
Study of Domestic Violence and Role of Family Courts

¹Suman Bala

¹Research Scholar, Department of Law, Kurukshetra University Kurukshetra

Abstract

As we move further into the 21st century, the skills that are required to succeed in the workforce are constantly evolving. With advancements in technology and changing societal needs, it is essential that we keep up with the pace of change. Open Education Resources (OER) have emerged as a valuable tool in fostering key skills in the 21st century. OER are educational materials that can be freely used, modified, and distributed. They provide a wealth of information and knowledge that can be accessed by anyone, anywhere in the world, without cost. In this research paper, we have explained how OER can help to develop key skills such as critical thinking, problem-solving, collaboration and communication. We have also explored some examples of OER that can be used to improve these skills and recommended some resources that can help mankind to get started with using OER in the learning or teaching journey.

Keywords- Foster, Open Education Resources (OERs), Skills and Foster Skills.

Introduction

Women in India constantly find themselves in a vulnerable position like their fellow beings in other parts of the world. They are the soft targets for various unlawful and suppressive activities in different spheres of social life. Sexual violence appears to be an intrinsic part of women's lives. More surprisingly, there is massive rise in the officially counted number of crimes committed against women and particularly wives in matrimonial homes in India. Violence against women in particular hinders in achieving the Millennium Development Goals. The worst part of the problem is that women today are not feeling safe and secured even in the family. The concept of home, sweet home is no more, so far many women, who suffer violence against themselves by the members of the family.

Cutting across the boundaries of caste, class, religion and region, domestic violence is the most common type of VAW prevalent in India. Violence is not committed by the external agencies but even by husbands against wives. Many dowry deaths have been reported due to harassment by husbands and other family members. According to several research reports, violence against women certainly rise significantly because women has become sex object and she found herself suppressed and subjugated in a patriarchal society.

Violence & crime against women has been a worldwide epidemic. Crime against women is a common evil in Indian society and has deeply rooted traditional in Indian Culture. Crimes have been classified under Indian Panel code as Rape, kidnapping and abduction, homicide for dowry and dowry deaths, torture, molestation, sexual harassment and importation of girls. Violence against women is a serious problem in India. Domestic violence is, however, not new and it is found in all societies across different economic and age groups. It has been argued that any traditional custom or practice that subordinates women has the potential to turn violent. Domestic violence is a way of abusive behavior in any association that is employed by one partner to gain or maintain dominance over another close associate. It opines that domestic violence can occur to everybody irrespective of race, age, sexual orientation, religion or gender, and that it can occur in different ways forms as physical abuse, sexual abuse, emotional abuse, economic abuse and psychological abuse.

Domestic violence many a times refers to violence between married or cohabiting partners, although it sometimes refers to violence against other members of a household such as children or elderly relatives. Situations such as poverty, drug or alcohol abuse, stress and mental illness elevate its likelihood. Researches also show that the incidence of domestic violence among homosexual couples is approximately equivalent to that found among heterosexual couples. In the recent years, the definition of domestic violence has been increased from grabbing a person's arm, to hitting, kicking, choking or even murdering.

Types of Domestic and Family Violence-

A thorough understanding of different types of violence is highly essential to know that how brutally women's exploitation takes place with in the 'home'.

Verbal Abuse: It is a most prevalent form of domestic violence and commonly understood as scolding. It also includes, insults, calling names, maligning character or conduct, insult for not having a male child, or for not bringing dowry, preventing a woman or child in custody from attending school college or any other educational institution, preventing women from taking up a job, forcing to commit suicide, not providing money for maintaining a woman and her children.

Emotional Abuse: It includes depriving of love, care, affection, support, sympathy and appreciation, restricting freedom of choice and insults, threatening, humiliating, ignoring being indifferent false accusations of extra marital affairs, forcible sex determination test, forcible abortion, depriving sexual needs, inflicting mental anguish and isolation.

Psychological Abuse: It includes behaviour that is intended to intimidate and persecute and takes the form of threats of abandonment or abuse, surveillance threats to take away custody of the children, destruction of objects, verbal aggression and constant humiliation. Isolating the women in the room is another form of mental harassment, often women is locked in the room with no access to food and water. Threats include intimidation and cursing. Man threatens his wife of grievous assault, killing her, or killing her children and parents. In some cases threat is also given for forced abortion.

Physical Abuse: Slapping, beating, arm twisting, stabbing, strangling, burning, hitting, kicking, over burdening with work, choking, burning with fire or acid, using intimidation and depriving of food, clothes and medicines, functioning, pushing, shoving.

Sexual Abuse: It includes forced sexual intercourse, forcing to look at pornography or any other obscene picture or material, any act of a sexual nature to abuse, humiliate or degrade, any act which violates dignity and unwelcome sexual conduct, child sexual abuse, incest, genital mutilation, child prostitution, sexual harassment continuous reproduction due to lack of choice, forced sexual relations with other family members and marital rape, forcing unwanted sexual acts.

Economic Abuse: It includes act such as the denial of funds, refusal to contribute financially, denial of foods, basic needs and controlling access to health care employment etc. Preventing a woman from doing her job, taking away part of her salary, forcing her out of the house she lives in, preventing her from accessing certain parts of the house, not allowing her to use clothes, articles or things of general household use, not paying rent if en she is staying in a rental house.

Therefore, now more barbaric and inhuman types of violence are used against women within the home, which most of the time takes the life of a woman.

