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Domestic Violence: The Unheard and Unnoticed Voice of Indian Women

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ABSTRACT

India is a nation renowned for the variety of its heritage, customs, and morals. Domestic violence against women is one of India's severe social issues, though. Abuse that takes place in the home, including physical, emotional, psychological, and sexual abuse, is referred to as domestic violence.¹ Regardless of their socio-economic status, it is an ubiquitous multifaceted communal problem that affects many women in India. Despite the fact that domestic abuse is exceptionally common, Indian culture persists to mostly overlook and disregard the problem. Women are more susceptible to exploitation and abuse because of cultural norms and attitudes that place men in a superior position. Women are frequently expected to endure abuse and violence in isolation rather than seeking help or speaking out against it because men are often viewed as the figurehead of the home. In addition, it can be troublesome for women to come out because of the social taboo and remorse associated to being a victim of domestic violence. Despite laws and practices safeguarding women from domestic violence, many victims are oblivious of their rights or hesitant to seek assistance out of concern for retaliation from their abusers or society at large. In India, the court system is moreover routinely retarded and onerous, making it exceedingly hard for women to get justice.

This piece of writing examines the tension between domestic abuse and the right to life. Repercussions to society are also being reviewed. The author also talks on the fact that is domestic violence solely impacts women? Last but not least, the study has a sound conclusion and sensible ideas. This writing aims to support ongoing initiatives to advance social justice and gender equality.

Keywords: *Domestic assault, exploitation, sexual abuse, slow justice system, gender equality, social justice.*

I. INTRODUCTION

Tragically, many Indian women encounter physical and sexual assault in their individual residences, but their cries go muffled and unreported. Domestic violence, which can include physical, emotional, and sexual assault, is an ubiquitous social issue that has a detrimental effect

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on women all across the nation. Unfortunately, customs of culture that have historically depended on a patriarchal society where men hold positions of power keep escalating this issue. Women's hardships due to intimate partner assault are frequently disregarded or neglected since they tend to be seen to be subservient and subjugated. Even though there are laws in place to maintain women against domestic abuse, there is still a lack of public knowledge and application of these rules, and many women continue to endure harm in isolation. It is imperative to speak up for these women's issues and shed light on what they've endured in order to get the care and attention they require to escape the assault that holds them captive.

This research aims to highlight the voice of Indian women who have endured the pain of domestic abuse, a voice that has gone unheard and unrecognized. In order to raise awareness of this critical problem and ultimately enable Indian women to speak up and seek justice, we intend to explore the root causes and repercussions of domestic assault in India.

(A) Research Methodology

The purpose of this study is to evaluate the level of incidence and prevalence of domestic violence against women in India, as well as its causes and aggravating circumstances, effects on victims, and preventative and remedial strategies. A doctrine-based research methodology is used in the study. For a coherent research, secondary materials like articles, blogs, and books are also considered.

II. DOMESTIC VIOLENCE LEGISLATIONS

There are numerous laws in place to safeguard women against abuse and violence in the home in India, where domestic violence is a crime that is punishable by law.

- 1. The Protection of Women from Domestic Violence Act (PWDVA) of 2005**² is the key piece of legislation in this area. It defines domestic violence as any act of physical, sexual, emotional, or economic abuse done by a person against a woman in a domestic relationship. The legislation offers access to legal solutions like safety orders, citizenship orders, and financial compensation in an effort to preserve women from intimate assault and violence.²
- 2. Section 498A of the Indian Penal Code (IPC)**,³ which criminalizes harassment and cruelty by a husband or his family against a wife, is another provision that is pertinent in cases of domestic abuse. The **Dowry Prohibition Act of 1961**⁴ makes both making and

² The Domestic Violence Act, 2005

³ The Indian Penal Code, 1860

⁴ The Dowry Prohibition Act, 1960

receiving dowry demands unlawful.

3. The Indian Constitution also protects **women's fundamental rights**, such as their equality before the law, freedom from discrimination, and right to life and liberty. Additionally, there are a number of state-specific laws and regulations that deal with the problem of domestic violence.

Despite the fact that these laws and rules exist, their application and enforcement have frequently fallen short. Many women encounter obstacles to getting justice, such as not knowing their rights, social stigma, and fear of reprisal.⁵

III. THE TENSIONS BETWEEN DOMESTIC VIOLENCE AND RIGHT TO LIFE

The victim of domestic violence may suffer severe mental and physical effects . On the other hand, both national and international legal organizations recognize the right to life as a fundamental human right. The right to life entails being able to live in safety, freedom, and liberty without suffering serious mental or physical injury. It seeks to stop the robbery of human life. However, there is a clear tension between domestic violence and the right to life. Similar to domestic violence, when someone's life is robbed of them, it can lead to mental instability and physical harm. Significant negative effects of domestic abuse on the victim's life can be seen which includes chronic pain, long-term illness, death, stunted growth, etc. Domestic violence breaches fundamental human rights such as the right to health, the right to privacy, the right to legal assistance, the right to education, and the right to a clean environment under the Right to Life since it puts sufferers in peril. This is a really worrying scenario, thus we should all advocate together to uphold these rights. The United Nations Convention on the Rights of Children and Women and other national and international organizations works to protect victims from this heinous crime.

