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Domestic Violence against Married Women

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ABSTRACT

Domestic Violence is an abuse to women by any means whether it is physical abuse, mental abuse, or Sexual abuse. Domestic Violence occur all over the world but it most of the cases are reported in India because India has male dominant society and people live in joint families. The aggressive nature of the partner was found to be the most prominent reason for domestic violence. In the old days, there was no special provision in the Indian legislature to deal with it. Still, in 1983 Section 498A was inserted in the Indian Penal Code, 1860, to deal with Matrimonial cruelty and its punishment. It is a cognizable, non-bailable, and non-compoundable offense.

Keywords: domestic violence, victim, Indian penal code, 498A.

I. INTRODUCTION

Domestic Violence occurs when one person tries to dominate and control another person in a family. Domestic Violence is features a repeating pattern of behavior with the dominant purpose of controlling the other persons. The major impact is fear. The domestic violence is predominantly perpetrated by men against women and children. As per the recent report between January to May 2021 approx. 2383, Complaints of domestic Violence were filed with the National Commission for Women.

(A) Meaning of Domestic Violence:

The term domestic violence refers to any physical force or any damage or injury to person or property.

According to the WHO the term Violence means” the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, which either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation”.²

(B) Objective of the Study:

The overall objective of this research on domestic violence against women is to-

- Identify the extent of violence including physical and sexual violence, emotional,

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² World report on violence and health, world Health Organization, 2002.

economic type of violence against women by their spouse.

- Effects of violence on general health of women and children witnessing violence.

(C) Methodology:

Quantitative and qualitative research methodology is used to study the domestic Violence against women.

II. FORMS / TYPES OF DOMESTIC VIOLENCE

As per the nature of the acts of violence, the domestic violence is divided into Four Types.

- 1. Physical Violence:** It is the most recognize form of domestic violence. It involves the use of force against the victim, causing injury such as kicking, slapping, pushing, beating, stabbing forcing to do unwanted act, locked you out of the house, threatened to hurt you with weapon.
- 2. Sexual Violence:** It is not only including rape and sexual assault but also sexual harassment Minimized the importance of feeling about sex, criticized and forced sex, unwanted or uncomfortable touching and other unwelcome behavior. These types of violence is also called as reproductive coercion.
- 3. Phycological Violence:** Phycological Violence includes preventing a victim talking to the people, threatening, emotional blackmail, confinement to the home, surveillance, constant humiliation and verbal aggression etc.
- 4. Financial/ Economic Violence:** Mostly, the victim is completely dependent on the partner and on family for money. The financial violence is less obvious then sexual and phycological abuse. It includes such as refusal to give fund, Refusal to maintain wife etc.,

III. CAUSES OF DOMESTIC VIOLENCE

- Less possession of Resources like Education, earning, employment
- Poor Communication
- Provocation
- Short tempered attitude
- Drugs, alcohol
- Family history

- Mental instability
- Gender ideologies

(A) Victims:

Domestic violence does not belong only to specific group of people rather it occurs across all socio-economic, racial, religious, ethnic age groups.

- Domestic violence happens between people who are dating married, separated and divorced.
- It occurs in heterosexual as well as in gay and lesbian relationships and in adolescent dating relationship.
- But the main victims of Domestic Violence are women.
 1. Women represent around 93% of adult victims.
 2. Between 1 to 3 million women are abused per year.
 3. The abuser is responsible, and there is no excuse for domestic violence

(B) Violence against women are womb to tomb i.e. before birth, as an infant, in girlhood, in adolescence, in widowhood. `

(C) Statistical Facts about Domestic Violence:

- One in every Two women in south Asia faces violence in her home.
- Approx. 21% to 30 % women are abused by their current partner.
- Approx.25% ever- married women raped by their partner.
- Approx.35% of women who attempt suicide may have suffered domestic violence.
- Approx. 1500 women are killed by their partners and their relatives.
- Approx. 6 Million women are bitten in their home annually.
- Approx. 90% of battered women never report their abuse.

(D) Important cases which deals with the domestic violence:

- Sharad B. Sarda Vs. Ste of Maharashtra (1984) 4 SCC 116
- Hem Chand Vs. State of Haryana (1997) 11 SC 552
- State (Delhi Administration) Vs. Laxman Kumar and Ors. (1985) 4 SCC 476

(E) Section 498A of Indian Penal Code deals to protect Married Women from domestic Violence by the husband or his relative. Punishment of 3 Years and fine has been prescribed Section 498-A husband or relative of husband of women subjected to cruelty- whoever, being the husband or relative of husband of a women subjected such women to cruelty shall be punish with the imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation: For the purpose of this section Cruelty means –

(a) any willful conduct which is of such a nature as a likely to drive the women to commit suicide or to cause grave injury or danger to life., limb or health (whether mental or Physical) of the women or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is o account of failure by her or any person related to her to meet such demand.³

IV. CONCLUSION

The act of domestic violence is a violation of human right as well as illegal act under the Indian law which has been formulated to ensure that all its citizens are providing safety and security to live a life with freedom, dignity, and respect. Article 15 of the constitution of India has special provision for women to address this inequality. Section 498-A of IPC, 304B Dowry prohibition act, protection of women against domestic violence particularly within the institution of marriage and families. It has also a severe penalty on conviction, create it own backlash, as judges want stronger and clear proof of guilt.

My final conclusion on this research is that Domestic Violence against women will never stop until women do not stop themselves.

³ Indian Penal Code, 1860.