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LAW RELATING TO DOMESTIC VIOLENCE IN INDIA CRITICAL STUDY

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ABSTRACT

Violence against women, both inside and outside the home, is a major problem in contemporary Indian society. Women make up almost half of India's population and most of them are oppressed by socio-cultural and religious structures. Since ancient times, one genre has dominated the space of Indian social, economic, political and religious affairs.

Domestic violence occurs when one adult in a marriage abuses their power to exert dominance over another. Violence and other abusive behaviours are used in relationships to project control and fear. Physical abuse, sexual assault and threats are all examples of violence. It can also be more subtle, like making someone feel worthless, not allowing them to have money, or not allowing them to leave the house. Physical and emotional abuse, as well as social isolation, can have long-term consequences. It is one of the crimes against women that is linked to their privileged position in society. Domestic violence is defined as violence against women, especially in marital homes. Thus, domestic violence is recognized as a significant obstacle to women's empowerment, with consequences for women's health, their care-seeking behavior and the adoption of reduced family norms.

The question posed in this paper is to what extent the Domestic Violence Act 2005 has succeeded in correctly defining all forms of domestic violence and providing redress and protection to its victims. Although the aforementioned Act is a significant start in terms of the information it provides to the Indian legal system, the effectiveness of its application can be questioned on certain grounds.

KEYWORDS- Domestic violence, Abuse, Assault, Legal system, Discrimination

INTRODUCTION

Domestic violence against women is a serious problem that occurs on a daily basis in many Indian households. Through calculated dangers, fear, and physical assault, the offender harms and controls the victim. Children in homes where sexual violence does exist, but it is frequently ignored or overlooked. While women are usually the target, violence against children does occur on occasion. Domestic violence has been observed in nearly every society and civilization throughout recorded history. Discrimination and oppression that result in physical, mental, or emotional violence have long been accepted as normal in patriarchal societies.

"Violence against women is the result of historical power imbalances between men and women, which have encouraged men to oppress and discriminate against women and impede their full development. Domestic violence is defined as any form of aggression directed against a spouse, partner, or other family member living in the same household. Every culture experiences domestic violence, and perpetrators can be of any age, race, ethnicity, or religion. The major public health issues and violations of women's human rights are violence against women, particularly assault by intimate partners and sexual violence towards women. According to a global review of available data from 2013, 35% of women worldwide have experienced physical and/or sexual violence by intimate partner or non-partner sexual violence. Due to historical power disparities between men and women, which led to men dominating and discriminating against women and preventing women's full advancement, violence against women is a result.¹

Many cases of domestic violence are also motivated by the belief that women continue to be mentally and morally inferior to men. Torture, battering, and murder occur behind closed doors in homes all over the world⁶. It occurs in rural areas, towns, and cities, as well as in urban areas. It goes beyond all social roles, genders, races, and ages. It is a cherished family heirloom that has been passed down through the generations. However, crimes against women demonstrate the tragic fact that women are not healthy and safe everywhere.

A law, while certainly important in ensuring women's protection and civil rights, cannot resolve the issue on its own; one must also consider various non-legal measures to keep

¹ Narwadkar, Dr. Pooja P., Law Relating to Domestic Violence in India 9, (Hind Law House Publication, 2014)

women safe both at home and on the streets.

Every country is witnessing an increase in the number of governments taking steps to prevent violence against women. These countries have recognised the importance of state involvement in domestic violence and have put measures in place to combat it.

Domestic violence is a major social problem in India, reflecting the inferior and unfair treatment meted out to women in the most basic unit of social life- the family. It is frequently linked to the issue of dowry, another social ill that is prevalent in the Indian social structure. Since time immemorial, our society has struggled with this issue. However, it came to the attention of legislators in the late twentieth century when the Parliament felt the need to include Section 498A in the Indian Penal Code. Section 498A criminalises matrimonial cruelty, which was previously recognised in civil law only as a gender neutral ground available to both spouses seeking divorce or judicial separation. However, the section had some shortcomings, and in order to address them, the Parliament passed the Protection of Women from Domestic Violence Act in 2005.

