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Critical Analysis of Domestic Violence against Women with special reference to Human Rights

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ABSTRACT

The concept of human rights is relatively new and a developing subject having concern with the political, civil, socio economic rights. It came into everyday parlance after World War II as there has been a united effort by the nations of the world to decide what rights belong to the people at large and how can it be protected and promoted. The crucial stage to recognise the rights against the tyranny and arbitrary exercise of the powers can be traced back to Magna Carta of 1215 AD in England. Thereafter, many recognitions of rights like Bill of Rights (1689), The American Declaration of Independence of 1776, The Declaration of Rights of Man and Citizens adopted by the National Assembly of France, 1789 added positive role to the concept of Human Rights. But none of this document specifically mentioned and recognised the concept of women's rights.² Inequalities between men and women have been an integral part of Indian families from many years. Women from all the ages have been victims of domestic abuse in one way or the other. It has been ages since they have been neglected even in their own homes without being able to raise their voice. The status of women in Hindu family has changed from time to time. Their position has been variously estimated and diametrically opposite views are exist regarding her place in different stages of civilization. On one hand she is considered little better than a slave condemned to drudgery, bought as a chattel and treated as such. On the other hand, those who have had anything to do with tribes reckoning descent from mother are likely to view a woman as the undisputed mistress of the family if not community life as well. Both concepts, are as far as the vast majority of the people are concerned, bound to be far away from actual state of affairs³. The article will therefore include all the findings and suggestions as well.

¹ Author is a student, India.

² Dr. S.C. Tripathi and Vibha Arora, "LAW RELATING TO WOMEN AND CHILDREN" 1 (4th ed. 2010)

³ Renu Chaudhury, "Women in an Indian Society, Historical Perspective", Madhya Pradesh Journal of Social Sciences, (July 16, 2022, 9.05 P.M), <https://link.gale.com/apps/doc/A412800305/AONE?u=googlescholar&sid=AONE&xid=9b6cb08e>

I. DOMESTIC VIOLENCE AS A HUMAN RIGHTS VIOLATION

Human rights are the basic and fundamental rights that everyone can receive because they were born in a family. The basic principle behind the concept of human rights is that everyone is a moral and rational being who deserves to be treated with dignity and respect. Human rights are based on equality, and its basic philosophy is at the root of discrimination against people.

But for women, reality is often separated from theoretical concepts and ideal perceptions. Women are one of the most vulnerable parts of society and have always been exposed to violence and discrimination. Women are often struck by hypocrisy and discrimination from the moment they become pregnant in the womb. Then they have to deal with it at different stages of their lives-as daughters, sisters, wives, mothers and especially women. Violence against women is a global human rights issue and directly violates the basic human rights of women. There are many forms of violence against women that have been criticized around the world. However, some types of violence (domestic violence) were not blamed for their harshness. Instead, it is complexly tolerated and accepted as a social norm in many parts of the world. Domestic violence against women is any act of violence against women in the home.⁴ It can be physical, sexual, psychological, or financial violence, or a threat of such violence against them-to conquer or control them through marriage or family ties. , By people near them. Earlier, it was often considered to be a private/individual matter, but it is actually a social disease - the consequence of the established gender inequality within the society, buttressed by existing structures of power in gender relations, entrenched by traditional educational systems, ingrained by religious and dogmatic beliefs and media influences.

Domestic violence has shaken the very foundation of society and is an obstacle to achieving equality, development and peace. Leaving only physical injuries is more than just physical form of violence. It is also a pattern of emotional and psychological violence that destroys and destroys a woman's identity and personality. It undermines their dignity and, in the long run, their self-esteem. Domestic violence by intimate partners has a detrimental effect on women's sexual and reproductive health. For example, unwanted pregnancies, gynaecological illnesses, physical damage to intimate areas, and widespread mental health effects⁵.

Actions against domestic violence are implicitly mentioned in all global treaties and declarations aimed at ending violence against women and seeking human equality. 1. Articles 1, 5, 16 and 23 of the Universal Declaration of Human Rights, 1948 2. Article 12 (1) of the International Covenant on Economic, Social and Cultural Rights, 1966 3. Article 7 International Covenant on Civil and

⁴ Ahuja Ram, "Criminology", Rawat Publications p. 215

⁵ Bird Roger, "Domestic Violence, law and practice" LexisNexis, 7th edition

Political Rights (ICCPR), 1966 4. Article 4 (c) of the Declaration on the Elimination of Violence against Women (DEVAW) Domestic violence refers to women's right to a dignified life, the right to be free from torture and inhumane treatment, and women's freedom and security. Infringes on rights and her rights.⁶ Against all forms of discrimination. It is now widely treated as a human rights issue that violates the fundamental rights of women. The most common form of human rights abuse is violence against women. This violence includes domestic violence, sexual abuse, rape and coercion, Prostitution, female genital mutilation and murder. It is a socio-economic line and is deeply rooted in tradition. Violence against women violates basic human rights. The unique human dignity of women. Physical, psychological and sexual violence. It plagues all societies and classes for women and girls, both public and private. It poses a major obstacle to achieving equality and development and peace. Government has an obligation not to be involved in any form to prevent violence against women and where they occur sexual violence is widespread throughout the world and is inherent in the system. Most women experience violence at home, up to 20% of which Women around the world have been raped (most people know the attacker). More than half of all sexual assaults, aimed at girls and the army under the age of 15. Continue to use rape as a weapon of war. In recent years, scholars and lawyers have criticized human rights law for doing so. Failed to protect women exposed to gender-based violence. nevertheless Physical abuse of women is widespread and transcends cultural classes Economy Line has evolved the traditional concept of human rights in one Experience-unaware public male-dominated framework Of women as "women". Since the mid-1990s when the international community began to recognize this Violence against women as a global social problem with increasing internationality Attention was paid to the issue of violence against women. But there is still no clear international human rights treaty banning the use of force for women, and the problem remains undefined and understood International Human Rights.

Unfortunately, domestic violence is a reality and truth in Indian society. Abuse of women has become an acceptable practice in Indian patriarchy. There are many possible causes for domestic violence. From a feminist point of view, the occurrence of domestic violence against women can be attributed to patriarchal constellations, stereotypes of gender roles, and the actual or conceivable distribution of power in society. According to this ideology, men are believed to be stronger and more powerful than women. They dominate women and their lives, and as a result of this play of power, they can hurt women with impunity. The role of a woman is to humbly accept her "fate" and her violence against her. For a long time, fairer sex was in the hands of men, and exploitation ranged from physical abuse to immaterial abuse such as mental and mental torture. Females have been

⁶ Ahuja Ram, "Criminology", Rawat Publications p.132

treated as breeding machines, preferably male breeding machines. Domestic violence is one of the most serious and widespread human rights abuses. For too long women have accepted it as their destiny, or are banished to them simply because of the judicial system or its lack, or because domestic violence remains for taboos. For most women suffering from it who have simply accepted the right to speak because they are afraid and vulnerable or for other reasons best known to them. Not so anymore! Women take control under the Domestic Violence Act of 2005 law.

