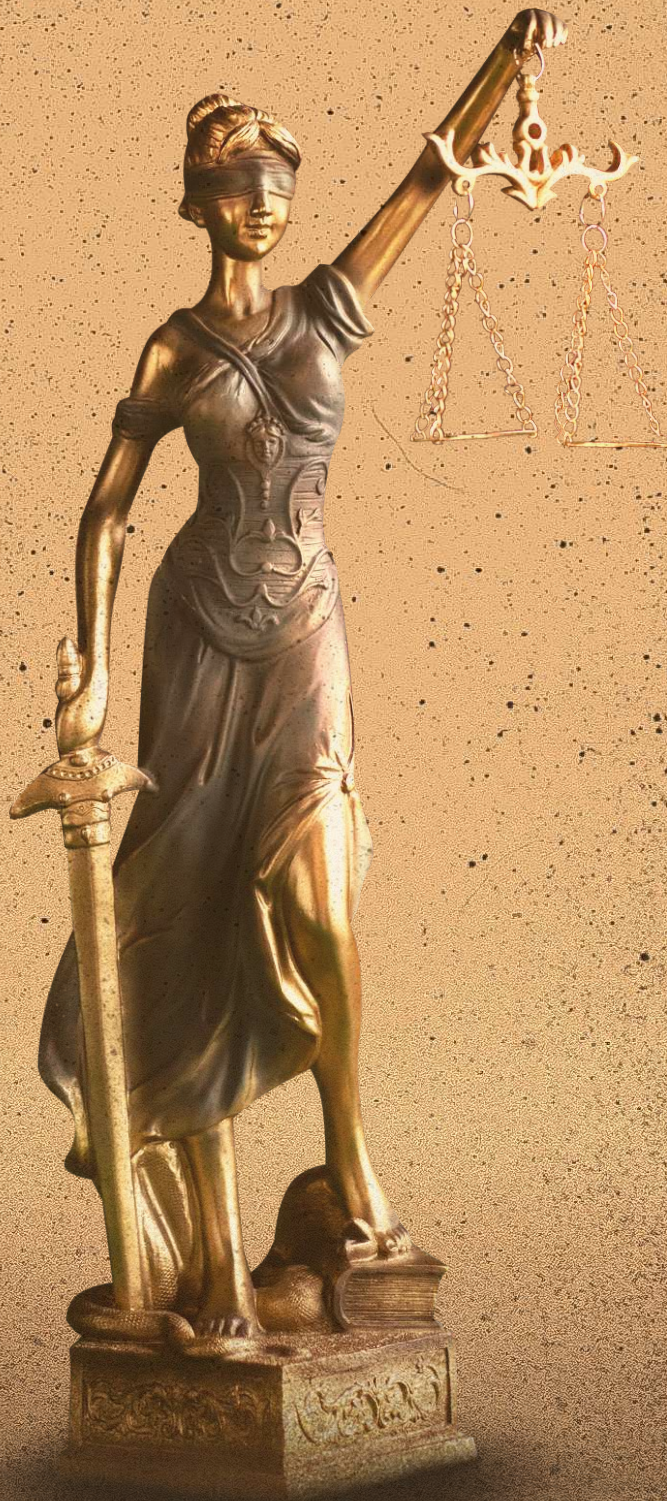


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**ARTICLE ON DOMESTIC VIOLENCE**

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**ABSTRACT**

Domestic violence in India is an issue with the women in the society. Domestic violence, sexual harassment and other forms of gender based violence is the reality of most girls and women’s in India. the problem of domestic violence affects the physical and psychological wellbeing of the abused women and her children. Although there are numbers of laws and acts are introduced, India still has long way to go to make Indian women equal citizens in their own country. In some areas, domestic violence leads to the death of the women and their children. This article discuss the meaning, causes, types of domestic violence and effect of domestic violence on abused women. This article also discuss about the management of threat against women. And this article will give the guidance about the laws made by the government to prevent the domestic violence.

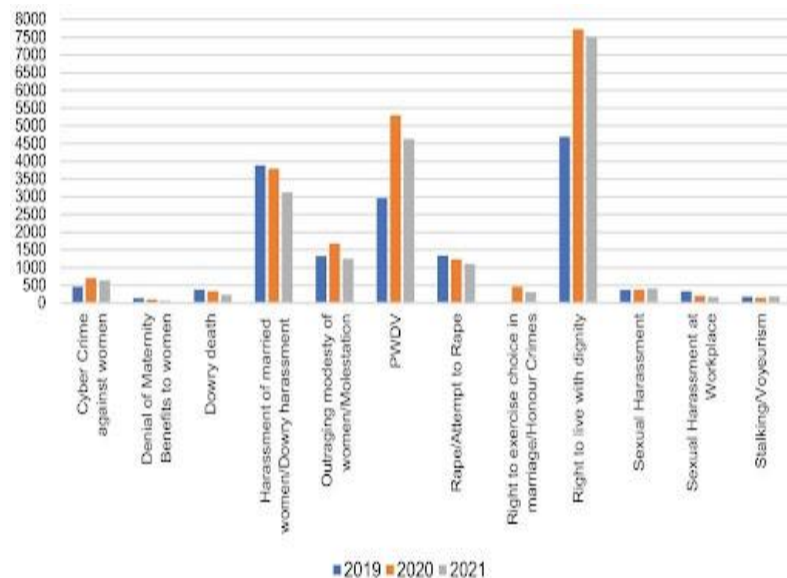
**Keywords:-** Domestic violence, Women, Psychological damage, cruelty, Physical