Violence against women is a worldwide problem. This giant has not spared any country, state, or continent. It is one of the most widespread violations of human rights in the world, as well as one of the least prosecuted crimes and the greatest threat to women's survival. It is ironic to say that despite the fact that we live in the age of digitalization and ultra modernization, the situation of women has not improved. They are still regarded as the society's weak, vulnerable, and subordinate segment.

MEANING OF VIOLENCE

The term violence implies any physical force used to cause damage or injury to another person or property.

The Oxford Dictionary defines "violence" as "behavior including physical force with the intent to hurt, injure, or kill someone or something."²

Domestic Violence is described as "the intentional use of physical force or power, actual

² <http://www.oxforddictionaries.com/definition/english/violence>.

or threatened, against oneself, another person, group, or community, which causes or is likely to cause injury, death, psychological damage, maldevelopment, or deprivation" by the World Health Organisation (WHO)."³

Domestic violence is defined as the violent victimisation of women within the confines of the family, usually by men. Domestic violence is generally defined as violence against women by members of the household in which she resides. It could be the husband, his parents, siblings, or any other resident who has the overt or covert authority to engage in actions that cause physical or mental anguish to women...It occurs behind closed doors and is frequently denied by the women who have been victims of violence.'

The term "domestic violence against women" refers to any act or conduct that has the potential to injure or harm women physically, mentally, emotionally, socially, and spiritually within the four walls of the home, but such an act or conduct is usually not committed.

MEANING OF DOMESTIC VIOLENCE

Domestic violence, also known as Intimate Partner Violence, Domestic Abuse, Dating Violence, and Intimate Partner Abuse, is a type of violence perpetrated by someone in the victim's immediate family. Partners and ex-partners, family members, close relatives, and family friends are all included who can commit domestic violence.

When there is a close relationship between the victim and the offender, the term "Domestic Violence" is used. Typically, there is a power imbalance between the victim and the offender.

Domestic violence is a major public health issue because it affects a large number of people and frequently results in physical, mental, and financial injuries, as well as deaths.

WHAT CONSTITUTES DOMESTIC VIOLENCE

In accordance with section 3 of the Domestic Violence Act 2005, what constitutes domestic violence as defined by which domestic violence includes:

- a) Threats to life, health and safety, physical or mental, including sexual, physical,

³ World report on violence and health, World Health Organization, 2002

- verbal and emotional abuse and financial abuse, or
- b) Harassment of any kind, including bodily harm, causes harm to the harassed person by causing him or her to pay illegal dowry or furnish valuable collateral, or any other property; either
- c) Injure or otherwise cause harm to the injured party

FORMS OF DOMESTIC VIOLENCE

PHYSICAL ABUSE: It includes any type of violent behavior inflicted on the victim (such as slapping, biting, beating, hitting, kicking, etc.). It also includes forcing someone to consume alcohol or drugs and denying medical treatment. Physical abuse includes: • shoving or shoving.

- You held him back to prevent him from running away.
- You have been slapped or hit.
- You were kicked or choked.
- You were hit or punched.
- Objects thrown at you.
- Locked out of the house.
- Left you in dangerous situations.
- Refused to help you when you were sick, hurt, or pregnant.
- You were pushed backwards or forced off the road.
- Apprehend to use a weapon against you⁴

SEXUAL ABUSE: This happens when the abuser tries to make physical contact with the victim without their consent. Marital rape, physical violence followed by sexual intercourse, and attacks on the sexual parts of the body are common examples.

- You minimized the importance of your sexual feelings.
- He criticized you sexually.
- Insisted on unwanted or unpleasant touching.
- Sex and affection rejected.
- Forced sex as a result of physical abuse or illness.
- You have been raped.