Protecting women from the Domestic Violence Act (or the Domestic Violence Act) is a commendable law enacted in 2005 to address this issue. The law is theoretically very helpful in protecting women in the home environment. This is the first important step in overcoming the suspicious distinction between public and private, traditionally endorsed by law and consistently challenged by feminists. In the past, in the case of domestic violence, women could appeal to court under the Indian Penal Code (IPC). However, the types of domestic violence envisioned by this law and the victims it recognizes make it broader than IPC. The IPC has never used the term domestic violence to refer to this unpleasant practice. In fact, the only similar type of crime handled by the IPC was atrocities against married women. All other domestic violence cases in the home, regardless of the victim's gender, had to be dealt with under the criminal offenses that make up their respective acts of violence. This was especially problematic if the victim was a child or woman who was dependent on the attacker. Even if the victim is the attacker's wife and could be appealed to court under IPC Section 498A, she would secure her safety or face further violence in retaliation for her couple. You may have to leave the house. There was no way she could stay in the couple's house and still oppose violence against her. This prompted this enactment, along with many other problems women face at home. This commentary focuses on the constitutional view of this progressive law. The law boldly deviates from previous law and gives a very broad definition of domestic violence. This is a term that is not even used in legal terms. Domestic violence is broadly defined in Section 3 of the Act, which abuses physical, mental, linguistic, emotional, sexual and financial abuse, harassment of dowry, victims or other parties includes threats. A significant amendment to the law ensures that a distressed wife who resorts to the law will not be molested in doing so. Therefore, if her husband is accused of any of the above forms of violence, while the proceedings are pending, the husband will go to the resource / facility to which the wife is entitled, thanks to the partnership. Further access cannot be prohibited / restricted. Ordinary home. In short, her husband can neither bring her jewellery or money nor drive her out of her house while they are discussing. Women who are victims of domestic violence are entitled to police, shelter and medical

services. She also has the right to file her own complaints at the same time under Section 498A of Indian Criminal Code.⁷

The law also very broadly defines physical violence as: Physical harm or injury of any kind, threat of physical harm, beatings, slaps and beatings. Therefore, physical violence is an action or behaviour that may cause physical distress, life, injury or danger to limbs or health, or impair the health or development of the person concerned. This includes physical harm, criminal intimidation and criminal violence. However, violence against women is not always physical. For the first time, the law has expanded its definition to include sexual, verbal, and economic violence. Under the law, sexual violence includes: forced sexual encounters, forcing women to view pornography and obscene images, abusing, humiliating, or reducing women's integrity: Acts of sexual nature aimed at. The new law is also strict for men who abuse or insult women⁸. Verbal violence is often neglected as insignificant, but observers say it can affect a woman's self-esteem. The law defines verbal violence as follows: Attribution, all sorts of accusations of a woman's personality and behaviour, insults for not bringing dowry, preventing a woman from marrying a person of her choice, another important step was the recognition of economic violence.

According to the law, financial violence is the inability to provide money, food, clothing and medicine, hindering employment opportunities, forcing women to leave their homes, and not paying rent. Therefore, the law deals with forms of abuse that have not been previously dealt with or have not been dealt with so comprehensively. For example, sexual abuse such as rape by a spouse. Although prohibited by the IPC, it is now legally recognized as a form of abuse in the law's definition of sexual abuse. This definition also includes claims for damages due to domestic violence, as well as maintenance claims similar to those set forth in Section 125 of the Code of Criminal Procedure (Cr.P.C). Nevertheless, claims for damages are not limited to maintenance within the meaning of this provision. Please note that the dependent allowances available in this section should be consistent with the lifestyle of the injured. Finally, because victims have no children or male children, the law identifies psychological abuse as a form of domestic violence, including verbal abuse any form of intimidation or insult for the absence of a father.

II. WOMEN'S PROTECTION AND FUNDAMENTAL RIGHTS

The Intent and Reasoning Statement explains that the law was passed in light of the fundamental rights guaranteed in Article 14, 15, and 21. Article 21 negatively recognizes the right to life and liberty and shall take it unless through procedures established by law that must be impartial,

⁷ Bird Roger, "Domestic Violence, law and practice" LexisNexis, 7th edition

⁸ Bird Roger, "Domestic Violence, law and practice" LexisNexis, 7th edition

impartial and rational based on judicial decisions. It states that it cannot be done.⁹ Right to life includes the following rights (as reflected in the law):

(A) Right To Be Free From Violence

In **Frances Corrary Marine vs. Union Territory Delhi**,¹⁰ the Administrators and the Supreme Court have determined that any act that permanently or temporarily damages, damages or impairs the use of a person's limbs or abilities falls under the prohibition of Article 21. It was incorporated into the law through the definition of physical abuse that constitutes domestic violence (and is therefore punished under the law). Physical abuse is defined as an action or behaviour that causes physical pain, life, injury or danger to limbs or health, or impairs the health or development of the injured. Apart from that, the law also covers physical and specific physical violence similar to those stipulated in the Indian Criminal Code in the definition of domestic violence. By adopting such a broad definition, the law protects women's rights from violence.

(B) The Right To Dignity

In **Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan**¹¹ the SC emphasized that the right to life includes the right to life with human dignity, based on a number of cases decided in favour of the proposal. The right to dignity includes the right to reduce sexual activity. This includes the right to be insulted. These two aspects of right to life are mentioned under the definitions of sexual and psychological abuse, respectively. A commendable aspect of the law is the concept of psychological abuse as a form of domestic violence. It is commendable to recognize the sexual abuse of a wife by her husband as a form of personal injury. In particular, such sexual abuse is not recognized as a criminal offense by the IPC. These acts fall within the legal limits of domestic violence, but their definition is not very limited.

(C) The Right To Shelter

Chameli Singh vs. U.P¹²., the right to life is said to include the right to evacuate, which distinguishes the case from **Gaurishankar vs. India Union**¹³, which is a legal issue related to the evacuation of tenants. Section 16 and 17 Domestic Violence Act reinforces this right. If the victim does not have accommodation, it is the responsibility of the protection officer to provide

⁹ Pandey J.N, "The Constitutional law of India", 48th Edition, Central Law Agency, p. 59

¹⁰ Solution, I., 2022. *Francis Coralie vs. Union Territory of Delhi: Case-Comment - Indian Legal Solution*. [online] Indian Legal Solution. Available at: <<https://indianlegalsolution.com/francis-coralie-vs-union-territory-of-delhi-case-comment/>> [Accessed 6 August 2022].

¹¹ Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan, (1997) 11 SCC 123

¹² Network, L., 2022. *Chameli Singh vs State Of U.P - Law Insider India*. [online] Law Insider India. Available at: <<https://www.lawinsider.in/judgment/chameli-singh-vs-state-of-u-p>> [Accessed 6 August 2022].

¹³ Gauri Shanker vs Union Of India, 1995 AIR 55

accommodation to the victim at the request of the party or for any other reason. Article 17 protects the right of the parties to stay in the general household. Therefore, these provisions allow women to take advantage of the various protections they have been given without fear of becoming homeless.¹⁴

Human rights practices are a way of reporting facts to facilitate change. The influence of NGOs is closely related to the rigor of their research methodologies. A typical way to report human rights abuses in a particular country is to investigate individual cases of human rights abuses through interviews with victims and witnesses, backed by information about abuse from other trusted sources. That is. The analysis of domestic violence as a violation of human rights relies not only to show patterns of violence, but also to show the systematic failure of the state to provide equal legal protection to women from this violence. Without detailed statistics on the incidence of spousal murder, assault, and rape and the criminal justice's response to these crimes, it is difficult to file a firm prosecution against a government that could not provide the same protection as the law. .. Studies show that nearly one-third of Indian women facing domestic violence are thinking of fleeing their families, but fearing they can leave their young children behind and go nowhere. You can't. Community intervention is one method that can be useful. For example, in some parts of West Bengal, "Shalishi" is used to address cases of domestic violence (and other problems). "Shalishi" is a Persian-derived word that includes mediation between parties involved in a dispute through a powerful, unbiased "shalishidaars". It has existed before the Mughal Empire, and due to its informal structure, many feel it is more acceptable than formal legal means. It seeks to derive its legitimacy from traditional norms and values and ensure that the family remains intact while exercising justice. In doing so, "Shalishi" can be compromised by punishing criminals like a formal legal system, but after all, it seems to help improve the situation for women. It is the form of women's empowerment itself. The social practices of Indian society described above may help women find progressive ways to live in peace and dignity without dealing with violence and anxiety in their homes¹⁵.

