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Domestic violence against women in India

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Abstract

Violence against women inside and outside the home is a major problem in today's Indian society. In India, women make up almost half of the population and most of them are oppressed by socio-cultural and religious structures. A single gender has dominated the socio-economic, political and religious sphere of India since ancient times. This study showed that the current trend of crimes against women should increase day by day in the era of globalization and change. This is especially true in cultures where female virginity is highly valued and important before marriage; In extreme cases, rape victims are killed as a mark of honor. However, in many countries marital rape is either legal or illegal, but is a widely recognized husband's right. The criminalization of marital rape has occurred recently, in the last few years. . For some women, the home is a place where life is at risk and provides the ground for the most serious forms of violence against girls and women. Violence is usually perpetrated by trusted, known, and powerful men such as husbands, fathers, father-in-laws, step-fathers, siblings, uncles, sons or other relatives. According to the National Criminal Records Bureau's (NCRB) Crime in India 2018 report, domestic violence against women ranks at the top of the list for violence against women in 2018. The family is also often a bodyguard. A place where people seek love, security, shelter and sanctuary. In my opinion, all people should be treated equally, regardless of race, caste, religion or gender.

Keywords: Violence against, Discrimination, Coercion, Equality, Punishment

Introduction:

In the turbulent history of mankind, we find that different and disparate cultures, no matter how far apart in time and space, have at least one thing in common. It is contempt for women. However, during the Gandian era and the decades after independence, the status and position of women in Indian society

changed significantly. The Constitution of India enshrines equality between men and women as a fundamental right. But her transition from a 19th-century position of total disparagement of women to her mid-20th-century position of equality is not a simple example of men's progress in modern times. The position of women in Indian society is very complicated. In fact, it is safe to say that the recent changes in the status of women in India are not a sign of progress, but are in fact the positions that women occupied at the beginning of the Vedic period. But the status of women, who make up almost half of India's population, is not so rosy, gender violence including rape, domestic violence, mutilation, murder and sexual abuse- is a profound health problem for women across the globe. Nonetheless, it is not considered as a public problem of serious concern.

Domestic violence against women is a serious problem in India as in many parts of the world. This includes physical, sexual, emotional, and economic abuse in domestic or family situations. The roots of the problem are deep and social, cultural, and economic factors contribute to its prevalence.

The Government of India has taken several laws and initiatives to address domestic violence, including the protection of women, since the Domestic Violence Act of 2005. However, sustained efforts are needed to raise awareness, improve access to services and ensure effective implementation. These are the laws.

Community involvement, education and a change in social attitudes are important in the fight against domestic violence. Promoting gender equality, empowering women, building respectful relationships and challenging traditional gender norms are important steps in creating a safe environment for all people.

There are support organizations and helplines for victims of domestic violence. These resources may include emotional support, legal aid, and a safe place. If you or someone you know is experiencing domestic violence, it is important to seek help from these organizations or local authorities.

Ultimately, addressing domestic violence requires an integrated approach where individuals, families, communities and governments work together to challenge and change the underlying cultural and social dynamics that perpetuate such violence.

The main law to protect women from domestic violence in India is the Protection of Women from Domestic Violence Act (PWDVA). The Act recognizes

the right of women to be free from domestic violence and provides several remedies and guarantees for them. Here are some of the key provisions of the PWDVA:

1. Definition of domestic violence:

The law defines domestic violence as physical, sexual, verbal, emotional and economic abuse. It also includes acts or omissions that are abusive, harmful or endanger the well-being of a woman

2. Protection order.

The law allows women to apply to the court for various protection orders, such as joint evictions, force protection orders and restraining orders for offenders.

3. Residence Ordinance:

The Act recognizes the right of a woman to live in a joint family irrespective of ownership or shared expenses. A court may grant a residence permit to confirm a woman's right to live in the household.

4. Financial Assistance:

The Act allows women to apply for financial assistance to cover medical expenses, lost income and other financial losses due to violence.

5. Counseling and Support Services:

Women who are victims of domestic violence are required by law to receive counseling and other support to improve their physical and mental well-being.

6. Duties of police officers and service providers:

The law makes police officers, security personnel and service providers responsible for providing access to information, support and assistance for women experiencing domestic violence.

There are different forms of physical violence: -

- Female feticide and female infanticide.
- Incest, cooperation of family members for selfish purposes, sexual violence, marital rape.
- Physical abuse such as slapping, hitting, killing.
- Overwork, lack of rest, neglect of health care.

Violence against women is clearly defined in many documents as a form of discrimination. The World Convention on Human Rights in Vienna first recognized gender-based violence as a violation of human rights in 1993. That same year, the

1993 United Nations Declaration defined violence against women as "any act of gender-based violence that causes or results in violence ". which can cause physical, sexual or psychological harm or suffering, including acts of intimidation, coercion or arbitrary deprivation of liberty, either in public or in private life. (cited by Gomez, 1996) In the 1995 UN Special Report on Violence Against Women, Radhika Coomaraswamy identified various types of violence against women;

- a) Physical, sexual and psychological violence in the family, including beatings, sexual violence, number of girls in the family, violence related to dowry, rape in marriage, female genital mutilation and other traditional practices that are detrimental to women, violence with men related to violence and exploitation of women.
- b) Physical, sexual and psychological violence in society, including rape, sexual violence, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.
- (c) Physical, sexual and psychological violence, wherever it occurs, is committed by or with the consent of the State.

It should be noted that the application and effectiveness of these laws may vary. For detailed and latest information on legal protection provisions and procedures under the Women's Rights Act, it is recommended to contact lawyers or women's rights organizations.

Naturally! Here are some notable examples of domestic violence in India:

1. Indra Sharma v. VRT Sarma:

In this case, the Supreme Court of India ruled that a single act of physical violence can be considered domestic violence under the Protection of Women from Domestic Violence Act, 2005. The Court emphasized that domestic violence should be understood in its broadest sense to refer only to physical abuse.

2. SR Batra Vs Taruna Batra:

This case relates to the interpretation of the term "co-ownership" under the Persons with Disabilities Act. The courts have ruled that co-ownership includes not only homes owned by spouses, but also homes in which the spouses live, rent, or jointly own.

3. Hiral P. Harsora Kusum Narottamdas v. Harsora:

In this case, the Bombay High Court ruled that the protection available under the Rights of Persons with Disabilities Act was not limited to married women, but also extended to women living in relationships. It recognized the right of women to be safe from domestic violence in such relationships.

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