⁴ Newton C. J. "Domestic Violence: An Overview" FindCounseling.com, Mental Health Journal. February, 2001. Available at <http://www.aacts.org/article145.htm>

- I was envious and enraged, assuming you would have sex with you.
- Someone insisted that you dress more sexually than you wanted.⁵

Psychological Abuse: Psychological abuse includes behaviour that is intended to intimidate and persecute, such as threats of being abandoned or assault, confinement to the home, surveillance, threats to that they will take away custody of the children, apprehend to destroy objects, isolation, verbal aggression, and constant humiliation.⁶

Economic Abuse: Economic abuse includes denial of funds, refusal to contribute financially, denial of food and basic necessities, and controlling access to health care, employment, and other services.⁷

Emotional Abuse:

- Constantly criticised you, called you names, or yelled at you.
- You have insulted or driven away friends or family.
- Disgraced you in public or in private.
- Kept you from working, controlled your money, or made everything for you.
- The decision-makers refused to work or share funds.
- Stolen your car keys or money.
- Frequently threatened or told you to leave.
- When the abuser became annoyed.
- Using abused pets to harm you.
- Used lies and contradictions to manipulate you.

CAUSES OF DOMESTIC VIOLENCE

There is no single factor that can account for violence against women. Research has increasingly focused on the interdependence of various factors, which should improve our understanding of the problem in different cultural contexts. Several complex and interconnected institutionalised social and cultural factors, all manifestations of historically unequal power relations between men and women, have made women particularly vulnerable to violence directed at them. Socioeconomic forces, the family institution

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

where power relations are enforced, fear of and control over female sexuality, belief in male inherent superiority, and legislation and cultural sanctions that have traditionally denied women and children an independent legal and social status are all factors contributing to unequal power relations. Domestic violence against women is the result of a complex interaction of sociological, behavioural, historical, religious, and cultural factors⁸:

- A. Sociological or Behavioral Factors:** Among the sociological, behavioural, and cultural aspects are anger management issues, welfare dependency hardship, disparity in position, influencing character, drug dependency, parenting, and psychological fragility (bipolarize, depression, stress, and so on). Domestic violence is exacerbated when conjugal responsibilities are neglected as a result of adulterous encounters or a lack of trust.
- B. Historical Factors:** The inherent evil of patriarchy and the superiority attitude that has persisted among males for generations can be traced back to historical events.
- C. Religious Factor:** Religious sanctifications indicate a subtle, if not outright, female dominance. As a result, domestic violence against women has increased.
- D. Cultural Factor:** One of the socio-cultural factors that contributes to domestic violence is the desire for a male child. Domestic violence against women is a result of this fixation, which is caused by a lack of knowledge and innate masculine dominance. This is not an exhaustive list of characteristics, and the motivations or catalysts for family violence may differ.
- E. Dowry:** Dowry is a social construct. However, due to the high number of illegal dowry demand-related domestic violence cases, it is necessary to highlight it individually. This was also accepted by Parliament, as dowry-related domestic violence has been designated as a distinct category within the scope of maltreatment culminating in domestic violence under the Domestic Violence Act.⁹

Impact of Domestic Violence against Women

Any action taken by a man causes a problem when it has a negative impact on society. Depression, anxiety attacks, low self-esteem, lack of trust in others, feelings of abandonment, anger, sensitivity to rejection, chronic health problems, sleeping problems,

⁸ UNICEF (2000), Domestic Violence against Women and Girls, Innocenti Digest N0. 6, available at <http://www.unicef-irc.org/publications/pdf/digest6e.pdf>

⁹ <https://www.myadvo.in/blog/domestic-violence-against-women> (April, 2022).

inability to work, poor relationships, and substance abuse are some of the general effects of domestic violence against women. Physical abuse, in addition to these issues, can result in serious injury or death if the victim does not leave the relationship.

Impact of Domestic Violence against Women on Children

Children who witness domestic violence are more likely to develop serious emotional, behavioural, developmental, and academic issues. Children and teenagers who grow up in a domestic violence household are more likely to:-

Display aggressive and violent behaviour,

- a) Suicide attempts;
- b) Drug use and abuse;
- c) Common crimes, particularly sexual assault; and
- d) Later in life, they become abusers in their relationships.