III. CRITICALLY ANALYSING DOMESTIC VIOLENCE AGAINST WOMEN IN INDIA

The concept of equality between men and women was unfamiliar to Indian society before to the beginning of the Indian Constitution. The Indian Constitution, which is the ultimate law of the land, aims to provide its citizens, including women, with liberty of thought, speech, religion, faith, and worship, equality of status and opportunity, and to foster fraternity while preserving individual dignity. The Indian Constitution forbids gender-based discrimination in India. The Constitution's

¹⁴ Pandey J.N, "The Constitutional law of India", 48th Edition, Central Law Agency, p. 235

¹⁵ <http://www.legalservicesindia.com/article/415/Domestic-Violence-as-a-Human-Rights-Issue.html>

guarantee of equality of status, however, is merely a myth to the millions of women whose lives are plagued by various forms of violence in their families.¹⁶ Every fundamental right of a woman is violated by family members inside their own home, which is known as domestic violence. The home has been identified as the scene of violence against women and female children, with the number of incidents increasing each year, according to a report by the National Crimes Record Bureau. One of the most important, yet underappreciated, factors contributing to the phenomenon of women being marginalised in the development processes is violence against women. Female feticide and infanticide, sexual abuse, incest, molestation, sexual harassment at work and on the streets, marital rape, and domestic violence in the form of wife assault and woman battering are just a few ways that gender violence appears. There are instances of culture-specific violence against women, such as female genital mutilation in some African nations and dowry-related harassment, murder, and beating in India. Domestic abuse continues to be the least reported and most actively concealed of all the forms of violence that women experience.

Violence against women is a problem that affects them from the moment of conception till the end of their lives. Early marriage, early motherhood, and the detrimental effects these have on women's health further exacerbate vulnerability. Particularly in India, underage marriages emphasise the girl's vulnerability even more. Many women experience physical, mental, and emotional abuse from their husbands during the reproductive years. Due to unmet dowry demands, millions of Indian women experience extreme harassment, and many become murder victims or even commit suicide. However, it has been proven beyond a shadow of a doubt that domestic abuse is likely one of the most pervasive types of violence against women worldwide.¹⁷ Domestic violence can be described as when adults abuse power in relationships to control another. It is the building of authority and fear in relationships by violence and other forms of abuse. Violence may include physical abuse and sexual assault, threat. It can be more subtle, such as making someone feel worthless. Social isolation and emotional like physical violence, abuse can have long-term consequences. Domestic violence is more than just beating, fighting, and occasionally discussing. It's abuse energy. The perpetrators are calculated threats, intimidation and physical violence. Both men and women can be abused, but in most cases the victims. Women are usually the main target, but power can also be used. For children, sometimes for family and friends. This is one of the crimes against women related to women's advantage in society. Company. Domestic violence refers to violence against women, especially in couples' homes. Therefore, domestic violence is recognized as a major barrier

¹⁶ Pandey J.N, "The Constitutional law of India", 48th Edition, Central Law Agency, p. 159

¹⁷ https://www.academia.edu/44585069/Domestic_Violence_in_India_Against_Women_A_Literature_Review

to empowering people, women's health, health-oriented behaviour, their acceptance of small family norms¹⁸

Domestic violence is a particularly vicious and complex form of abuse that is typically committed within the confines of the family home, as well as sometimes within a specific deeply ingrained power dynamic and socioeconomic structure that forbids even the acknowledgment or recognition of this abuse. The most difficult task is defining domestic abuse and identifying it. Any type of violence against women violates their right to equality. The fundamental right to equality would be violated if the government did nothing to stop violence.¹⁹

IV. LAWS AGAINST DOMESTIC ABUSE

Domestic violence law is essential to protect abused men and women from abusers. The form of reporting currently required by law in 47 states requires medical professionals to report suspected domestic violence to police. What is it Controversial legal involvement in domestic violence. Mandated returns can result in victims of intimate violence and abusers receiving the necessary treatment, but there is a risk that victims will exacerbate abuse as the abusers are upset by reporting. Some people think that. Another denial of reporting obligations concerns the invasion of physician and patient privacy, which is important for effective treatment. Occur

1. Protection Of Women Against Domestic Violence Act, 2005

This is a law passed by the Indian Parliament to protect women from domestic violence Power. Prohibits a wide range of physical, sexual, emotional and financial abuse for women, and all of this is loosely defined by law. Provides security Family male family female. At the level of law, Not only women who are married to men, but also women who have partnerships and their families Members including grandmothers and mothers. Women have unconventional rights Violence of all kinds under this law. This law aims to prevent women from being kicked. Also keep women safe from abusers.

2. Section 498A Of Ipc

This is a criminal law that applies to a cruel husband's or any of the relatives or his partner or family who abuses or treats a women inhumanely. Based on Section 498A of IPC known as a husband or a crime committed by a husband. This annoyance can be of any kind physically and mentally. Despite the fact that marital rape is not a crime in India In this section, forced sex with a wife can be considered cruel. In section 498 A big chance. It also includes intentional behaviour towards

¹⁸ Harihar Sahoo, Manas Ranjan Pradhan: "Domestic Violence in India: An Empirical Analysis", explored via www.google.co.in

¹⁹ https://www.academia.edu/44585069/Domestic_Violence_in_India_Against_Women_A_Literature_Review

women. Force women to commit suicide, die or be seriously injured, or put members or all at risk health. Health includes the physical and mental health of women.²⁰

3. Dowry Prohibition Act, 1961

This is a criminal law that punishes the giving and receiving of dowry. Dowry habits is itself banned under the Dowry Prohibition Act of 1961. According to this law or even a dowry can be sentenced to 6 months in prison or a maximum fine 5000 rupees.

4. Punishment Against Domestic Violence

1. There are many directives and regulations to protect women Against domestic violence under laws such as Article 304B of the Indian Criminal Code Dowry Death Code
2. Infanticide of women was carried out under Sections 313-316 of the Indian Criminal Code. It has been punished, suggesting that women will be forced to end their pregnancy.
3. Another section of Indian criminal law dealing with these issues is Section 305-. 306 related to aiding suicide, 340 and 349 of Indian Criminal Code, respectively Illegal imprisonment and illegal imprisonment.
4. You can also file a complaint for atrocities under Section 498A of the Indian Penal Code. This also corresponds to domestic violence

V. LEGISLATION AND PROBLEM OF ITS IMPLEMENTATION

All forms of domestic violence should be treated as criminal acts by the state not as a "private edition". In fact, cases of domestic violence are not taken by law enforcement agencies and are not taken seriously. Prosecutor. Current practice is to pursue these cases only at the request of the affected people. Police and prosecutors demand well-documented complaints from victims and refuse to do so often, investigations of cases reported by women are evidence is not considered "trustworthy" by police or prosecutors. Police request. Some medical certificates that women have to get and pay for themselves, and several visits to the police. Violence only occurs in relationships that allow it, or even take it for granted. Violence Therefore, it is just a sign of a violent relationship. The only technique to do providing victims with the national support they are eligible for should be implemented defensively. Safety measure. However, such behaviour is not applicable until the ratio becomes violent dissolution. Eradication of violence is important, but it cannot be abandoned eliminate the relationships that are causing violence. So the police have to stand by the victims eliminate her from her imminent danger and ensure she receives her continued support for related

²⁰ Prof. Bhattachrya T, "The Indian Penal Code" 8th Edition, Central Law Agency, p. 790

emergency services. Moreover, such police actions are of high representative value to those affected. Or Police intervention shows the seriousness of violence and clarifies that of the perpetrator Responsible person. Changing the attitudes and behaviours of the community is very important with a dangerous partner to help the injured overcome the impact of violence. Ensuring that society as a whole rejects violence. The other difficulty faced by the victims of violence involvement is a lack of witnesses. Neighbours often do not want to be involved and do not want to be witnesses. We recognize the crime of domestic exploitation as a private issue to be resolved within the family as a result Police officers who refuse to testify and are not keen on developing cases that normally rely on the Decisions regarding the lack of evidence. Inadequate implementation of existing legislation against domestic violence absence of official recognition of severe penalties imposed on women victims of violence and children who witnessed violence.

