
WOMEN ABUSE WITH RESPECT TO DOMESTIC VIOLENCE

Surajvel. R, School of Law, Christ Deemed to be University

Introduction

What is woman abuse?

Women are susceptible to many kinds of abuse because they are women, and the term "woman abuse" is used to characterise it. Family violence, gender-based violence, and gender-based abuse are all terms that describe the same thing.

A woman's intimate connection (dating, common law, or marriage) may be a place where domestic violence or "intimate partner abuse" is used to describe this type of abuse.

Gender-based violence includes sexual violence, such as sexual harassment and sexual assault/abuse. Sex assault can be committed by anyone from a woman's partner or spouse to a coworker or a stranger who she doesn't even know.

Woman abuse is whether intentional or not

In order to establish and keep control over the victim, the offender abuses her. Physical or sexual force may be used, or he may threaten to use such force. The abuser's goal is to instil fear in the victim so that she would submit to his will. because they have "lost control" of themselves. In most cases, the men who abuse women are not violent or abusive to others. An abusive episode may be triggered or exacerbated by the use of alcohol, stress, or mental health concerns.

According to the United Nations General Assembly (1993), "any act of gender-based violence that results or is likely to result in physical, sexual or psychological harm and suffering to women," including threats of such acts, coercion or arbitrary deprivation of liberty, "whether occurring in public or private," is considered woman abuse.

Women who have been abused are afraid, humiliated, and given power and control by their

abusers.

In heterosexual and same-sex partnerships, it can occur.

An intimate relationship can lead to a woman being abused by her partner, even after the relationship has ended.

In Canada, certain, but not all, kinds of female abuse are illegal. It's a severe problem that affects women, children, families, and the community, and it's widespread in our culture.

Studies of feminist theory and the ideas that have formed and grown within it, as well as the application of theory to class-related issues, are all part of Feminist Jurisprudence's scope. As a result of the law's lack of bias, women continue to suffer oppression and violence. In the view of feminists, the current legal situation should be challenged by focusing on what kind of institutions and laws are needed to correct the imbalance against women in society.¹ Our society's very foundations are being challenged by the feminist jurists. In their view, we need to reinvent our legal system by examining the underlying standards.

Domestic abuse laws around the world are as follows:

As far back as 1970, a treaty was drafted to ensure that women would be free from all sorts of gender-based discrimination. Women's rights campaigners utilise it as a significant instrument in their efforts to achieve gender equality.

Rights for women and men are protected by the Universal Declaration of Human Rights, a worldwide agreement. It was enacted in 1948.

The crimes against humanity perpetrated by people in times of war are the focus of the Rome Statute, which does not apply to nations.

Women's rights are addressed in the four Security Council resolutions on Peace, Security and Women (numbers 1325, 1820, 1888, and 1889).

Protocol to the United Nations Convention on the Prevention of Cruelty to Animals

¹ Zimmerman C. *Plates in a basket will rattle: Domestic violence in Cambodia, Phnom Pehn*. Cambodia: The Asia Foundation; 1994.

All Migrant Workers and Their Families are protected by the International Convention on Migrant Workers' Rights.

Protection of All Persons from Enforced Disappearance Convention

United Nations Convention against Transnational Organized Crime supplemented by Protocol on Trafficking in Persons, Especially Women and Children

The laws regarding domestic violence in India are:

Even if a woman is married to a man, she is protected by the 2005 Domestic Violence Act. The right to reside in a shared home is likewise protected by this legislation. Financial recompense and protection from abusive spouses can also be sought by women.

Prohibiting dowry is the goal of the Dowry Prohibition Act. It is punishable by up to six months in prison and a fine of up to five thousand dollars.

Indian penal code section 498A declares that anyone who harms a woman is guilty of a crime. This involves harassment, stalking, and suicide.

Domestic violence is a major concern for these regulations, which are designed to protect women. Some of the rules are still being developed, despite the fact that many of the elements have already been obtained. Divorce, custody of children, and injunctions can be obtained by domestic violence victims under this law.

Despite the comprehensiveness of the rules, domestic abuse victims are not adequately protected. Male members of a community are at risk because the legislation does not adequately safeguard their interests.