**Introduction**

Karl Marx says that ‘Women are the only exploited group in history to have been idealized into powerlessness’. This Article deals with the various forms of domestic violence in India and their remedies. Domestic violence is physical, sexual, or psychological abuse against the former or current intimate partner. Domestic violence include assault and battery; sexual harassment, malicious destruction of property.

Domestic violence occurs when a family member, partner attempts to physically dominate or harm the other. Violence against

women is particularly intimate partner violence and sexual violence against women is the major public health problems and violations of women’s right.



According to 2013 a global review of available data, 35% of women experienced either physical or sexual violence. The data for the year 2019 to 2021 are mentioned below:-

**Trend Analysis of GBV complaints registered by NCW (2019–2021)**

The above Figure shows a visible increase in some common forms of gender-based violence legally recognized in India, between 2019 and 2021. The National Commission for Women (NCW) registers complaints from women in such distress and seeks to resolve them without actively engaging with the courts. The cases that have particularly seen a

rise include domestic violence (as defined under the PWDV Act); dowry harassment; and violations of right to live with dignity. It is important to note here that all of these cases are associated with the presumed “safe” space of a household.<sup>19</sup>

### I. Different forms of Domestic violence in India

Government of India and UNICEF says that more than 60 million women, who should have been alive today, are missing. This is because of domestic violence to dowry deaths to physical assaults. Domestic violence exist in the form of:-

#### A. Physical Abuse

Physical abuse is a type to Domestic violence. Physical abuse can be caused by physical contact. Behaviors like threat, intimidation, restriction on victim self determination through isolation, manipulation, and other limitation on personal freedom can lead to physical violence. Physical abuse during pregnancy can cause harm to her foetus and cause long lasting consequences.

#### B. Emotional or Psychological abuse

Domestic violence can be done emotionally or psychologically. This type of abuse is not popular in our society. But it plays a very important role in the life of victim because she suffers from this issue. Victim often believe that their spouse has complete control over them. This type of violence affect the relationship with their spouse.

#### C. Sexual abuse

Forcibly having sexual intercourse with one’s spouse without their consent is marital rape. However, marital rape is

not a criminal act almost throughout the world including India. This is because women are considered the husband’s property after marriage with no personal and sexual autonomy and dignity. Currently, the Supreme Court of India is hearing petitions to criminalize marital rape. However, the petitions have been publicly opposed by certain groups of people who have stated that criminalizing marital rape would lead to the “breakdown of marriage in India”.<sup>20</sup>

#### D. Financial Abuse

Financial abuse is form of abuse where one spouse manipulate the other partner to get access to the latter’s economic resource. Financial abuse include forcing a family member to sign documents or to amend the will.

### II. Consequences of Domestic Violence

There are various consequences of Domestic Violence depending on the victim, the age group, the intensity of the violence and frequency. The consequences of Domestic violence can be described under- the effect on the victim and the family, Effect on the society and the effect on the victim and their family.

#### A. Effect on the victim and the family

##### i. Physical Effect

Bruises, broken bones, head injuries, lacerations and bleeding are effects of a domestic violence incident that require medical attention and hospitalization. Victim who are pregnant during domestic violence experience greater risk of miscarriage, pre-term labour and injury or death of fetus.

##### ii. Psychological Effect

<sup>19</sup>Domestic violence *available at* <https://www.orfonline.org/research/domestic-violence-and-women-health-in-india-insights-from-nfhs-4/> (last visited on 1,march 2023).

<sup>20</sup>Domestic violence *available at* [https://blog.ipladers.in/what-is-domestic-violence-a-comprehensive-guide/#Emotional\\_or\\_psychological\\_abuse](https://blog.ipladers.in/what-is-domestic-violence-a-comprehensive-guide/#Emotional_or_psychological_abuse) (last visited on 2 march,2023)

Depression is also common, as victims are made to feel guilty for provoking the abuse and are frequently subjected to intense criticism. It is reported that 60% of the victims meet the diagnostic criteria for depression, either during or after termination of the relationship, and have a greatly increased risk of suicide.

### **iii. Effect on children**

The child who suffer from domestic abuse during his upbringing will decrease in his development and psychological welfare . some emotional and behavioral problem

That can result due to domestic violence include anxiety , socializes with friends , and authorities .

## **III. Fighting against Domestic Violence at multiple levels**

So many efforts has been done on Gender equality. This sensitive issue needs intervention and action at multiple levels- state, society and individuals in public and private capacities.

### **A. At governmental level**

The government of each state took steps to reduce or to prevent the Domestic Violence by vigilant policing round the clock both in cities and suburban areas and women police officers in all police stations. The judiciary is trying to dispose off the cases speedily because delay in justice emboldens the spirits of criminal-minded elements in society.