VI. PREVENTIVE MEASURES TO AVOID DOMESTIC VIOLENCE

Because a permanent maintenance system has proven to be a protective factor domestic violence that encourages such support is a person can be a perpetrator or victim of domestic violence. Illustration about it decreasing are the customs of people associated with a supportive religious community. The risk of being abused by a close partner. This is also concrete For Hispanic or African-American descendants. Effective solution to avoid Intimate violence includes providing financial opportunities, mentorship, and security. Advocates, role models, survivors of domestic violence, organized communities Programs for youth and families and a school environment that stimulates expectations rude in any relationship. Elderly family supporters can provide support and drop in around the house Violence with structured management consistent with development. Increase Awareness of intimate violence in society in general during household chores October's Violence Awareness Month can be invaluable in reassuring people about this issue. Learn more about problems and teach young people health and aggression listen to victims of relationships and domestic violence in a non-judgmental way she shares what they are experiencing and gives them influenced guidance on where to get them help. Supporters of intimate partner abuse victims also have sexist jokes and Remarks, a boycott film about unnecessary violence and intimate violence Write legislators to support the law against women and to protect intimacy or otherwise support Victim of violence. Advocacy may also include encouraging your own healthcare provider to do so. Post and share information about the issue.

VII. SUPPORT TO THE VICTIMS OF DOMESTIC VIOLENCE

1. Victims of domestic violence should be provided with free legitimate guidance and aid before taking any kind of legal action.

2. Sufferers of domestic violence should be assisted, by opening inhabited centres where women can receive psychological care and giving monetary support to welfare associations and emergency services;
3. Operative measures should be introduced for providing safeguard for sufferers of violence after the incident and during the whole legal process;
4. A social safeguard measures should be adopted or secure so that injuries caused to women and children by violent acts are provided for under social safeguard schemes;
5. Training of professionals working with young people, as well as health workers should be promoted to identify children and adolescents growing up in violent homes and to take the essential actions to help and assist them;
6. Victims of domestic violence should be assisted, by opening residential centres where women can receive psychological support and giving financial support to welfare associations and emergency services;
7. Effective measures should be presented for providing defence for sufferers of violence after the incident and during the whole legal process;
8. A social protection measures should be adopted or reinforced so that hurts caused to women and children by violent acts are provided for under social protection schemes;

VIII. MYTHS ABOUT DOMESTIC VIOLENCE

- Domestic violence are caused only to the poor people.
- Alcohol and substance abuse, depression, lack of money, or lack of direct work do not eventually cause domestic violence.
- Many perpetrators blame victims and others for their violent crimes and do not take them

Domestic violence is still not recognized as a serious crime by the Indian judiciary. None of the long-standing verdicts admit that domestic violence is a closed-door crime. It is overlooked by neighbours and the community. Strong reliance on Sections 498A and 304B The IPC, which provides penalties only for convictions, has created its own backlash as judge's desire. Stronger and clearer evidence of guilt. Domestic violence is increasing particularly rapidly day by day curfew. This is one of the most horrifying forms of harassment that women tolerate in our society. Surrounding us today, we do not speak seriously about this violence. Studies show Women account for the largest proportion of victims of domestic violence, but so do men. Domestic violence can happen to anyone. Race, religion, creed or caste facts. If the problem of domestic violence is not

resolved sufficiently, this type of abuse will continue endlessly throughout life. It's time to create such a society where violence has been blamed and no woman deserves to be beaten or sexually abused, or emotionally suffering. It prevents women from participating in peace and democratic processes. We need to stop this virtuous cycle because we cannot accept the selective zero tolerance policy. Domestic violence is one of the worst types of abuse suffered Women in today's society. Data show that 85 percent of victims are victims of domestic violence feminine. Only 15 percent of the victims are men. Domestic violence can happen to anyone, it does Regardless of the victim's race, creed, religion, or social status. For domestic questions Violence will not be treated properly and this type of abuse will continue. In every class of endless society. So that we as a culture can eliminate this an intolerable kind of abuse, we need to make stricter laws to stand together and protect Victim of this abuse. Everyone should be treated equally discrimination based on race, caste, religion or gender. Women also have the right to move freely and live freely and happily without fear.²¹

IX. CONSTITUTIONAL PROVISIONS ON WOMEN

The principle of gender equality is enshrined in the Constitution of India in the preamble, fundamental rights, fundamental obligations, and guiding principles of national politics. The Constitution not only guarantees women's equality, but also allows the state to take positive discriminatory measures in favour of women. As part of a democratic regime, our laws, development policies, plans and programs aim to advance women in a variety of areas. India has also ratified various international treaties and human rights documents that promise to ensure the equal rights of women.

(A) Right To Equality

Article 14 deals with equality before the law. That is, everyone residing on Indian territory is entitled to equal rights under the law or equal protection from the law. Note that the term "everyone" is used here. This means that it applies to both men and women. According to Article 15 of the Constitution, we cannot discriminate against people for any particular reason, including gender. Here we use the term gender instead of "gender". This means that this article refers to biological differences and does not focus on social differences. Further in Article 15 (3), discrimination based on religion, race, caste, gender, or place of birth does not prevent the country from creating special accommodation for women and children. Women were considered inferior in gender because they

²¹ <https://www.ijlmh.com/paper/domestic-violence-against-women-in-india-a-critical-analysis/>

were a vulnerable class in society and were not treated equally. Therefore, "protective or positive discrimination" is used to put women on the same level as men and to have a fair competition.²²

Therefore, under the Constitution, the state is empowered to enact laws relating to women and children, but such laws must not violate Article 15 of the Constitution. Article 15 (1) prohibits discrimination based on gender. Article 15 (3) states that the State shall make women a special arrangement to abolish this disgrace, improve the social, economic and political situation of women and give them equal rights. Is allowed to actively discriminate. Article 16 of the Constitution states that all citizens should be given equal opportunity in matters related to employment or appointment to duties. Therefore, in the sense of Article 16 (2) of the Constitution, there is no discrimination based on "gender".²³

(B) Right To Freedom

Articles 19-22 deal with the right to freedom. Article 21 of the Constitution of India provides for the protection of life and personal freedom. **According to Bhagwati, J.**, Article 21 embodies the most important constitutional values in a democratic society. This right is exercised if a person's right to life or liberty is violated. Right to life means not only the existence of animals, but also a dignified life. One have the right to live a life of respect.