As a result of these laws, I have a greater understanding of existing standards that allow women to resolve/curb domestic abuse, which in turn improves their life.

Cases revolving domestic violence in India

Sandhya Wankhede Vs. Manoj Bhimrao Wankhede (Criminal Appeal No. 271/2011)

If you've had a domestic connection with another adult male individual, you're entitled to submit a complaint against the adult male partner or husband of that individual, according to

Section 2 (a) of the Domestic Violence Act. This means that a woman in a relationship with her husband can also submit a complaint against the male partner or the mother-in-law of the husband. If you're married and you have a male partner, Section 2(q) of the Domestic Violence Act does not bar you from filing a domestic violence complaint against your husband.

Sabita Mark Burges Vs. Mark Lionel Burges (Writ Petition No. 4150/2013)

Under Section 19 of the Domestic Violence Act, magistrates have the authority to order a man to leave his wife's or the woman's home. If a guy owns a home, he cannot use violence against his spouse or live-in girlfriend, the High Court ruled.

During the Sabita Mark Burges case, the Bombay High Court stated that: "It is widely observed that the parties' proprietary rights are those that are granted to them by the courts. Courts under the common law often do not offer wives the same rights as husbands because they do not own the marital home.

Meenavathi Vs. Senthamarai Selvi (CRL O.P. (MD) NO. 12092 OF 2008)

Section 19 of the Domestic Violence Act states that no order can be passed against a woman.

High Court of Madras in the case of Uma Narayanan vs. Mrs. Priya Krishna Prasad, (Criminal Original Petition No. 9277/2008)

The Court held that under Section 19 (1) of the Domestic Violence Act, a Magistrate might pass an order to remove a male family member from a shared household. This order can be made only against the male family members and not against the women living in the home.

V.D. Bhanot Vs. Savita Bahnot (SLP (CRL.) No. 3916/2010)

The Apex Court held that even if a wife had shared a household with a husband before The government brought the Domestic Violence Act into force, she would be entitled to its protection.²

Mohd. Zakir Vs. Shabana & Ors.. (Cri Appeal No. 926/2018)

In a unique case in 2018, the High Court of Karnataka held that an adult male could file a petition under the Domestic violence Act. The Court noted that the phrase "adult male" was

² India Kanoon

deleted from the Act to avoid violating the provisions of the Constitution. The High Court held that if the expression "adult male" is replaced by "adult female," then any person, whether male or female, could invoke the provisions of the Act. Justice Anand Byrareddy of the High Court had passed a verdict in the Hiralal Harsora case on October 31, 2017. However, it was later withdrawn by him after an Advocate opposed the ruling.

Indira Sarma Vs VKV Sarma (Criminal Appeal No. 926/2018)

Not all live-in relationships are created equal. The Supreme Court has established that a live-in relationship is not a type of marriage.

Lalita Toppo Vs. State of Jharkhand & Anr (Criminal Appeal No. 2656/2013)

The Supreme Court has held that a woman who is not a legally married spouse may still claim maintenance under the provisions of the Domestic Violence Act 2005. This Act applies to maintenance claims even if she is not a legally married spouse.

Section 3(a) of the Domestic Violence Act, 2005, which defines domestic violence as economic abuse, also constitutes domestic violence. This means that the victim would be entitled to more protection than provided under Section 125 of the Code of Criminal Procedure.

Articles made by other authors regarding domestic violence

1. Addressing Domestic Violence Against Women: An Unfinished Agenda

Indian J Community Med. 2008 Apr; 33(2): 73–76.

DOI: 10.4103/0970-0218.40871

A teacher at Maulana Azad Medical College, New Delhi, Ms Ravneet Kaur wrote this essay with the help of Suneela Garg, a teacher in the department of community medicine at the college. According to their essay, domestic violence is a severe problem that costs countries a lot of money and has a negative impact on economic growth.

Domestic violence is a global problem that affects women's health and well-being in a substantial way. It is widely acknowledged as a normal part of daily life. It is also well-known that it is widespread.

When one person wields authority over another, it is called domestic violence. It can be used to exert influence over another person or a group of individuals. Physical attack, psychological torture, and sexual assault are all examples of abuse.