### **B. Role of Non Governmental Institutions/ Organizations**

Non- governmental organizations and institutions should conduct series of seminars, workshops at different places on various aspects against

women. The discuss in depth the gravity, enormity and danger of deteriorating law and human values, self centered attitude of individuals.

### **C. Media**

Media play an important role in spreading awareness . they can provide a platform to speakers and panelists from different fields. Through media anyone can share their views and conduct an in depth study on various general issues and problems.

### **D. At family's level**

Family is the first and for most institution, where children learn their first lesson of humanity and social relationships. In family children will learn the positive values like honesty, simplicity, modesty, sense of responsibility and respect for elders. Childhood is the most formative, educative time in a humans life and in this period a children will learn about the gender sensitization. Right from the beginning, all the children should be treated equally without any gender bias.

### **E. On women part**

Instead of silently bearing atrocity against them, women should raise their voice against injustice. Women should raise their voice against social evils like dowry, bride-burning, female infanticide etc. some institutions, NGO'S should create awareness amongst women about their rights and channelize their efforts writing articles, conduct seminars, workshops etc. women should join the sessions of mental and physical health to make them self mentally and physically strong and to ensure their safety and security, so that no one could exploit them in the circumstances of life.

Women should always be prepared for self-defence by getting training in karate, boxing, self-defence classes etc.

#### IV. Role of Social Worker

Social workers should provide services to the victims of domestic violence. Services to victims of domestic violence include counselling and support through shelter programs all over the country, individual counselling, court advocacy and social justice community organizing efforts to prevent domestic violence. Social workers provide services like conduct interviews for screening, provide counselling and crisis intervention, connect to shelters and centers, assist in legal matters, provide resources for employment and financial education, promote advocacy programs, etc.

#### V. Impact of Covid-19

In an online survey of 15,000 respondents in Australia, 65% of them have reported that the physical or sexual violence from a current or former partner began or escalated when the pandemic started in 2020. In another survey on substantiated domestic violence cases among children in Australia, 26,400 victims have experienced emotional abuse which includes witnessing violent acts between adults. Other domestic violence incidents against children include neglect (11,000 cases), physical abuse (6,900 cases), and sexual abuse (4,500 cases).<sup>21</sup>

India's National Commission for Women (NCW) has seen a more than twofold rise in gender-based violence during the lockdown in India. Between 23 March and 16 April NCW registered 587 domestic violence complaints, a ~45% increase from the previous 25 days.

Factors compounding the situation include the confinement, financial worries due to the lockdown, and lack of access to alcohol. The virus mirrored the pre-existing patriarchal notions and magnified the discrimination and pre-existing inequalities. There has also been a threefold rise in police apathy towards women complaints, with the police busy with lockdown orders. Indian women rights activist Kavita Krishnan said that women told her that had the Indian government given a warning about the lockdown, they could have tried moving to safer locations in time.<sup>22</sup>

#### VI. Domestic violence Helplines in India

The National Commission For Women (NCW) in Delhi is an organization who help the victims of domestic violence. Global AskSHEROES chat helpline for women.

#### VII. Recommendations

- Comprehensive premarital counseling should be given to intending couples on how to manage their relationship.
- There should be public awakening through mass media on the effects of domestic violence against women, especially wife battering.
- Religious leaders should vigorously teach against marital violence.
- Youths should be encouraged and taught to detest and not tolerate brutish treatment of wives around them.
- Medical professionals, after physical treatment should refer the victim to counselors and psychotherapists.
- Punishment given to the offending husbands.

<sup>21</sup>The role of social worker in responding to domestic violence available at <https://www.courses4me.com.au/blog/healing-helpers-the-role-of-social-workers-in-responding-to-domestic-violence/> (last visited on 3 march,2023).

<sup>22</sup>Impact of covid-19 on domestic violence available at [https://en.wikipedia.org/wiki/Impact\\_of\\_the\\_COVID-19\\_pandemic\\_on\\_domestic\\_violence](https://en.wikipedia.org/wiki/Impact_of_the_COVID-19_pandemic_on_domestic_violence) (last visited on 4 march,2023).

### Conclusion

When I looked at a sensitive topic of “Domestic Violence” in India, I can sense the importance of discuss of such a topic. The varying causes which can spark the violence within the four walls of homes need to be analyzed and a wise study of the factors causing violence may prevent a family to suffer from the menace of domestic violence. The person who committed the offence of domestic violence should be punished.

### Reference

1. <https://www.orfonline.org/research/domestic-violence-and-women-health-in-india-insights-from-nfhs-4/>
2. <https://www.courses4me.com.au/blog/healing-helpers-the-role-of-social-workers-in-responding-to-domestic-violence/>
3. [https://en.wikipedia.org/wiki/Impact\\_of\\_the\\_COVID-19\\_pandemic\\_on\\_domestic\\_violence](https://en.wikipedia.org/wiki/Impact_of_the_COVID-19_pandemic_on_domestic_violence)