



IMPACT OF DOMESTIC VIOLENCE ON WOMEN'S HEALTH – A LEGAL STUDY

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Abstract

Domestic violence is one of the biggest threats to women worldwide, and it is also a widespread violation of human rights. The health of women can be seriously harmed by any kind of abuse or violence. Sexual, financial, emotional, mental and physical abuse can all have a detrimental effect on a women's health. Death, severe bodily harm, and mental health problems are all possible results of the health injuries.

The study explores the current legal system, analyses national laws and policies, as well as international human rights law. The study underlines that strong laws and regulations are crucial in safeguarding women's health and avoiding domestic violence since it is an awful practice in its entirety.

Keywords: Domestic Violence, Human rights, Women's health, Legal Frameworks.

Introduction

Domestic violence, also termed as domestic abuse, is a behavior that involves violence by one person upon another in a domestic environment. Recently, it has become clear that the issue has drawn a lot of attention due to the constantly increasing incidence of violence against women. Domestic violence, according to the World Health Organisation (WHO), is defined as injury inflicted by an intimate partner who is or was a household member of the victim's household. Marital and life partners may also fall under this category.

Some examples of possible violent acts are:

- Physical aggression is a type of violent act which includes choking, slapping, beating, striking, kicking etc.



- Sexual violence includes sexual touching, rape, attempted rape, coercion into sexual acts and other similar violent acts.
- Emotional abuse such as insults, humiliation, intimidation, and threats, including threats to harm or take away children.
- Controlling behaviours like isolating or excluding someone from friends and family, monitoring every single movements and whereabouts, restricting or limiting access to financial resources, employment, education, or healthcare.

The victim of domestic violence can be of any gender irrespective of caste, colour, sex, religion. Whereas, as per reported cases worldwide, it came into notice that victims of domestic violence are not exclusively women, but the vast majority is women. As we all know that India is a diversified country with different communities; therefore, cultural and religious sector also plays a very major role in the existence of domestic violence. Still, there are many women exist who firmly believe that male partners have full right to abuse and control them, and male should only be the bread earner, whereas women's duty is to remain within the four walls of their house and work without any complaint throughout their life. The majority of women prefer to remain silent despite being victimised. In order to combat domestic violence, education as well as effective measures should be undertaken to abolish certain cultural and social barriers against women.

Consumption of alcohol or alcoholism is also one of the reasons for domestic violence, as noted in many studies over the period of time. After consuming alcohol, partners in a family setup lose emotional control and foster aggressive behaviour, which many of the times lead to serious health injuries. Other problems that might trigger violence against women can be not liking the food prepared by the wife, not being able to do the household work as per demands, suspicious behaviour of the husband, extra marital affair, poverty, etc. Studies also draw attention to the fact that the concept of masculinity is also a reason for violence. Still, there are men who think that they have the full right to discipline their wives or partner by inflicting violence if they challenge their masculinity.

In response to combat and address the domestic violence against women, India has enacted various legal frameworks that help in protecting women's rights and ensuring easy access to justice. The Protection of Women from Domestic Violence Act (PWDVA), 2005 is one of the significant milestones in addressing domestic violence and providing legal remedies and



support services to survivors/victims. This act empowers the victim to seek various reliefs such as protection orders, residence orders, and monetary relief from the court.

Research Methodology

The research is purely based on doctrinal and systematic method to know about the conceptual clarity as well as domestic violence and its impact on women's health. Researcher tried to analyse the problem with the help of secondary data like books, journals, newspaper, articles, internet sources, published survey reports etc.

Legal Frameworks for safeguarding women against Domestic Violence

Over the time, few legal frameworks were there for domestic violence survivors. But as the need arises and with the increased knowledge of the seriousness of domestic violence, more legal measures were brought up to address this urgent problem. The legal frameworks evolved based on the ideas of social justice, human rights, gender equality as well as recognise domestic violence as a violation of women's fundamental rights and aim to provide protection, support and legal aid. The different legal frameworks include:

- **Protection of Women from Domestic Violence Act:** This act came into effect from 2005 and provides victims of domestic violence a wide range of legal protections for women. This act addresses different forms of domestic violence including verbal, physical, sexual, emotional and also financial abuse. It also offers a wide range of legal remedies such as financial aid, residence orders and protection orders. Furthermore, creates specialised courts with judges and Protection officers were designated to help carry out protection orders and supports victims.
- **Criminal Laws:** The Indian Judiciary had introduced new criminal laws to modernize and streamline the justice system. The laws are Bharatiya Nyaya Sanhita (BNS) which replaces the Indian Penal Code (IPC) of 1860. Also, the Bharatiya Nagarik Suraksha Sanhita (BNSS) replaces the Criminal Procedure Code (CrPC) of 1973. Victims of domestic violence can seek remedies under this criminal code. It is possible to hold offenders responsible for their acts by invoking provisions pertaining to offences like assault, harassment, cruelty, intimidation and so forth. Section 63 of BNS addresses rape, section 66 provides punishment for causing death or resulting in persistent vegetative state of victim, section 69 is a complete new one which was introduced to provide punishment of sexual intercourse by employing deceitful means, section 70(2) is used as a punishment of death penalty if the victim of gang rape is under 18 years of



age, section 76 addresses that any person irrespective of their gender will be held liable for assault or use of criminal force to a woman with the intent to disrobe her, section 77 is held liable for voyeurism, section 78 defines and penalizes stalking, section 80 is for dowry death, section 81 addresses deceitful cohabitation caused by a man by inducing a belief of lawful marriage, section 82 criminalizes bigamy i.e. marrying again while a spouse from a previous marriage is still alive and that marriage has not been legally dissolved, section 83 deals with the offense of a fraudulent marriage ceremony, section 85 and section 86 addresses cruelty against married women by husband or in-laws including punishment of imprisonment up to 3 years in jail and fine, section 103 provides the punishment for murder and the act of honour killing will fall under the ambit of this section, section 124 criminalizes voluntarily causing grievous hurt by the use of acid or other similar means, aiding a woman in committing suicide is covered under section 108.

- **Free Legal Support Services:** Apart from the above, women can have access to different legal support services in India by the means of different Government schemes, Free Legal Aid Services, NGOs etc. The National Legal Services Authority (NALSA), District Legal Services Authority (DLSA), State Legal Services Authority (SLSA) provides free legal aid to women especially women from disadvantaged background.
- **International Legal Instruments:** As we all know that India is a signatory to a number of international agreements and legal instruments. A number of legal instrument are also available to prevent gender based violence and safeguard women's rights such as Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), Declaration on the Elimination of Violence Against Women (DEVAW), Beijing Declaration and Platform for Action etc.
- **Other Women Laws:** India has a huge range of provisions and laws protecting women across various aspects life. The Dowry Prohibition Act, 1961, the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, the Medical Termination of Pregnancy Act, 1971, the Maternity Benefit Act, 1961, the Equal Remuneration Act, 1976, the National Commission for Women Act, 1990 (NCW) etc. plays a crucial role in shielding women from discrimination and violence while fostering gender equality.



Domestic Violence and Its impact on Health

Women who experience domestic violence can have different types of health problems. Both the mental and physical health of women may be impacted by the effects of violence. Different kinds of physical wounds, bruises or injuries might be considered as an immediate consequence of domestic violence, and long-term effects can result in psychological discomfort, such as anxiety, depression, and other mental health issues as well as chronic health problems. Numerous studies have also documented the prevalence of gynaecological issues, temporary or permanent disability, suicidal thoughts, helplessness, and feelings of fear among women who have been victims. In a same vein, children who witness domestic abuse may get or have major behavioural, emotional, academic, or developmental issues.

Conclusion

Domestic Violence against women is a basic human rights violation. The health sector has a very major role in combatting this sort of violence from the society where ever it still persists. Abuse can be identified early in the health services, victims be provided with the necessary treatment and referred to appropriate care. Health services must be places where women feel safe, treated with respect and not stigmatized. However, many women face barriers in accessing healthcare, including lack of awareness and inadequate health care infrastructure.

In India community participation is there in the form of link workers in the National Rural Health Mission (NRHM) and anganwadi workers to deal with this issue of violence. Additionally, public health nurses and multipurpose health workers can be used for providing care and support services for the victimized women.

Besides all the initiatives available for safeguarding woman, it is very shameful for the states that fail to prevent it and societies that tolerate it. It should be completely eliminated from the society through political, legal and civil action.

Training should be provided on this specific area of domestic violence and women's health to the health care providers, and law enforcement officers to address this issue effectively. Besides this more awareness should be provided in community level to curb certain societal and cultural attitude against women.

To envisage a society with less violence and crimes against women, all sectors including press, non-governmental organizations, education, health, legal and judicial must work in liaison.



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