



DOMESTIC VIOLENCE IN INDIA: AN OVERVIEW

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Abstract: *Domestic violence is one of the most widespread forms of violence against women. Despite tremendous advancements in women's empowerment, it continues to be a persistent problem. Any abuse or maltreatment of family members or relatives is known as domestic violence. Homelessness, injuries, or, in the worst-case scenario, the victim's death may be the outcome of this violence. The Central and State governments have passed several laws and initiated programs to address this issue. The findings revealed that this issue is still present in our society. To eliminate this problem, men should be active in safeguarding women against violence. The socio-cultural environment requires significant change. Social conventions and attitudes concerning gender roles need to be changed. There is also a need to strengthen panel laws, improve the capacities of law enforcement institutions, and empower women by giving them the ability to stand on their own feet. The spread of education should bring domestic abuse to the general public's notice. The media should promote a positive attitude toward women, especially those who have been victims. In light of current experiences, this study aims to highlight women's challenges at home.*

Keywords: *persistent problem, laws, programmes, strengthens panel laws, education, and positive attitude.*

Introduction

Women in India are regarded as goddesses, yet they face various difficulties, including domestic violence, one of the most widespread forms of gender-based violence. However, despite tremendous advancements in women's development and a long history of the women's movement, domestic violence against women continues to be a hot topic. This type of crime is prevalent throughout the county. It is defined as a situation in which males treat women as second-class citizens due to gender norms and ideals. Spousal abuse or intimate relationship abuse are other terms for it. Any abuse or maltreatment of women in the family by different family members or relatives is domestic violence. This aggression can result in homelessness, injuries, or even death for the victim in extreme circumstances. This form of attack has devastating health implications. Women's criminality has grown dramatically recently, notably during the pandemic. Recent publications such as the National Family



Health Survey, the National Women’s Commission report, and the National Crime Record Bureau report demonstrate this. As a result, the current study has attempted to present a brief picture of the current position of women in general and domestic violence against women in particular, as well as the impacts of domestic violence, government initiatives, and some suggestions for overcoming this problem.

Objectives:

This article has emphasized the problems faced by women in general and domestic violence in particular. The objectives of the article are as follows:

1. To understand domestic violence and the various forms in which it exists in society,
2. To list our various laws being framed by the government to eradicate them
3. To understand the government’s initiatives for the survivors of domestic violence
4. To suggest measures for effective dealing with cases of domestic violence.

Methodology

This study was undertaken by gathering pertinent information from a variety of sources, including journals, Commission reports, periodicals, newspapers, magazines, and the internet. The descriptive approach was mostly used in this investigation. It is both analytical and applied. Analytical in that it attempts to determine the position of women using various statistical data, namely the National Family Health Survey Report and the National Crime Bureau Record. It is used because it gives specific solutions to the issue.

Domestic violence is a highly sophisticated abuse that occurs mainly behind closed doors. Unfortunately, in most situations, the uneven power structure and socioeconomic realities of Indian culture do not even recognize women’s maltreatment. When the perpetrator and the victim have a close relationship, “domestic violence” is used. They frequently have a power imbalance. The victim is dependent on the perpetrator. However, it is challenging to define “domestic violence” in specific terms, despite repeated attempts. According to Black’s Law Dictionary, domestic violence is defined as “violence between family members; generally, spouse, an attack or other violent act was committed by one member,”ⁱ According to the UN Model Code on Domestic Violence, domestic violence “injures or has the potential to hurt or injure the health, safety, or property of the person aggrieved and involves physical, sexual, verbal, mental, or economic values.”ⁱⁱ

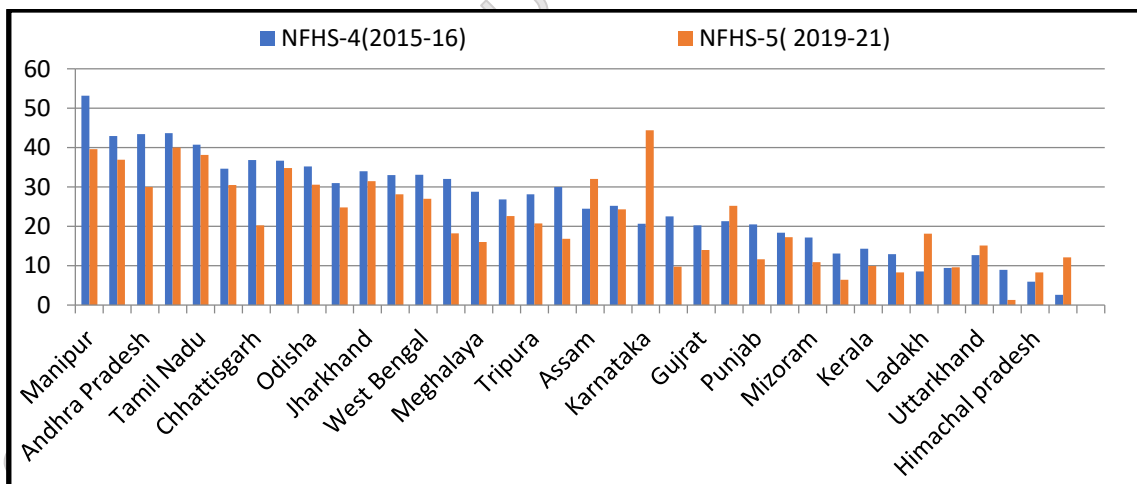
According to these definitions, domestic violence can take the form of physical, sexual, or psychological abuse. It is domestic abuse committed by a member of the victim’s family. Partners and ex-partners, close family members, extended relatives, and family friends are



included. Domestic violence can consist of aggression toward children, parents, or the elderly in its most total sense. It takes multiple forms, including physical, verbal, emotional, economic, religious, reproductive, and sexual abuse, which can range from subtle, coercive forms to marital rape and to violent physical abuse such as choking, beating, female genital mutilation, and acid throwing that results in disfigurement or deathⁱⁱⁱ. Domestic murders include stoning, bride burning, honor killing, and dowry death, etc.