By tackling these underreported cases, minimizing caste and discrimination-related obstacles, and enticing people to disclose them, the government and law policymakers must take certain preventive actions. To ensure that victims can also live a life devoid of brutality, our judicial system should be reinforced. We may eradicate this horrible crime from our society by working together, which will foster tolerance towards fundamental human rights.

IV. EFFICACY FOR THE SOCIETY

The impacts of domestic violence do not just harm the victims; to some extent, they also have an impact on society. When referring to children, witnessing domestic abuse as a child upsets

⁵ Neha Dahiya, *Right to Life*, IPLEADERS, (June 14, 2023, 10:21 PM)

their mental serenity and leads to frustration, wrath, anger, and anxiety.⁶ When these kids are married to their life partners, things get truly awful because they continue to mistreat their spouses, which means the cycle of abuse never ends. The entire family is slowly and steadily destroyed by domestic violence. Additionally, it destroys the entire society.⁷ It harms people physically as well as intellectually. The victim's entire family is afflicted with a number of serious illnesses. Additionally, it undermines the entire society. Numerous severe illnesses, like heart attacks, high blood pressure, mental sickness, etc., affect the individual who was assaulted. The victims of domestic violence are caught in a vicious circle if the issue is not addressed. Adult crime rates are rising as a result of domestic abuse. Children lost their drive for a decent education and their fondest recollections of childhood. It degrades the standard and productiveness of society's human resources. The sufferer work is of poor quality because of mental instability and home sickness. Businesses must boost their medical and other essential expenses for the victims' welfare. Numerous employees are terminated as a result of these increase in expenses. As a result it causes failure of Business firms. Both the government and society are burdened by it. The government raises taxes to pay for medical care, and the general cost falls on society's citizens. Homelessness instances are rising as a result of it. These victims frequently regard themselves as inferior to others, which impairs their capacity for rationality and creativity. By exposing this issue to others, they frequently run the risk of losing their privacy and infringing upon their right to privacy.⁸

V. IS DOMESTIC VIOLENCE EXCLUSIVE TO WOMEN ONLY?

Every second person who hears the term "domestic violence" immediately thinks of a woman, but the crucial question here is: Is domestic violence exclusive to women? Why is it that no one acknowledges that men also experience domestic violence? Women receive all the pity and empathy, but males do not. Nobody wants to look into it and learn the truth. In our society, women are strongly believed to be so innocent that they are unable to jeopardies men and are even permitted to raise up cases. Men are sometimes stereotyped in society as being powerful, emotionless individuals, however this is rather irrational and makes little sense. Men feel they are unable to express their emotions because of this unfair treatment; if they did, society would view them as timid and weak. To imply that our society empathises with women to the point that there are no laws protecting males from the psychological and physical anguish of domestic

⁶ BETTERHELP, https://www.betterhelp.com/advice/family/domestic_violence_articles_the-dominio_effects_, (June 14, 2023, 10:31 PM).

⁷ BETTERHELP, (June 14, 2023, 10:31 PM)

⁸ BETTERHELP,, (June 14, 2023, 10:36 PM)

violence which is rather terrible. It is inevitable that women would prevail in court therefore many women fraudulently accuse men in order to advance their own interests, men are unable to file any complaints as victims of domestic abuse.

The wife falsely accused her husband of conspiring to kill and burn her in the case of **Ashok Kumar v. Vijay Laxmi**,⁹ for something he had never done. As a result, he went through and still goes through mental anguish, humiliation, and misery. As a result, the Delhi Court decided in the husband's favor by finding the wife guilty of creating severe mental torture, which is considered cruelty. This shows how urgently domestic violence-related laws need to be amended in order to protect men as well. There is no one to help the male victim, who routinely struggles with anxiety, sadness, and insecurity. We frequently assume that domestic abuse protects both men and women equally and is not gender-biased, but that's not the case in India. We don't even have laws for males, which is a tragedy.

Males and females are treated equally in today's society and are afforded the same protections and opportunities. Why then does the outcome of domestic violence favour the female in just about every second instance? Why do males frequently feel uneasy about complaining? Why do women abuse this right for personal gain? If we want an answer to these problems, then laws for males must be passed through the legal system in order for them to feel secure.

