**UNIVERSITY GRANTS COMMISSION**



**EXECUTIVE SUMMARY MINOR RESEARCH PROJECT**

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**MINOR RESEARCH PROJECT**

Entitled

**“TO STUDY THE LAW RELATING TO DOMESTIC VIOLENCE WITH SPECIAL REFERENCE TO NANDED DISTRICT OF MAHARASHTRA STATE”**

-: Submitted To :-

**The Joint Secretary**

University Grants Commission,

Western Region,

Ganesh Khind, Pune

-: Submitted Through :-

**The Director**

Board of College & University Development,

Swami Ramanand Teerth Marathwada University,

Nanded (M.S.)

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**TO STUDY THE LAW RELATING TO DOMESTIC VIOLENCE WITH SPECIAL REFERENCE TO NANDED DISTRICT OF MAHARASHTRA STATE**

According to the Merriam-Webster dictionary definition, domestic violence is, "The inflicting of physical injury by one family or household member on another, also a repeated habitual pattern of such (IPV) is often used behaviour." The term intimate partner violence synonymously with domestic abuse/domestic violence. Family violence is a broader definition, often used to include child abuse, elder abuse, and other violent acts between family members. Wife abuse, wife beating and battering are descriptive terms that have lost popularity recently for several reasons

* There is acknowledgement that many victims are not actually married to the abuser, but rather cohabiting or in other arrangements.
* Abuse can take other forms than physical abuse. Other forms of abuse may be constantly occurring, while physical abuse happens occasionally.
* Males as well as females may be victims of domestic violence and females as well as males can be the perpetrators.

Domestic violence against women in India is an age-old phenomenon. Women were considered to be weak, vulnerable and in a position to be exploited. Violence has long been accepted as something that happens to women. Family which was perceived as an arena of love, affection, gentleness and a centre of solidarity and warmth had become a centre of exploitation, assault and violence ranging from slapping, hitting, homicidal assaults for dowry or any other reasons.

**Interdisciplinary Relevance**

Women is considered as mother, sister, wife, daughter. She is also given a status of Goddess by the society. But practically situation is not like this. She is always dependent upon father, husband and then on son. Though women liberalization and empowerment is increasing but a large Chunk of society is lacking behind. Even every day there is harassment to women at home, school, college, office, public places. She is not safe even at her home. Therefore, it seems necessary to study the position of women with her domestic position and relation.

The present minor research aims to establish a correlation between status of women and the effectiveness of existing legal provisions to control the same. The Classical School of Criminology is of the opinion that “*Man resorts to violence out of his negligence and free will*”. The research also intends to study the sociological and psychological aspect of domestic violence. The Protection of Women from Domestic Violence Act 2005 provides punishment for various domestic wrongdoings. This minor research project has some inter disciplinary value and it touches the fields of- Criminology, Penology, Sociology, Economics and Psychology.

**Review of Research and Development In The Subject**

Prior to the enactment of the Protection of Women from Domestic Violence Act 2005, the issue was dealt with the help of the common law remedies. Since there was absence of some specific statute, the Indian Penal Code, 1860 and other penal laws were the most referred statutes. The enactment of the Protection of Women from Domestic Violence Act 2005 works as a landmark statute but the problem still remains.

**International Scenario**

There have been many extraordinary women who have played an important role in local or world history, but not all of these have necessarily been advocates of women’s issues. The women’s movement is made up of women and men who work and fight to achieve gender equality and to improve the lives of women as a social group. In most societies, women were traditionally confined to the home as daughters, wives and mothers, and we are often only aware of women in history because of their relation to famous men. Ofcourse many women throughout history did in fact play an important role in cultural and political life, but they tend to be invisible. An organised women’s movement only really started in the 19th century, even though women activists and the struggle for equality have always been part of all human societies. The present research shall take into consideration the case studies of various nations.

**National Scenario**:

The domestic violence in this Country is rampant and several women encounter Violence in some form or the other or almost everyday. However, it is the least reported form of cruel behaviour. A woman resigns her fate to the neve ending cycle of enduring violence and discrimination as a daughter, a sister, a wife, a mother, a partner, a single woman in her lifetime. This non- retaliation by women coupled with the absence of laws addressing women's issues, ignorance of the existing laws enacted for women and societal attitude makes the women vulnerable. The reason why most cases of domestic violence are never reported is due to the social stigma of the society and the attitude of the women themselves, where women are expected to be subservient, not just to their male counterparts but also to the male relatives. Till the year 2005, the remedies available to a victim of domestic violence were limited. The women either had to go to the civil court for a decree of divorce or initiate prosecution in the criminal court for the offence punishable under Section 498A of IPC. In both the proceedings, no emergency relief is available to the victim. Also, the relationships outside the marriage were not recognized. This set of circumstances ensured that a majority of women preferred to suffer in silence, not out of choice but of compulsion. The Protection of Women from Domestic Violence Act 2005 have an element of commonality and need to be harmonized and uniformly implemented.

**Significance of the Study**:

Women is considered as mother, sister, wife, daughter. She is also given a status of Goddess by the society. But practically situation is not like this. She is always dependent upon father, husband and then on son. Though women liberalization and empowerment is increasing but a large Chunk of society is lacking behind. Even every day there is harassment to women at home, school, college, office, public places. She is not safe even at her home. Therefore, it seems necessary to study the position of women with her domestic position and relation. The present research aims towards conducting a survey to look into the position of domestic violence cases in Nanded district of Maharashtra State.