An act, omission, or action that could potentially damage a woman is defined as domestic violence under the 2005 Protection of Women from Domestic Violence Act. A single act of violence can be considered domestic abuse, even if it is just one instance.

Females are subjected to domestic violence throughout their lives. Forced abortion and suicide are just two examples of how this mental illness manifests itself.

Survey results show that over 44% of married Indian women had been the victim of physical or sexual violence at some point in their life. In most cases, the culprits were men in the family, according to the poll.

125 women a day were subjected to domestic violence in India in 2000, according to the National Crime Records Bureau. In 2005, the number of people with this condition reached 160. According to a survey by the United Nations Population Fund, violence against women is the main cause of disability among Indian females.

Readers will be able to learn more about domestic violence and its influence on the victim's family and on society as a whole by reading this paper, the authors say. Domestic violence is an increasing problem, and the study discusses ways to reduce its prevalence.

Understanding what women encounter and how they might avoid it is a big part of my study paper.

2. COVID-19 and Domestic Violence: A Possible Public Health Crisis

Ananth kumar First Published August 11, 2020 Research Article

<https://doi.org/10.1177/0972063420932765>

There's an Indian researcher named Ananth Kumar who works at the Ranchi-based Xavier Institute of Social Service in India's Jharkhand state.

As a result of the epidemic and the resulting social isolation, there has been an upsurge in violence against women. The United Nations has urged states to act immediately to protect

women's rights.

Domestic violence is a serious problem in many countries, and many governments have taken initiatives to prevent it. This page discusses the many interventions that have been used and their long-term effects. Living together during this epidemic will have both harmful and beneficial impacts, it is argued here.

During times of crisis, women are shown to be more vulnerable to violence than ever before, according to research. However, we must be careful not to compare this epidemic to prior calamities since it is unique.

Domestic violence is one thing, but studies have shown that having a family to lean on and a sense of safety can be another. This can aid in the development of a closer relationship between a child and his or her parents.

In light of the rising number of domestic violence victims, the governments' efforts are laudable. There is a limit to how many women they can cover. Efforts to educate women about the dangers of sexual assault must be coordinated by the agencies and individuals responsible for the issue.

Thesis/Claim Statement

The question that arises is “Why does domestic violence occur and how can one overcome it?”..

Creating a better society for women involves addressing the root causes of domestic abuse, which includes education, financial independence, and improving the lives of women. This can be done through education, awareness, and violence prevention.

Research Problem

The healing process for those who have experienced domestic violence is ongoing. There are numerous approaches that may be used to acknowledge the consequences of these traumas, and doing so can assist individuals in beginning the process of healing.

Victims of domestic violence frequently undergo spiritual and physical transformations that can last for months or even years. They are also more likely to suffer from psychological discomfort and fury.

Despite the fact that survivors of domestic violence may be subjected to the same sorts of abuse, their reactions to the trauma are vastly different. Some individuals may be subjected to higher amounts of abuse than others. Individuals may also experience different levels of intensity and frequency of occurrences.

People who have never encountered domestic violence should be aware that the abuse might have a negative impact on their lives. Even persons who have been in abusive relationships may have difficulty recalling many of the specifics of their experiences.

It is possible that domestic violence will have negative health consequences, such as an increase in the risk of cancer, heart disease, or stroke. As well as substance misuse and mental health difficulties, it might result from this situation.

According to the Centers for Disease Control and Prevention, around 44 percent of women and approximately 19 percent of males are victims of domestic abuse. It is possible that this sort of abuse will lead to the development of child maltreatment.

In order to prevent intimate partner violence, it is important to learn healthy and safe relationship skills and to involve peers and influential adults.

Research Objective

The two relevant objectives of my research paper are:

1. To improve awareness about woman abuse with respect to domestic violence.
2. To help to increase the confidence of women to speak up if they are facing abuse.

What Leads to Domestic Violence?