VI. SAVIORS OF VICTIMS

There's need to control the rising number of domestic violence cases in India. Every second person will tell you that women are safest inside their own homes, therefore don't let them go. This limits their freedom and personal autonomy. But it's important to remember that in modern society, women are also not safeguarded at home. Some phone numbers should be called in order to prevent domestic violence since it is crucial. Dial **100** to find the closest police station, where the victim of domestic violence can go to submit a **FIR** or **DIR**.¹⁰ The women's helpline can be reached at **181** or **1091** for women who are victims of violent families or partners.¹¹ The National Commission of Women has an online complaint form and a toll-free helpline I.e. **+91-7217735372**.¹² The sufferer only needs to call one number in an emergency, which is **112**.

You can file a complaint for transgender victims by calling the MSM community helpline at

⁹ Ashok Kumar v. Vijay Laxmi 1991 AIR [1992] Del. 182

¹⁰ Pooja maheshwari, *Domestic Violence and what you can do about it*, MISSMALINI, (June 14, 2023, 10:40 PM), <https://www.missmalini.com/2020/10/30/domestic-violence-and-what-you-can-do-about-it>.

¹¹ Pooja maheshwari, *Domestic Violence and what you can do about it*, MISSMALINI, (June 14, 2023, 10 :40 PM).

¹² Priya Florence shah, *How to find domestic violence helpline and counselling in India*, NAAREE.COM, (June 14, 2023, 10:43 PM), <https://www.naaree.com/domestic-violence-helplines-india/>.

1800-2000-113.¹³ The transgender community's human rights are being violated if assistance is withheld. They share the same rights to access justice as everyone else in society. There is a suitable legal process for dealing with this crime, yet in some cases the victim could be able to make a report right once after observing severe damage.⁶

The reporting of Indian domestic violence have to follow proper guidelines that are : by contacting the district's protection officer, the police. By submitting a petition to the court, when maintenance orders are obtained. Following COVID-19 and the digitalization era, women are now adopting the online approach to file complaints more frequently, according to Rekha Sharma, chairperson of the National Commission for Women.¹⁴

VII. SUGGESTIONS

Few recommendations to eradicate domestic assault are as follows :

1. **Strong regulations Should Be Implemented:** The Indian government should introduce tight regulations, assure their effective enforcement, and mandate severe penalties for individuals who perpetrate domestic abuse. Additionally, it's critical to offer women who experience abuse with access to the legal system as well as legal representation.
2. **Awareness Campaigns:** Women should be made aware of the warning indicators of domestic violence so they may report it. It's critical to inform women of their rights and safety precautions.
3. **Counseling and Support:** To rehabilitate and regain their confidence, women who have experienced domestic abuse need counselling and emotional support. Such facilities should be made available by the government, and it should make sure that there are support groups or specialized counsellors available everywhere.
4. **Economic Empowerment:** Having financial security enables women to take control of their lives and lessens their reliance on controlling partners. To do this, it may be helpful to promote entrepreneurship, offer training and skill development, and encourage women to pursue employment.

¹³ Pooja maheshwari, *Domestic Violence and what you can do about it*, MISSMALINI, (June 14, 2023, 10 :40 PM)

¹⁴ Esha Roy, *Domestic violence, abuse complaints rise in coronavirus lockdown : NCW*, THE INDIAN EXPRESS, (June 14, 2023, 10:50 PM), https://indianexpress.com/article/india/domestic_violence_abusecomplaints_rise_in_coronavirus_lockdown_ncw_6344641/.

5. **Programs for Male Sensitization:** Advocacy efforts against domestic abuse should also include men. Men need to be taught the value of gender equality and how to treat women with respect through educational programmes and awareness campaigns.
6. **Strict Background Checks:** To safeguard the safety of women, strict background checks should be carried out before to marriage or employment in roles like domestic help.
7. **Rehabilitation Centers:** To secure domestic abuse victims' safety and to offer the essential medical and psychological support, the government should construct and finance rehabilitation centers.
8. **Boost Women's Representation:** By empowering and enforcing the essential laws and regulations to end domestic violence in society, women's engagement in political life and political representation can help to reduce domestic abuse.

VIII. CONCLUSION

In conclusion, domestic violence is still a pernicious issue in Indian society and is frequently regarded as the norm. Despite efforts to address the problem, domestic abuse crimes often go unreported and unacknowledged, leaving numerous women defenseless . It is crucial to raise awareness of domestic abuse in society and provide a secure environment for victims to speak out. This comprises passing stronger legislation, offering instructional materials to spread awareness of the problem, and increasing assistance for survivors. We can only expect to permanently put an end to the cycle of domestic abuse by working together to create a culture where women are empowered and treated with respect and decency. It is an opportunity to end the taboo surrounding domestic abuse and give Indian women the freedom and respect to live their lives as they see appropriate.
