders, i.e., temporary custody of any child or children.
- g) Grant compensation/damages for the injuries. Including mental

IV. CONCLUSION AND SUGGESTION

India's constitution and legislative body have provided laws and protection for women since the country's independence, but women continue to experience domestic violence at the hands of husband families. There is a clear indication in India that matrimonial homes are still unsafe for women. The effects of domestic violence during the Covid 19 pandemic on women's mental health are diverse. The government has started multiple plans like awareness programs, national news channels, radio channels, and social media platforms that solve domestic violence. The results of the pilot study show that domestic violence against women is a significant issue in India. Participants have some idea about the concept of domestic violence but do not know about laws. Government, schools, parents, and society are responsible for women's health which is

affected through use of force. It is as a result of their lack of awareness campaigns, victim medical counselling, etc. It's time to admit that extreme forms of violence frequently target women.

Society needs to comprehend how crucial the female section is. Women have fundamental rights that are guaranteed by the constitution. The community should be required to give women the chance to participate in other types of labour as well. A check and balance system should have been established by the government to ensure that laws were being applied correctly. Domestic abuse victims should be provided with refuge and policies by the government. The government ought to outlaw daily soaps that feature unfavourable female characters. Government agencies and non-governmental organisations (NGOs) should also take part in awareness-raising activities like forums for debating laws and regulations, discussions on how to handle domestic violence situations, counselling on mental and physical health, etc. Laws are interpreted by attorneys and judges. So, they should hold awareness campaigns.

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