This right is the basis of all constitutional rights. In India, domestic violence, sexual abuse and harassment are increasingly violating the right to life. In most families, these women endure such violence to protect their marriage. Fearing family shame hinders remarks and dependence on her husband. Basic rights are at the heart of the Constitution, and women need to be thoroughly sensitive to it.²⁴

(C) Right Against Exploitation

Article 23 of the Constitution provides for the right to exploitation. The provisions of this Constitution prohibit human trafficking. Trafficking in women is very common in our country where women are highly exploited. The legislature has passed the Immoral Trafficking (Prevention) Act of 1956, which aims to eliminate prostitution and other forms of trafficking.

(D) Directive Principles Of State Policy

²² Pandey J.N, "The Constitutional law of India", 48th Edition, Central Law Agency, p. 131

²³ Pandey J.N, "The Constitutional law of India", 48th Edition, Central Law Agency, p. 135

²⁴ Pandey J.N, "The Constitutional law of India", 48th Edition, Central Law Agency, p. 180

The policy principles of national policy reflect the governance of India as a welfare democracy. These policies provided equal labor rights, equal pay for equal work, and appropriate means for a decent and dignified livelihood for men and women.

Part IV of the Constitution, Articles 39 (a) (d) and (e), 42, 44 and 45, deals with the well-being and development of women. Under Article 39 (a), States should direct their policies to ensure that citizens, men and women have the right to make decent livelihoods as well. This article provides all citizens, regardless of gender, with equal rights to earn a decent livelihood. According to Article 39 (d), the state has a constitutional obligation to ensure that men and women receive equal pay for equal work. According to Article 39 (e) of the health and physical fitness of men, women and underage workers must be protected as well. Article 42 of the Constitution deals with fair and appropriate conditions for labour and maternity leave²⁵. There must be rules for better maternity leave. However, there are certain programs for pregnant women that allow them to get a free health check-up and receive free medicines such as: In India, women are given six months of paid maternity leave in the public sector and there are no clear rules in the private sector.

(E) Fundamental Duties

Article 51A (e) states to renounce practices derogatory to the dignity of women. It is a wide provision, where the decency and morality of women must be intact. The Constitution provides such duty that people are expected to do away with indecent practices like stalking, voyeurism, eve teasing, name calling, etc.²⁶

X. INCREASE OF DOMESTIC VIOLENCE DURING PANDEMIC

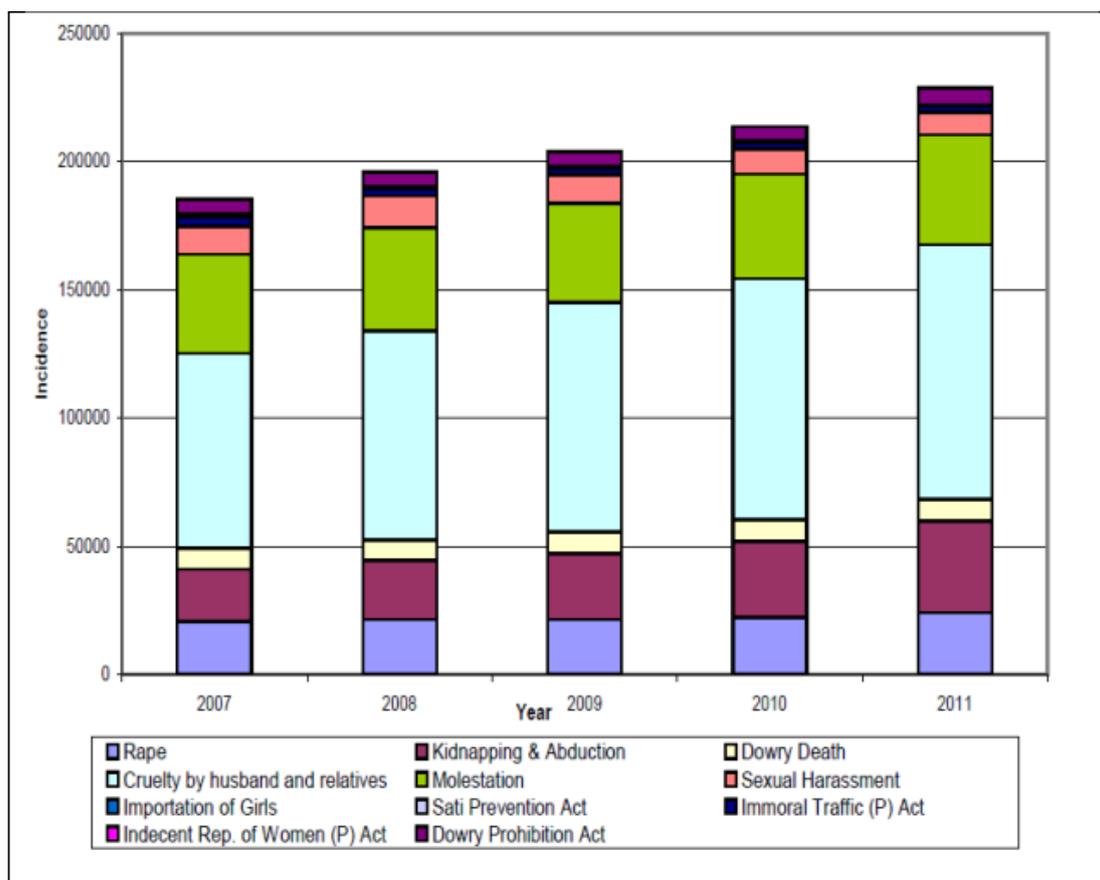
Most individuals found comfort in the "Stay Home. Stay Safe" lockdown message. However, it was a time of cruel captivity with their tormentors for many others, particularly women. "Women were badly damaged by the first shutdown, which lasted from March to May 2020. Like others in Indian cities and villages, women experienced job losses, saw their savings go, and watched as family members and acquaintances developed life-threatening illnesses. The phrase "Keep home, stay safe," encouraging individuals to adhere to lockdown procedures and isolate themselves, was not anticipated to have a completely different meaning for women. When family members were constantly present at home, women suffered not only from economic and other losses but also from a larger load of housekeeping and the ominous threat of domestic violence. The isolation of female victims cannot be overstated. Hospitals, police, government welfare cells, special phone lines, shelter homes maintained by the government, One Stop Crisis Centre's, legal assistance cells, and

²⁵ Pandey J.N, "The Constitutional law of India", 48th Edition, Central Law Agency, p. 419

²⁶ Pandey J.N, "The Constitutional law of India", 48th Edition, Central Law Agency, p. 431

protection officer the regular support systems were either non-existent or occupied with COVID-19 tasks. The pandemic made Dalit women's issues more severe. In the communities where they worked, Muslim and Dalit women had a higher rate of anaemia, which was linked to the scarcity of food. In the absence of medical services during the lockdown, women turned to quackery to end their pregnancies. Due to the lack of income brought on by the pandemic, they believed they could not afford to support another mouth. Women's Voice noted that Dalit's were unable to access state institutions like the police and courts during the lockdown, more so than during "normal" times. "Because women throughout the lockdown period did not find any respite, abuse whether physical, mental, or emotional increased. Together with their abusers, they were kept within the house's walls. Whether they drink or not, these abusers regularly find ways to become angry at the women, and the pandemic only made things worse. The researcher after analysing the crime records would like to add the following figures for better understanding. Between January and May 2021, 2,383 complaints of domestic violence were filed with the National Commission for Women. The majority of complaints came from U.P., whereas Delhi reported the highest complaint rate.