It is because of a lack of parental control over children as a result of a parent's death, divorce, or desertion, or their ignorance or illness, and domestic quarrels that children may resort to bad practises and choose the wrong path.

LAWS DEALING WITH DOMESTIC VIOLENCE

- **Constitutional Law**

Article 14 of the Indian Constitution: Equal protection under the law is guaranteed by which states that no one shall be denied either equality before the law or the equal protection of the laws.

Article 15: Prohibits discrimination based on race, ethnic origin, social class, gender or place of birth Article 15(1) prohibits discrimination against citizens based solely on their religion, race, caste, sex or place of birth.

Article 15 (3) The State may make the necessary special provisions for women and children without being prevented by this provision.

Article 16: Equal opportunities in government employment

- 1) All citizens shall have equal opportunities for employment or appointment to any office in the state.
- 2) No citizen shall be excluded or discriminated against in public employment or office solely on the grounds of religion, race, caste, sex, ancestry, place of birth or residence, or any combination of these factors.

- 3) Nothing in this section shall prevent Parliament from passing any law requiring residence in any state or union territory prior to employment or appointment to one or more classes of government or any local or other authority in any state or union territory.

Protection of life and personal liberty:

Art.21 No one can be deprived of their life or their freedom unless it is done so legally. All citizens, men and women, have a right to an adequate standard of living. Additionally, the economy should not function in a way that concentrates wealth and production resources at the expense of everyone else's welfare;

Free legal assistance and equal justice: Article 39

The State shall adopt and implement the following principles of policy: In particular, the State shall focus its policy on ensuring:

Sub article (a) - Men and women alike have the right to an adequate means of subsistence
Sub Article (e) - that citizens are not compelled by economic necessity to pursue careers that are inappropriate for their age or strength, and that the health and strength of workers—both men and women—as well as the impressionable age of children are not abused.

Fundamental obligations: Art. 51A Sub Article (e) - Promote harmony and a sense of brotherhood among all Indians, despite their differences in religion, language, region, or industry; reject practises that defame women.

- **IPC: Section 498A**

When a husband or his relatives abuse a woman physically, emotionally, sexually, or financially, it is referred to as domestic violence, also known as "Cruelty by husband or his relatives" (Section 498A of the Indian Penal Code). Various types of abuse, such as beatings and other physical harm, verbal abuse, and financial exploitation are just a few examples.

According to Section 498A of the Indian Penal Code, "Anyone who subjects a woman to cruelty if he is her husband or a relative of her husband is subject to a fine as well as a term of imprisonment that can last up to three years." This clause permits the police to detain

the accused without first conducting a preliminary investigation.¹⁰

On the grounds of cruelty committed by them, a wife has the right to lodge a criminal complaint against her husband and his family.

It is crucial to remember that Section 498A covers a broad range of behaviours, such as harassment, emotional abuse, and cruelty with the intention of pressuring a woman to comply with any illegal demand for money or property. Any actions by the husband or his family members that are meant to hurt or injure the woman or her family are also covered by this section.

It's also important to note that the wife has the right to request a protection order and a residence order for her and her children under this section. The court can also order the husband to make payments.

- **Dowry Prohibition Act, 1961:**

This is a state legislature that punishes exchange of dowry. The Dowry Prohibition Act of 1961 renders practice of dowry illegal. Someone who offers, accepts, or even requests dowry may be subject to a fine of up to 5,000 rupees or a six-month prison sentence. However, gifts given or received by the parties to the marriage, their parents, or other relatives during, prior to, or after the marriage are not considered dowry under the terms of this Act.