Violence against women in the family has been around for centuries. Women have long been stigmatised as being weak, dependent, and ripe for abuse. Violence against women has long been considered as a fact of life. Cultural norms, religious beliefs, and socioeconomic factors all play a role in the prevalence of domestic violence, but the decision to use violence ultimately rests with the perpetrator. Even though macro system-level forces (such as cultural and social norms) play a critical role in the development of gender-based violence in any country, including India, individual-level variables (such as observing violence between one's parents while growing up, absent or rejecting father, delinquent peer associations) also play an

important role.³ In part, the disparity in domestic violence between men and women can be attributed to variations in physical strength and weight. As a result, women over the world are socialized into their gender roles. It is common for women in patriarchal countries with rigid gender norms to be ill-prepared to defend themselves should their spouses turn violent. As a result, there is a cultural disarmament that has contributed to the imbalance. A common justification for husbands who beat their spouses is that they believe they are doing what is necessary to keep the home in order and punish their wives' bad behavior.

Domestic Violence and its Health Implications

In addition to causing physical harm, acts of violence harm the victim, the perpetrator, and society at large in terms of their mental, emotional, spiritual, and financial well-being. Many women's health problems can be traced back to domestic violence.

Women's mental and physical health, as well as their reproductive and sexual health, can suffer as a result. This includes a wide range of conditions such as accidents, gynaecological issues, temporary or permanent impairments, and even suicide.

When it comes to verbal and psychological abuse, some types appear to be harmless at first, only to gradually and silently become more dangerous over time." Addiction can take hold of victims' thoughts, making it difficult for them to grasp the seriousness of their abuse as time goes on," he writes. Witness Justice, Massachusetts, USA)

People's physical and mental well-being is affected by these social and emotional consequences for themselves, their families, their communities and the world at large.

Women's educational and professional pathways are disrupted or terminated as a result of physical and mental health problems, both in the short and long term. This leads to poverty and economic reliance. When a family is broken up, it has a huge impact on children, including poverty and a loss of confidence and trust in the family. As a result of these long-term consequences, the quality of life of individuals and communities might be adversely affected.

In India, if a woman is assaulted, she loses seven days of work. There is a total loss of \$12.6 billion in the United States each year, whereas Australia loses \$6.3 billion each year.

³ Ministry of Health and Family Welfare. Govt of India; Fact Sheet: National Family Health Survey NFHS-III 2005-06.

Domestic abuse can have long-term physical health implications, but they are generally hidden, indirect, and emerge over time. A woman's menstrual cycle can be disrupted by irritable bowel syndrome if she was assaulted as a kid, for example.

Addressing Domestic Violence

Effective responses to violence must be multi-sectoral, addressing the immediate practical needs of women who have been abused, providing long-term follow-up and assistance, and focusing on changing the cultural norms, attitudes, and legal provisions that promote and even encourage violence against women, undermining women's full enjoyment of their human rights and freedoms.⁴

The health sector possesses an unparalleled capacity to address violence against women, notably through reproductive health care, which the majority of women will utilise at some time in their lives. This potential, however, is far from being realised. Few doctors, nurses, and other health professionals are aware of or trained to recognise violence as a root cause of women's health problems.

The health sector can play a critical role in preventing violence against women by assisting in early detection of abuse, providing required treatment to victims, and directing women to appropriate care. Women's health services must be locations where they feel comfortable, are treated with respect, are not stigmatised, and can receive high-quality, evidence-based care. A comprehensive health sector response is required, with a special emphasis on overcoming abused women's reluctance to seek treatment.⁵

Conclusion

In some regions of Ethiopia, domestic violence against women was more prevalent than in others. More than half of women have been subjected to domestic violence at the hands of their husbands or other intimate partners. There is a direct correlation between the victim's socioeconomic status and the perpetrator's socioeconomic status. As long as the husband has at least one legitimate cause for abusing his wife, around two-thirds of women are fine with it. Because of this, we recommend that governments, programme planners, and other

⁴ *Two- third married Indian women victims of domestic violence*. <http://www.ptinews.com/>

⁵ WHO. Domestic violence: A priority public health issue in western Pacific region. *Western Pacific Regional Office*. 2001

nongovernmental organisations (NGOs) develop an adequate approach to prevent and regulate violence against women. Integrating domestic violence programmes with health extension initiatives can help prevent domestic violence in the community.