Crime against Women from the year 2007 to 2011

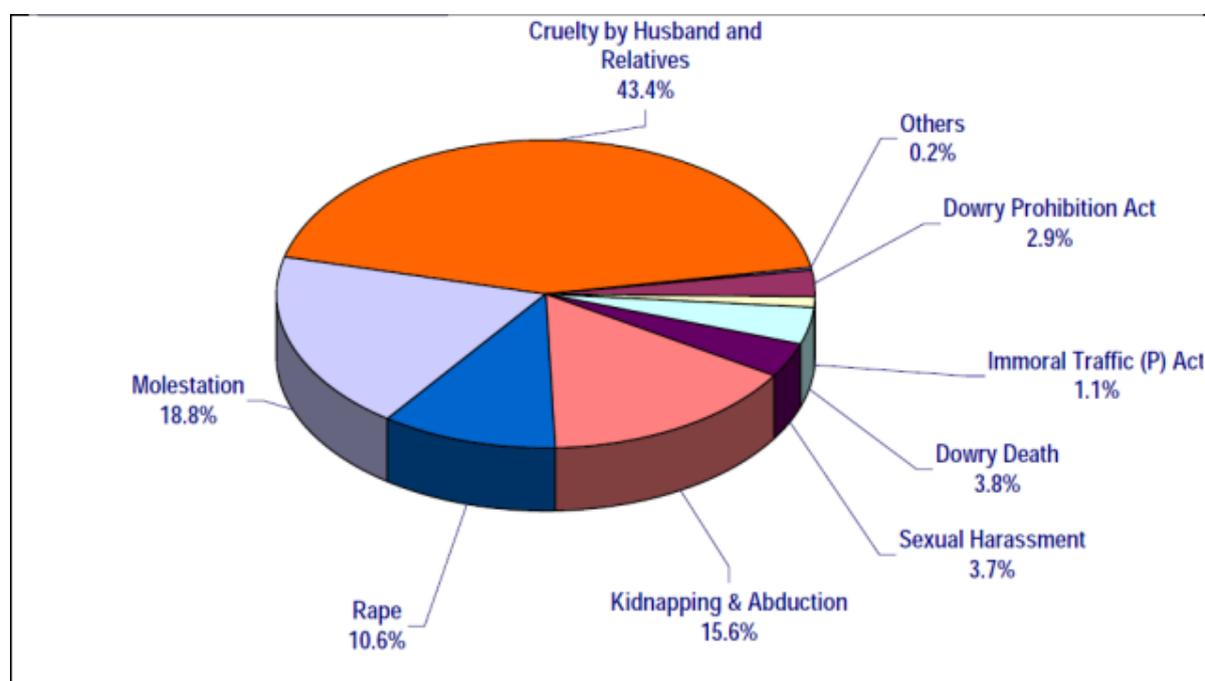


Sources: Crime In India 2011, New Delhi: Govt .of India²⁷

²⁷ Crime in India 2011. NCRB, New Delhi: Government of India.

The most recent annual data published by National Crime Records Bureau (NCRB) New Delhi support the growing prejudice toward women. The NCRB finds a worrisome aspect after analysing the primary crime trend over the years: crime against women has increased 873 percent over the past 40 years. The Bureau calculated this figure by comparing statistics on the number of cases reported in 1971 (2,487) with those reported in 2011. (24,206). this is more than three times the total number of offences that the authorities have recorded. The current paper makes recommendations while critically evaluating the significance of heinous crimes against women in India in the current Law and Order climate of the nation.

Crime against Women, Percentage Distribution during 2021



Sources: Crime In India 2021, New Delhi: Govt. of India²⁸

It is evident from figure-2 that how the rate of crime against women is closely with the incident of Crime from last one decade keep increasing steeply. In spite of Indian Penal Code 1860, many other special laws have been enacted to control crime against women like Prohibition of Dowry Act, Domestic Violence Act and Immoral Trafficking Act, but still the people are not deterring to commit crime against women in day light.

Dowry Deaths (Sec. 302, 304B IPC) (Incidence 8,618 Rate 0.7) the cases of Dowry Deaths have increased by 2.7% during the year 2021 over the previous year (8,391 cases). 26.9% of the total such cases reported in the country were reported from Uttar Pradesh (2,322 cases) alone followed

²⁸ Crime in India 2021. NCRB, New Delhi: Government of India.

by Bihar (1,413 cases) (16.4%). The highest rate of crime (1.4) was reported from Bihar as compared to the National average of 0.7.

Torture (Cruelty by Husband & Relatives) (Sec. 498-A IPC) (Incidence 99,135 Rate 8.2) ‘Torture’ cases in the country have increased by 5.4% over the previous year (94,041 cases). 19.9% of these were reported from West Bengal (19,772 cases). The highest crime rate of 21.6 was also reported from West Bengal as compared to the National rate at 8.2.

Sexual Harassment (Sec. 509 IPC) (Incidence 8,570 Rate 0.7) The number of such cases has decreased by 14.0% during the year over the previous year (9,961 cases). Andhra Pradesh has reported 42.7% (3,658 cases) followed by Maharashtra 12.5% (1,071 cases) of total incidences during the year 2011. Andhra Pradesh has reported the highest crime rate (4.3) as compared to the National average of 0.7.

It is distressing to report that there are more and more atrocities committed against women in India. Included in this are crimes like rape, molestation, harassment, domestic violence, and dowry harassment that regularly bring shame upon the country. Such The physical abuse of women is a significant impediment to gender equality. In India, where women make up almost 50% of the population, violence against women is on the rise as a violation of human rights, endangering the fundamental existence of women as autonomous individuals. In India, allegations of violence against women, such as cases of young brides being burned for dowry, women living in unusual situations, rapes of women and young girls, and molestation of young girls, are frequently published in newspapers and journals of all colours. In Indian civilization, women have frequently endured humiliation, abuse, and exploitation. Even while women are now increasingly being seen as powerful, significant contributors to the lives of men, violence against women continues to rise. Numerous women continue to be victims of violence despite the legal measures that were put in place to support women in our society after independence, the growth of education, and the women's progressive economic independence. Women are assaulted, abducted, raped, burned, and killed.

Domestic violence complaints received in the past 21 years



Sources: Crime In India 2021, New Delhi: Govt. of India

Figure 3 clearly shows the relationship between the rate of crime against women and the sharp increase in crime incidents over the past ten years. The Prohibition of Dowry Act, Domestic Violence Act, Immoral Trafficking Act, and other special laws have been passed to combat crime against women in spite of the Indian Penal Code 1860, but people continue to harm women openly.

Even after 65 years of independence from India, now is the time. Our legislature has completely failed Control violence against women by enacting strict laws with fair enforcement same. On the other hand, corruption is on the rise in countries where criminal justice systems exist. The system has also been affected on a large scale, especially since the major frontier police sub-agencies. On the other hand, hatred, and regionalist politics are increasing and practicing. Widely used by private and public companies in all states. Enacting good and powerful laws and enforcing them fairly is a big step back. In the future, we need to empirically investigate why crime is constantly increasing. India, does the current law of India have an Indian deterrent effect or a criminal justice system? Enforcement of national law has become a complete failure to deal rigorously with violators evenly without prejudice.