**Aims and Objectives of Research**:

Following are the objectives of this research work-

1. To study the concept of domestic violence.
2. To study the position of women in society and at home.
3. To study the legal provisions applicable for preventing domestic violence.
4. 4 To study the constitutional aspects of domestic violence.
5. To study the incidents, percentage, legal response to domestic violence cases in Nanded region.
6. To study and suggest measures to improve the position.

**Methodology Used**:

Research Methodology is an important aspect of any research work. Considering the research problem doctrinal as well as non-doctrinal method is to be used. For this both primary and secondary data shall be used. The research aimed to analyse the position of women in context to the offence of domestic violence within Nanded district of Maharashtra. The initial first year research work shall include collection of facts and figures. It shall include collection of evidences of domestic violence. Such evidences shall include- case studies, personal interviews, news paper cut-outs, photographs, court cases, and questionnaires etc. Information may also be called under the Right to Information Act for further depth of the subject.

The research is dedicated to the analysis of data collected during the preceding year of research. The present state of the existing statute, specific as well as general, shall be analyzed. A reference needs to be taken from the countries which are successful in eradicating the problem of domestic violence.

**Scheme of Presentation:**

Research work is set out in form of a thesis. It has been split into 7 chapters. the summary of chapters is presented below:

First Chapter: Introduction: This chapter covers the fundamental idea about domestic violence. It looks into the conceptual study of crime, criminology, violence, domestic behaviour and types of domestic violence’s. The present chapter also looks into the historical development of ideologies relating to status of women in India. It aims to study socio-economic behaviour, of the society in general and family members in particular, towards a woman. It deals with fundamental rights and duties of an Indian women.

Second Chapter: Objectives and Research Methodology: The present chapter highlights the importance of the topic along with the objective with which the topic has been selected. It also contains the methodology used to carryout the research activity along with hypothesis of the study. The present research is based on finding out the implementation of Domestic Violence Act 2005 in Nanded District of Maharashtra. The researcher selected the Nanded District on the basis of random sampling because the researcher belongs to the same district which made it easier to do research work. The researcher selected the rural and urban area for research at random basis.

Third Chapter: Domestic Violence: Multi-Dimensional Approach: Domestic Violence is known as domestic abuse spousal abuse, battering, family violence and intimate partner violence (IPV), is a pattern of behaviour which involves the abuse by one partner against another in an intimate relationship such as marriage, cohabitation, dating or within the family. Domestic violence can take many forms, including physical aggression or assault (hitting, kicking, biting, shoving, restraining, slapping, throwing objects, battery), or threats thereof, sexual abuse, emotional abuse, controlling or domineering, intimidation, stalking, passive/convert abuse (e.g. neglect), and economic deprivation. In this chapter the different forms of Domestic violence, causes of domestic violence and effects of domestic violence has also been discussed.

Fourth Chapter: Legislative & Judicial Approach Legislative Approach: In this chapter some important legislative and judicial aspects of domestic violence’s are been discussed. It includes study of -the constitutional and legislative machinery prior to the Act, the need for a specific Legislation on Domestic Violence, enactment of Domestic Violence Act, the practical approach to Domestic Violence in the Act, authorities functioning under the Act and international perspective on domestic violence. Also, the judicial precedents relating to protection of women rights and against domestic violence are discussed in detail herein.

Fifth Chapter: Cases under Nanded district concerning Domestic Violence has been discussed: There were 16 talukas in Nanded district Nanded, Ardhapur, Bhokar Biloli, Degloor, Dharmabad, Hadgaon, Himayatnagar, Kandhar, Kinwat, Loha, Mahur, Mudkhed, Mukhed, Naigaon and Umri. A systematic and analytical study of the cases relating to domestic violence in these areas are discussed in this chapter.

Sixth Chapter: Conclusion & Suggestions: The seventh and the final chapter of this research consists of a conclusion and suggestion. The researcher has undertaken study over the topic of research and has come up with some concrete conclusions as mentioned in the report. The researcher has also suggested some recommendations and measures for better implementation of the existing laws relating to domestic violence and necessary changes therein.

**THE ACHIEVEMENTS FROM THE PROJECT**

The multiplicity of achievements, as found out in this project, are as follows:

1. This may be the first project in Nanded District which presents and inductive research about domestic violence cases in respective jurisdiction.
2. Even though the law relating to domestic violence is in place the violation of these legal principles and wrong doing is on the rise.
3. Various national laws and judicial decisions are taken into consideration for better understanding of the research topic.
4. Status of women is comparatively crystallized but taking into consideration the ancient and mediaeval Indian history, British rule and post-independence development.
5. It has come to the notice that the Judiciary is playing an important role in protection and upliftment of dignity of a woman in India.

**CONCLUSION AND SUGGESTIVE MEASURES**

The broad areas for the conclusion and suggestion includes, but are not limited to, the following areas-

* Implementation of the Statute
* Social attitude and awareness
* Comprehensive approach
* Categorization of domestic violence’s based upon their gravity and seriousness
* Speedy trial and disposal of cases
* Administrative activeness and cognizance

**CONTRIBUTION TO SOCIETY**

Contribution to the society by this project is as follows:

1. This maybe the first project in Nanded District to highlight the menace of domestic violence and highlighting the sufferings of a women in India in general and Nanded in particular.
2. This project will help to create awareness among the people in the society about domestic violence cases and laws.
3. The project contributes to make the people law abiding citizen and taking our nation towards the path of equality and integrity.
4. The project highlights the problems and complications being faced by the authorities while implementing the laws, by the Judiciary while deciding a particular case, by family members involved in domestic abuse and by the researcher during data collection.

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