- **THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 (PWDV, 2005)**

An act to strengthen the protection of the rights of women guaranteed by the Constitution who become the targets of violence of any kind that takes place within the family, as well as for matters connected to or incidental to that. Domestic violence is a common occurrence, but it has largely gone unnoticed by the general public. Currently, Section 498A of the Indian Penal Code, 1860 makes it illegal for a husband or a relative to treat a woman cruelly. In order to prevent women from becoming victims of this, a law is being proposed that would grant a remedy under civil law, keeping in mind the rights protected by The Constitution of India under Articles 14, 15, and 21.¹¹

¹⁰ Section 498A, INDIAN PENAL CODE 1860

¹¹ The Protection of Women from Domestic Violence Act, 2005.

"Any action by the defendant which threatens or tends to threaten the health, safety, life, physical integrity or well-being of the injured person, whether physical or mental, including physical violence, sexual violence, verbal abuse, psychological abuse and economic abuse.; or harasses, injures, endangers or endangers the injured person with intent to coerce them; it is considered domestic violence.¹²

The Salient Features Of The Protection From Domestic Violence Act, 2005 Are As Follows:

"Domestic violence" refers to actual or imminent physical, sexual, verbal, emotional and financial abuse. The definition would also include harassment of the woman or her family members with dowry demands.

It aims to cover women who are or have been in relationships with the abuser in which both parties have shared a home and are related through consanguinity, marriage, or a relationship that has the characteristics of marriage, or adoption; relationships with family members who live together as a joint family are also included under the proposed Act. Under the proposed Act, all women, including sisters, widows, mothers, single women, and those who cohabit, are entitled to legal protection.

"Domestic violence refers to any form of abuse, including verbal, emotional, financial, physical, and sexual abuse. Demands for dowries made to the woman or members of her family would also fall under this definition. The woman's right to housing is one of the most important legal provisions.

"Domestic violence" refers to actual or threatened physical, sexual, verbal, emotional, and financial abuse. The definition would also include harassing the woman or her family members with dowry demands. One of the most important features of the act is whether or not she has any rights in the household, the Act guarantees the woman's right to reside in the marital or joint household. A residence order that is issued by a court protects this right. Anyone who is a woman cannot be subjected to these residence orders.

The Act also provides for the power of the court to issue protection orders that prohibit

¹² Ibid sec 3

the abuser from participating in or carrying out specific acts of domestic violence, entering a workplace or other location frequented by the victim of the abuse, attempting to contact the victim, dividing any assets used by both parties, and physically harming the victim, her family, and others who provide support from domestic violence.

The Act allows for the appointment of protection officers and NGOs to assist the woman in obtaining a medical examination, legal representation, safe asylum, etc.

According to the Act, disobeying a protection order or temporary protection order by the respondent is a cognizable, non-bailable offence that can result in a sentence of up to a year in prison, a fine of up to 20,000 rupees, or a combination of the two. Similar penalties are sought for the Protection Officer's noncompliance with the Act's provisions or improper performance of their duties.

MISUSE OF DOMESTIC VIOLENCE LAW

Domestic violence laws are frequently employed to harass the spouse or any other family member who claims to be his dependent, ensuring that he gives in to the fictitious victim's unreasonable demands rather than the other way around. Sadly, there have been several instances where blackmail has been the primary use of Section 498A. It is frequently used to exact vengeance on entire families because, under this clause, police can arrest anyone named as a tormentor in a married woman's complaint, as 'cruelty' in marriages has been declared a non-bailable offence. Following that, bail is denied as a fundamental right in such circumstances.

As a result, elderly parents and other family members are frequently falsely charged with physically and psychologically abusing the so-called victim. This unnecessary stress can have a negative impact on the health of the elderly parents as well as the physical and mental well-being of the accused's family members.

Even if the charge is proven wrong, the accused is publicly shamed. Poor and uneducated women may have been subjected to the wrath of their husband's family, but many educated women now use this behaviour for illegal purposes.

The legislation was rewritten, heavily favouring women, on the assumption that only truly

offended women would come forward to file a complaint and would always tell the truth.