XI. FINDINGS, RECOMMENDATIONS AND CONCLUSIONS

The number of women reporting abuse and harassment in their homes to the National Commission for Women has increased significantly in 2021 compared to 2020, despite a raging epidemic. In the second year of the pandemic, the commission received 30,865 complaints, of which 72.5% (22,379) fit into three categories: problems of harassing married women, including for dowry, and securing their right to live in dignity (36%) and protection from domestic abuse (21.6%). (15 percent).²⁹ Domestic abuse cases increased from 3,748 to 3,582 between April 2021 and June 2021, according to the National Legal Services Authority (NALSA), as opposed to 3,748 cases between April 2020 and June 2020.³⁰

India needs to concentrate on efforts to reduce the gaps in the administrative data, which include underreporting and nearly stagnant data over time, according to a longitudinal study by BMC Women's Health that examined trends and lessons on domestic violence experienced by Indian women from 2001 to 2018. The bulk of domestic violence crimes between 2001 and 2018 were classified as "cruelty by spouse or his family," with the recorded rate of this crime rising by 53% over the course of 18 years. The report also showed that in 2018, there were 28.3 incidences of

²⁹ <https://timesofindia.indiatimes.com/india/domestic-violence-plaints-to-ncw-rose-26-last-year/articleshow/88939556.cms>

³⁰ <https://economictimes.indiatimes.com/news/india/3582-cases-of-domestic-violence-reported-in-india-between-april-and-june-decline-from-2020-govt/articleshow/88297612.cms?from=mdr>

cruelty committed by husbands or family members per 100,000 women, a 53 percent rise from 2001. In 2018, there were 2 percent recorded dowry fatalities and 1.4 percent reported abetments to suicide. The researchers' data came from the National Crimes Record Bureau (NCRB) annual reports under four titles related to domestic violence crimes: cruelty by spouse or his family, dowry deaths, aiding in suicide, and protection of women against domestic violence act. In India, there were 1,548,548 incidences of cruelty by a husband or his family members reported from 2001 to 2018, with 554,481 (35.6%) occurring between 2014 and 2018. In India, the recorded rate of this crime per 100,000 women between the ages of 15 and 49 increased from 18.5 in 2001 to 28.3 in 2018, a considerable rise of 53 percent. At the state level, there were significant variances in the rate of reported abuse by a husband or his family in 2018. Between 2001 and 2018, the reported crime rate increased by more than 160 percent in Delhi, Assam, West Bengal, Arunachal Pradesh, Meghalaya, and Jammu & Kashmir. Mizoram experienced the largest drop in the recorded crime rate, 74.3 percent, from 2001 to 2018. Prof. Rakhi Dandona, the study's principal investigator and a professor at the Public Health Foundation of India, noted that while many states' reported rates of domestic violence have essentially stagnated over time, only a few states have seen changes in their reported rates.

The study also highlighted how the lack of anonymized person level data from incidents reported in the public domain restricts the investigation of domestic abuse patterns that might lead to fact-based policy action. The rates of intimate partner violence (IPV) and non-partner violence are two measures of progress toward achieving Sustainable Development Goal (SDG) target 5, which calls for the abolition of all kinds of violence against women and girls. In ever-married/partnered women aged 15 years, the WHO estimates a 26 percent prevalence of IPV; this incidence is 35 percent in southern Asia. For improved evidence-informed policy to address the issue of domestic abuse in India, data and information systems must be strengthened. Lessons learned from over 20 years of monitoring domestic violence against Indian women show that some states have witnessed a change in the reported rate of cases while others have observed a fairly stable rate. This emphasises how crucial it is to comprehend how women and police underreport cases, strengthening the reliability of the data that is already accessible. In order to reduce domestic violence against women cases in India, more standardisation in data recording and an expansion in the range of data collected by the police would boost the utility of this data. Only 6.8% of the cases submitted in 2018 had successful trials, with the majority of the accused being found not guilty, demonstrating the formal system's poor performance in reducing domestic violence. Women are reported to be further deterred from

reporting crimes due to the depressing waiting period, protracted legal proceedings, and poor conviction rates.³¹

XII. FINDINGS

The Protection of Human Rights Act, 1993 is materially flawed in a way that makes it impossible to implement its provisions in the state that they are currently in for accomplishing the purpose for which it was enacted, according to the major findings regarding the protection of women's human rights that have been made so far. However, the 1993 Protection of Human Rights Act was criticised for a variety of shortcomings. If those flaws are fixed through amendments, adding or creating a new crime of torture that violates a person's dignity in the IPC, and adding new provisions—such as Section 114B in the Indian Evidence Act—revising the burden of proof for human rights offences. Of course, the Protection of Human Rights Act of 1993 makes no mention of the rights of victims of human crimes in relation to alternative forums for resolving their grievances, such as the preference of filing a private complaint regarding offences that are cognizable or not before human rights courts or lodging an information regarding offences that are cognizable with the S.H.O of the relevant police station. With the exception of situations for which a specific provision has been made in the 1993 Protection of Human Rights Act, it is legal to apply the appropriate provisions of the Criminal Procedure Code to cases involving violations of human rights. Once the Criminal Procedure Code is in effect, it is stated that victims of human rights offences may initiate criminal proceedings in accordance with the guidelines outlined in the Criminal Procedure Code.

The researcher has made an effort to study the causes, impacts, international papers, national legislation, and judicial decisions governing the D.V. issue, despite the fact that it is impossible to find correct information on this topic.

1. In Indian culture, domestic violence is comparable to a dangerous disease that the present generation has received from their predecessors. Society has developed a practise of sexually, emotionally, monetarily, and socially tormenting women. Laws alone cannot prevent domestic violence; a shift in perspective is crucial instead.
2. The reported cases are probably not reflective of the actual increase in domestic violence. This is due to the possibility that those confined with their abusers may not have access to a cell phone or the time or space to call for help. Most options for getting assistance or physically getting out of situations are limited.

³¹ <https://indianexpress.com/article/cities/pune/domestic-violence-cases-in-india-increased-53-between-2001-and-2018-study-7893930/>

3. Domestic violence and the ideology of masculinity are strongly associated because males think that employing physical force against the weaker gender is a sign of their manhood. Other factors mentioned by the writers include the spouses' relationship, the children's sex (for example, when a woman gives birth to a girl child, it typically results in domestic abuse by the husband or in-laws, or both), dowry, and employment position.
4. The main reason why women put up with such abuse or violence is to preserve the integrity of the family; sex is regarded to be private and should never be discussed in public at all, as doing so will damage the family's reputation. The idea that family integrity should be preserved at all costs prevents many women from seeking outside assistance, therefore the family violence is typically concealed beneath the concepts of intimacy and the private sphere. Additionally, because of the altered family structure, women were compelled to remain with their abusers.
5. The likelihood and severity of threats, physical, sexual, and psychological abuse, humiliation, intimidation, and controlling behaviour may grow if one is confined with violent or manipulative people. These behaviours frequently have long-lasting impacts on individuals and can adversely influence their mental health and general wellbeing.
6. One of the obstacles to leaving a violent household is that women whose livelihoods have been impacted by the crisis may now be in financial trouble
7. Because of the predominance of traditional societal norms and the stigma attached to victims of sexual or domestic abuse, instances are vastly underreported. In addition, women feel uneasy going to the police because they fear that if their partners are detained, they would be released to even worse abuse and that in the interim, their in-laws or other people might harass them.
8. The majority of women who endure such offences are unaware that domestic violence (DV) is a legitimate crime and that countless women across India experience this type of abuse on a regular basis. The author makes the point that women's views are often not heard when their cultures, families, values, and traditions are kept private. Because they never question or object, they are taken for granted, and because of this, their muted cries of dread and trauma are kept inside the four walls of the home and do not get the attention of either the law or the protection police.

