

## A Study of Effectiveness of Domestic Violence Act on Members of Family

Prof. Sarvesh Soni<sup>1</sup> and Shivani Shukla<sup>2</sup>

<sup>1</sup>Assistant Professor, Madhav Vidhi Mahavidyalaya, Gwalior

<sup>2</sup>Researcher, Madhav Vidhi Mahavidyalaya, Gwalior

**Abstract:** A woman has been a very important part of a family and society in general, who gives birth to life, nurtures life, strengthens it, and also plays an important role in preserving and transmitting the culture from generation to generation. The greatest catastrophe in our country is that grave injustice is done to women. She is subjected to domestic violence irrespective of her caste, race, or economic status. Men and women both are equal in human rights and to achieve this aim and to remove the domestic violence, the domestic violence act, 2005 came. Domestic violence not only hampers women but also impedes the country's growth. Act of 2005, though provides protection to women but sometimes it is misused by women and false complaints are filed, which affects the other members of the family also. There is need to bring some provisions to protect other members against false complaints.

**Keywords:** Domestic Violence, physical, psychological or sexual abuse, Protection of Women.

### INTRODUCTION

Domestic violence is a physical, psychological or sexual abuse directed towards one's partner, spouse or other family members within the household. It has been prevalent in every society and civilization from very early times. Our society is patriarchal society and discrimination and oppression leading to physical, mental or emotional violence have been accepted as a part of every patriarchal society.

"Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of full advancement of women."<sup>1</sup>

#### Forms of Domestic Violence

1. Physical abuse includes physical torture by beating, abandoning, etc.
2. Sexual abuse includes the forced sex after physical abuse or withholding sex and affection etc.
3. Psychological abuse includes behaviour that is intended to intimidate and take the form of threats of abandonment, abuse, to take away the custody of children, isolation, constant humiliation etc.
4. Economic abuse includes the controlling the money and humiliation in private or public by denying them access to money.

#### Causes of Domestic Violence

There are several reasons for the prevalence of domestic violence. The most important factor is the lack of education about the women's right and gender equality and also the patriarchal nature of society. Alcoholism is also a reason behind

domestic violence as it can cause people to lose their inhibitions and act violently.

#### The Protection of Women from Domestic Violence act 2005

Incidences of domestic violence are commonly prevalent in the society but has remained largely invisible in the public domain. Where a woman is subjected to cruelty by her husband or relatives of her husband [blog.ipleaders.in], it is a crime under section 498a of ipc. As a result of that, a law is proposed keeping in view the rights guaranteed under articles, 14, 15 and 21 of the constitution, to grant for a remedy under the civil law, which is intended to protect the women from domestic violence [thelawbrigade.com]. This act provide more effective protection to women against the violence of any kind occurring within the family and for matters related with or incidental thereto.

#### Effect of Domestic Violence Act on Members of Family

The domestic violence act though provide protection to women, strikes at the very foundation of marriage by encouraging intolerance and unnecessary litigations even for petty domestic disputes. This legislation is wholly gender specific. Many a times aged parents another family members are falsely implicated under the case of physically and mentally torturing the victim.

In, biswaroopa pati @ Mohanty v. state of orissa and another [nih.gov], the orissa high court quashed the proceedings against the sister in law of cruelty under section 498A of Indian penal code 1860, initiated by her brother's wife, stating that the offence of cruelty of wife in section 498A ipc

is often being misused against parents-in-law to pressurize the family of the husband.

### SUGGESTIONS

1. The basic social structure from long time in india is patriarchal in structure where we can see a male dominated society. So education and awareness is needed to spread as attitudinal change is needed among men and women to overcome the victimization of violence.
2. The strong legal mandate should be prescribed for officers and institutions as they are responsible for more effective implementation of act.
3. There should be mandatory gender perspective training.
4. There should be counselling by expertise at the pre litigation stage to the aggrieved person so as to restore self-esteem and assisting women in decision making as to the initiation of legal proceedings.

### CONCLUSION

Domestic violence is deeply rooted in society. A large no of women in our country are illiterate and they are not aware of the basic law provisions and also about their rights guaranteed by the legislation. Though domestic violence act gives rights and protections to women but it fails to provide any remedy for the male members of the

family. Hence, there is need to strengthen the act and also to rectify loopholes in the act to totally eradicate domestic violence from the society.

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