CRITICAL ANALYSIS OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

Under the guise of providing protection, this legislation undermines the very foundation of marriage by encouraging intolerance and unnecessary litigation, even for minor domestic disputes. This law is based on an incorrect assumption that men are the sole perpetrators of domestic violence. This is a completely false impression that only confirms the law's gender bias in favour of women. The law grants a woman a right without imposing any liability, whereas the man is burdened with discriminatory liabilities and is denied any similar right. The law is completely gender specific and prohibits any form of domestic violence against a man.

Prior to this Act, there was no comprehensive legislation defining domestic violence, with the exception of cruelty, which was punishable under section 498-A of the IPC. Critics believe that the term "violence" should not be given such a broad meaning. The definition of 'economic abuse' in Section 3 of the Act implies that even if a male member of the family simply misappropriates or disposes of the share of a female member of the family, i.e. movable or immovable assets, he may be prosecuted for domestic violence. This interpretation contradicts both the spirit of the Act and the fundamental concept of domestic violence. Again, the Act makes no distinction between actual abuse and the threat of abuse, and it gives equal weight to even the possibility of abuse. Also, the Act's definitions of emotional abuse, insults, and verbal abuse are extremely relative and subjective, often depending on one's mindset, and shockingly, the husband has no recourse in the event of any abuse by the wife. Refusing to pay any sum of money for any reason will subject you to the provisions of this law. Non-payment of rent related to the shared household will also constitute economic abuse, even if the husband lacks sufficient resources or is in prison.¹³

Section 14 of the Protection of Women from Domestic Violence Act of 2005 contains a potentially lethal provision that allows the Magistrate to order the aggrieved person to

¹³ Nagpal, Vijay and Singh, K. P., The Protection of Women from Domestic Violence Act 2005 - A Critique, CBI Bulletin, Jan-March, 12 (2007)

participate in counselling alongside the respondent and any member of the service provider. This contradicts all accepted counselling principles. The victim and the abuser are in an unequal situation, and joint counselling is not possible. It can only lead to the unequal party's disempowerment. Counselling is one method of correcting abusive behaviour; therefore, it is only appropriate that the abuser be counselled rather than the victim. The victim may be able to seek out voluntary counselling.

A magistrate has the authority to issue a protection order if he or she has reasonable grounds to believe that domestic violence has occurred or is likely to occur, which means that a woman can approach a magistrate not only when she has been subjected to violence, but also when she anticipates such violence. This protection order is essentially an injunction requiring the respondent to refrain from taking certain actions in response to the complaint.

Furthermore, Section 23 of the Domestic Violence Act gives the magistrate the authority to issue a temporary restraining order during any proceedings before him, including those under Section 18. He may grant an ex parte protection order if he is satisfied (via affidavit, for example) that the application exposes the possibility of domestic violence.

CASE LAWS-

- **SATISH CHANDER AHUJA V. SNEHA AHUJA (2020)**

In this case, the Court addressed a number of legal issues relating to the DV Act that had previously been decided by the Supreme Court. The applicant had filed a legal action to have his daughter-in-law removed from the place of trial after she divorced her son. It was based on the case of S.R. Batra and Anr. vs. Taruna Batra¹⁴, in which the Supreme Court ruled that ownership of husband's property that was not joint family property did not fall under the definition of home shared under the DV Act.

The landmark judgement overturned the sentence of S.R. Batra and Anr. v. Taruna Batra and held that the definition of shared home in Section 2(s) of the DV Act was exhaustive. It was determined that the following criteria must be met

¹⁴ (2007) 3 SCC 169

in order to determine whether or not a clothing property was a shared home:

- a. During the period in which the domestic relationship existed, the person aggrieved under said Law resided or resided in the premises.
- b. The property had to be owned by the injured person's common family.

- **SABITA MARK BURGESS V. MARK LIONEL BURGESS (2013)**

Domestic Violence Act Section 19(1)(b) allows for an order requiring the respondent to leave the common residence. As a result, the magistrate has the authority to issue an order requiring the defendant to vacate the common residence. In this case, the Bombay High Court ruled that, while a man is the sole proprietor of a house, he has no right to be aggressive towards his wife or the woman with whom he lives, and that if the Court finds acts of violence, it must prohibit them. visit the residence, primarily to protect his wife and children from further violence and miscommunication.