XIII. RECOMMENDATIONS

National laws should outlaw all types of domestic abuse and establish strong legal protections, such as the right to have a violent partner removed from the woman's home and away from her children without having to wait for a court order or even showing any signs of violence; A review of current national laws and thorough research are required in light of the legal and institutional reform aimed at creating more effective systems for protecting women against domestic violence; the concept of domestic violence should be defined in national legislation so that it Conjugal rape should be made a crime; access to justice and the various processes should be more lenient; hearings should preferably be held in private; the burden of proof should be lowered; and the police and law enforcement agencies should be given the authority to conduct investigations, gather evidence, and file complaints on behalf of victims of domestic violence is treated as a serious criminal offence, regardless of its form;

- to improve statistics on domestic violence, and with this in mind to develop a clear picture of its nature and prevalence, to permit the identification of resources earmarked for this problem and the evaluation of initiatives to tackle it;
- to develop a partnership between the authorities responsible for the protection of women's rights and regional and local authorities in order to increase the number of rehabilitation centres and shelters for women victims of domestic violence;
- to promote continuing co-operation and understanding between the police, government departments and non-governmental organisations in the fight against the problems and dangers associated with domestic violence;
- to design action plans in collaboration with women's non-governmental organisations to promote a culture that rejects domestic violence;
- to organise proper training for those who work with victims of domestic violence, including medical professionals, law enforcement, and social workers; to start national awareness campaigns in the media against domestic violence;
- to guarantee that teachers have proper training on the subject of domestic violence and gender equality, and to begin teaching about gender equality and nonviolent behaviour at a very young age;

- encouraging people to acknowledge their duties and take action to lessen and prevent domestic violence in society through educational programmes;³²

From the study of the whole research the researcher here would want to recommend few of the recommendations which might be helpful to curb this menace in the society.

1. Citizens must be made aware of the increased dangers of domestic violence, and onlookers and neighbours must be persuaded to act quickly if they suspect abuse by employing methods like ringing the doorbell or knocking on the door. If they decide to report a case, they should also be given the right to remain anonymous.
2. Essential services like hospitals, food stores, and medical stores must be urged to help individuals get the support they need and, if required, deliver their concerns to the authorities, when they are unable to make complaints by texts, post, or calls. Pharmacies in France and Spain are being trained to recognise abuse victims by using code words. For example, asking for "mask 19" is used as a code for persons who are unable to speak out loud to indicate that they are experiencing abuse and need assistance.
3. The necessity to properly incorporate domestic abuse and its effects on mental health plans appears to have gone unnoticed in India. To raise awareness of domestic violence and highlight the different ways in which complaints can be made, we need a vigorous national campaign.
4. In order to provide help, civil society organisations are essential. Numerous charitable organisations are attempting to make it possible to obtain services including 24 hour shelter needs, legal aid, counselling, and medical care. Therefore, the government must permit counselling services, mental health organisations, civil society organisations, and other service providers to assist victims of domestic abuse.
5. The government must designate helping those who are in need and are experiencing domestic violence as an "essential service."

XIV. CONCLUSION

Justice K. Ramaswamy stated

“Women in India have endured and continue to endure prejudice in silence. They have the strength and nobility to sacrifice themselves, yet they are nonetheless subjected to injustices, indignities, inequity, and prejudice”

³² <http://assembly.coe.int/nw/xml/xref/Xref-XML2HTML-en.asp?Fileid=17055>

India is a signatory to human rights conventions, and its fundamental law guarantees everyone's right to human rights. In certain distant areas of India, for example, there is a dearth of knowledge about women's rights. The administration-public relations relationship in India must be taken into account and addressed. Women's rights to life, liberty, and other basic freedoms must also be protected. Even if they are informed, they do not have the necessary funds, knowledge, time, expertise, guts, or confidence to take advantage of these provisions. It is nearly impossible to entirely eradicate DV because it is such a pervasive issue in our society. In addition to being the cause of the crime, patriarchy is also its main perpetrator. The fundamental issue is the crime's "invisibility," as it is widely believed that it is a private affair and should not be discussed with others in public. The World Bank conducted a study on domestic violence in 35 countries in 1994, and the results were published in a report that stated that between 25 and 50 percent of the women in those countries had experienced physical abuse at the hands of their partners, and that domestic violence affects one in three women globally.

Sexual abuse has been specifically covered by the DV Act. Sexual violence is defined as the use of sex as a tactic or weapon to assert authority over another person, typically through humiliating that person. In circumstances of domestic abuse, the husband may use sex as a weapon against his wife, as is explained in depth in the current article. Although the idea of marital rape is not recognised in India, it is widely accepted in many other nations.

All of the powers are associated with goddesses because historically speaking, women were revered and viewed as being more powerful than men. For example, wisdom and knowledge are associated with Goddess Saraswati, power and strength are associated with Durga or Kali, and wealth and fortune are associated with Goddess Lakshmi. However, society has evolved to the point where women are now seen as nothing more than objects that males may use to assert their superiority. Girls are schooled in all household tasks with the sole intention of pleasing her in-laws rather than becoming independent. They are taught from an early age that their real home is the one they will marry in, which fosters a sense of detachment. She has been deprived of fundamental human rights including education, a healthy environment to live in, access to healthcare, and economic freedom, among others. Such a girl was never able to think outside the walls of her house and her family as a result. She was raised to believe that she must remain with her spouse no matter what, and that it is her one and only responsibility to maintain their happiness. Because she was unaware that the treatment she received constituted a crime in the eyes of the law, she endured all torture in silence and never protested. Her lack of literacy and ignorance of her basic human rights are the main causes of all of her suffering. Violence against women is on the rise in Indian society. Women are being slaughtered, tormented, and beaten behind closed doors in private residences. Both rural and urban

areas of the country experience domestic violence. In today's society, it has evolved into a tradition or habit that is passed down from one generation to the next. Domestic violence, which has a high rate of recidivism, can take many different forms, including psychological, physical, sexual, financial, and emotional abuse. These forms of abuse can manifest as physical harm, the deprivation of food, money, or other resources, intimidation, humiliation, and degradation. They can also lead to hedonism, pain, exhaustion, isolation, alienation, depression, fear, and lower levels of self-esteem, productivity, and attentiveness.

Prior to the DV Act, special protection measures such as the 304B IPC, 113B Evidence Act, and 498A IPC were put in place to control and eliminate cruelty toward women by husbands and his relatives. However, these measures did not entirely succeed in reducing the abuse against women in their matrimonial home. These laws solely included physical and mental abuse related to dowries, failing to recognise any other forms of abuse that extended beyond simply those that were physical and mental. As a result, the DV Act was created after much thought and discussion of various additional forms of abuse, including sexual, emotional, verbal, and financial.

Law cannot transform a society quickly, but it can surely ensure that the weak are not treated unfairly. However, the court can undoubtedly go beyond merely the letter of the law to protect women from unfairness brought on by biological or sociological reasons. The Supreme Court has always been particularly concerned with upholding its legal and constitutional duties and defending the interests of women in light of shifting circumstances and societal expectations.³³

We must band together and enact stricter legislation that will safeguard the abuse victims if we want to eradicate this dreadful kind of abuse. India's constitution and legislative body have provided rules and protection for women since the country's independence, yet women continue to experience domestic violence at the hands of husband families. In India, there is strong evidence that women are still not protected in marital households. The effects of domestic abuse during the pandemic on women's mental health are diverse. The government has launched a number of initiatives to combat domestic abuse, including awareness campaigns, national news channels, radio stations, and social media platforms. According to the pilot study's findings, domestic violence against women is a serious problem in India. Participants have some understanding of the idea of domestic abuse, but they are unaware of the legislation. Women's health, which is impacted, is the responsibility of the government, schools, parents, and society.

³³ <http://www.jicrjournal.com/gallery/145-jicr-may-2757.pdf>