Causes of Domestic Violence-

There is no one single factor to account for violence perpetrated against women. There are various complex and interconnected institutionalized social and cultural factors have kept women particularly vulnerable to the violence directed at them, all of them manifestations of historically unequal power relations between men and women. Some of the most determining factors are discussed as under:

- **Patriarchal System:** In Indian culture, society is dominated by men. The family head has comprehensive forces. He is the key person of all the property and persons living in family, spouse after marriage need to leave her folks and move for all time at her marital home. The male prevalence, abundances of power and power structure itself makes female helpless.
- **Upbringing of Woman:** From the childhood, the women in India women are taught to be self-sacrificing, submissive, and tolerant in order to maintain the supremacy of man. It results that girls are grown up without a sense of individuality and identity. Thus they are socialized in such a manner which thrust the male domination over them that includes physical violence.

Before the enactment of the Protection of Women from Domestic Violence Act, 2005 (“DV Act”), the victim could approach the court under Section 498-A of the Penal Code, 1860 which provides for ‘husband or relative of husband of a woman subjecting her to cruelty’ wherein only a certain set of offence dealing with cruelty to married women was the only recourse. All other instances of domestic violence within the household had to be dealt with under the offences that the respective acts of violence constituted under the IPC without any regard to the gender of the victim. Protection of Women from Domestic Violence Act, 2005: Meaning, Intent, and Objective To minimize the cumbersome position of law, be it procedural or substantive, the Protection of Women from Domestic Violence Act, 2005 was enacted to protect the women from acts of domestic violence. The legislative intent was further emphasized by the Supreme Court of India in the case of Indra Sarma v. V.K.V Sarma, (2013) 15 SCC 755 wherein it was stated that the DV Act is enacted to provide a remedy in civil law for the protection of women, from being victims of such relationship, and to prevent the occurrence of domestic violence in the society. Other legislations like CrPC, IPC, etc., where reliefs have been provided to women who are placed in vulnerable situations were also discussed.

The objective of the Act lays down “An Act to provide for more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto.” The Madras High Court in Vandhana v. T. Srikanth, 2007 SCC Online Mad 553 in one of the early cases since the enactment of the DV Act, observed that the Act was formulated to implement Recommendation No. 12 of United Nations Committee on Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), 1989 and which was ratified by India in June, 1993. Interpretation of the DV Act should conform to international conventions and international instruments and norms. The Bombay High Court in the case of Ishpal Singh Kahai v. Ramanjeet Kahai, 2011 SCC Online Bom 412 reiterated that the object of the DV Act is to grant statutory protection to victims of violence in the domestic sector who had no proprietary rights. The Act provides for security and protection of a wife irrespective of her proprietary rights in her residence. It aims at protecting the wife against violence and at the prevention of recurrence of acts of violence

In Megha Khandelwal V. Rajat Khandelwal & Ors.(SC)The Hon'ble Supreme Court in 2019 enhanced interim maintenance for the wife in a domestic violence case despite the fact that the wife was well educated. The Supreme court found it appropriate to enhance the interim maintenance to Rs. 25,000 per month to be paid to the petitioner.

In case Lalita Toppo V. The State Of Jharkhand & Anr.(SC)(2018) The Supreme Court of India held that In fact, under the provisions of the DVC Act, 2005 the victim i.e. unmarried wife or live-in-partner is entitled to more relief than what is contained under Section 125 of the Code of Criminal Procedure, 1973, namely, to a shared household. Also, It was also observed by the Court that domestic violence, according to the provisions of the Domestic Violence Act, also includes economic abuse.

Conclusion-

Violence against women ruins singular women and their families just as their networks, social orders and country at all levels. It decreases the limit of exploited people to contribute decidedly to the families as women stay missing from work because of damage or injury or work at a degree of diminished efficiency because of wounds and stress. Once in a while it likewise causes and affected losing the activity as aftereffect of proceeded with nonappearance or awful execution and so on notwithstanding it when she needs to bring about the therapeutic and different costs because of damage or wounds caused it hampers the economic strength by hospitalization and so forth. It places more noteworthy interest on general health care and furthermore crisis benefits and has high economic expense for the nations where it happens .Domestic Violence Act play very important role to protect the aggrieved women who lives in domestic relationship. Court play very effective and important role for protecting the rights of aggrieved women.

References

- Yta, E. M., Umukoro, G. M., & Ekpe, M. E. "Increasing community discourse and action on GBV prevention in Akai Effa and Idundu, Cross River State", *PINISI Discretion Review*, Vol. 4, No. 1, 2020, pp. 123-134.
- Patel, L. Social welfare and social development (2nd Edition) Social Work/Maatskaplike Werk, 52(2), 2016.
- Ghosh, Debarchana. "Predicting Vulnerability of Indian Women to Domestic Violence Incidents", *Research and Practice in Social Sciences*, Vol. 3 , No. 1, 2007, pp. 48-72.
- Rao, V. Wife-beating in rural South India: a qualitative and econometric ssanalysis. *Social science and medicine*, Vol. 44, 1997, p. 1169-1180.
- Protection of Women from Domestic Violence Act,2005
- Indra Sarma v. V.K.V Sarma, (2013) 15 SCC 755
- Vandhana v. T. Srikanth, 2007 SCC Online Mad 553
- Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), 1989
- Ishpal Singh Kahai v. Ramanjeet Kahai, 2011 SCC Online Bom 412
- **Megha Khandelwal V. Rajat Khandelwal & Ors.(SC)**, 2019
- **Lalita Toppo V. The State Of Jharkhand & Anr.(SC)(2018)**