The Domestic Violence Act's Section 19 was created with this goal in mind-

The Bombay High Court summed it up succinctly: "It is a general observation that applications for injunctive relief relating to the residence and possession of the defendant are essentially regarded by the courts as a violation of the property rights of the parties."

Since most wives do not own marital residences, the law grants them rights that the courts would not have granted them under common law principles, such as the right to quiet enjoyment of her marital home. First, Section 19 of the Domestic Violence Act was passed, essentially guaranteeing the peace of the domestic violence woman in her home, regardless of title. The noble idea that human rights trump rights Ownership underlies this legal gift. It bears repeating that unless one of them is violent, both have an equal right to said apartment.

SUGGESTIONS

- i. The vulnerability of women is the root cause; the issue of domestic violence in India must be understood in its entirety. To comprehend why women become vulnerable and expose themselves to exploitation. Most women are illiterate and face silent violence, as well as the pressures of society.

- ii. Men and women must change their attitudes; the basic social structure in India has long been patriarchal, with a male-dominated society. The root cause of violent attacks is an unequal power distribution relationship. To overcome the victimisation of violence, attitudes between men and women must also change.
- iii. Internalisation of Legal Norms with Public Support Domestic violence is still considered a "interfamilial affair" in our country, precluding the intervention of close relatives, strangers, and the state. Any legislation that is truly effective must be supported by broad public support and acceptance in democratic processes.
- iv. The strict legal mandate imposed on officers and stakeholders; officers and institutions are held accountable for the more effective implementation of the Act. Gender discrimination, patriarchal society's traditional relationships, and male dominance must all be eliminated.
- v. Gender Perspective Training is Required Gender perspective training should be made mandatory by law, as it is critical for changing the critical mindset of patriarchal society, police, service providers, medical practitioners, protection officers, and especially magistrates, who frequently advise women to "stop complaining" and put up with the violence.
- vi. Expertise-Based Counselling to the aggrieved person in the pre-litigation stage for the purpose of restoring self-esteem, providing emotional support, and assisting her in making the decision to initiate legal proceedings.

CONCLUSION

Domestic violence is not only visible, but also an everyday occurrence in the lives of women in India. The violence begins with her when her mother conceives her existence in her mother's womb, and he has had to fight for his survival in this harsh society at every stage of his life since then. Most women in our country are illiterate and are unaware of the basic provisions of the law as well as their rights, which is why they rarely file complaints against those who violate their rights and commit crimes against them.

Lack of knowledge about the law and the rights guaranteed to them by this legislation, but the most serious issue is that women are unaware of their rights due to traditional customs. they are the victims unable to obtain the legal remedies guaranteed by the government for

women's protection. Women are always treated as a secondary sex in our society, which is said to be bound by tradition and dominated by men, inflicting violence on her in silence. Women in India face gendered human rights violations is frequently overlooked and undervalued. The Parliament passed the Protection of Women from Domestic Violence Act 2005 (PWDVA) in response to worldwide demand for such legislation, as well as the ongoing efforts of women's organisations working for women.

The act grants women rights and protection. Prior to the PWDVA 2005, the victim's resources were in the form of the offender's punishment under the ICC, the civil remedy of divorce and alimony did not provide a final remedy, the remedies available which were related to the matrimonial process and also according to the judicial process. Women had access to legal and constitutional provisions, but these provisions were insufficient, and the most significant issue in this regard was a lack of awareness of their rights, which the constitution guarantees.

Domestic violence transcends race, caste, religion, and social class. According to Global Review Data, 35% of women worldwide had an intimate physical and sexual partner in 2013. Outside of marriage, there is no violence or sexual violence. According to some national violence studies, up to 70% of women have experienced physical or sexual violence from an intimate partner in their lifetime. According to a 2010 study conducted in New Delhi, 66% of women reported being victims of sexual harassment between two and five times in the previous year.