Even as domestic violence, mainly at the hands of partners, remains a serious concern, women continue to suffer in silence. The NFHS-5 (2019-21) confirms this alarming fact, stating that 86% of women had been victims of physical or sexual assault. Only 14% of victims came out to seek help. Up to 77 percent of women never sought help or notified anybody about the abuse they had experienced. The women's own family (58%), husband's family (27%), and friends were the most prevalent sources of support among those who sought assistance (18%). The most pervasive source of institutional help was the police (9%), followed by a religious leader (2 %). Only 2% of people have ever sought assistance from a doctor, medical professional, or lawyer^{iv}.

Fig.1: Proportion of Women who have ever faced spousal violence:



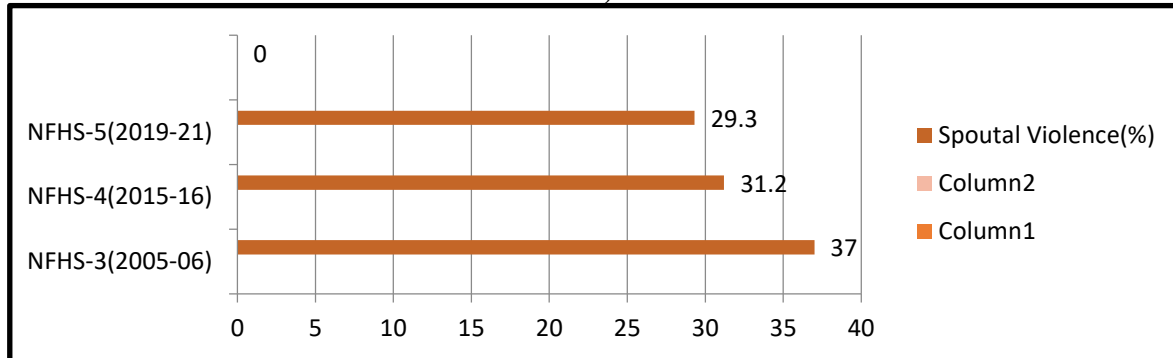
Source: National Family Health Survey Reports

The most recent National Family Health Survey (NFHS-5, 2019-21) reveals some noticeable changes in the proportion of women victims of domestic violence. It indicates that in the age category of 18-49 years, five out of 22 States/UTs had the highest percentage of ever-married women who have ever suffered marital abuse (physical and sexual violence). Bihar (40%) is followed by Manipur (39.5%), Telangana (36.7%), Assam (32.1%), and Andhra Pradesh



(30%)^v. Assam, Karnataka, Maharashtra, Goa, Meghalaya, Sikkim, West Bengal, Jammu and Kashmir are among the states where domestic violence rates increased in 2019-20 over 2015-16(Fig.1)^{vi}.

Fig.2, The percentage of women who ever experienced of spousal violence since NFHS-3(2005-06).



Source: NFHS reports, available at <http://rchiips.org/nfhs/?msclid=7a5d7c9dcde11ecb1a94ceaa3ae3b2f>

Since NFHS-3, the percentage of women who have ever suffered one or more of the three forms of domestic violence from their present or previous spouse has decreased. Overall, the rate of women who have experienced marital physical or sexual abuse has dropped from 37% in NFHS-3 to 31.2 percent in NFHS-4 and 29.2 percent in NFHS-5(Fig.2). Even if we look at NCRB statistics from 2017 to 2020, the data suggests that the number of domestic violence cases is decreasing. 437, 616, 579, 553, and 446 instances were registered under the Protection of Women from Domestic Violence Act of 2005 in 2016, 2017, 2018, 2019, and 2020^{vii}.

The data in NFHS-5 and NCRB, on the other hand, refers to the pre-Covid scenario in 2019-20. However, research conducted in India during and after the COVID-19 shutdown reveals that domestic violence has increased even more. Domestic abuse instances increased 2.5-fold between February 27 and May 31, 2020, according to the NCW, with 1,477 domestic violence complaints filed. In addition, approximately half of the cases received by the NCW in April and May were linked to domestic abuse. This significantly increases from January to March 2020, when just 20.6 percent of incidents were due to domestic violence^{viii}.

Causes of Domestic Violence:

A variety of factors cause the perpetuation of violence against women. Several studies have found that the worst type of violence is caused by the interconnection of numerous social, economic, and cultural elements.



1. **Gender Inequality:** Gender inequality is one of the primary causes of wife-beating, dowry harassment, and other forms of brutality that have sadly been present in our culture since ancient times. Compared to their male colleagues, women are regarded as less essential. Inequality persists due to women's subjugation in society, and which is exacerbated over time as the socialisation process continues. The women's apathy comes from the fact that they accept their fate.
2. **Historical Factors:** The inherent evil of patriarchy and the male superiority mentality for generations may be traced back to historical events. Since ancient times, man-centric civilization has been prevalent in Indian culture, with the whole social structure dominated by men. The family's chief commands vast resources. He is the owner of all the family's property and people. After marriage, the wife must leave her parents and live in her marital home for the rest of her life. The children are referred to as the "fathers' group." Females are rendered impotent by the male dominance, plenty of power, and the power system itself.
3. **Religious Factors:** The religious sanctifications indicate a subtle female dominance, if not outright power. This also contributes to the perpetration of domestic violence against women.
4. **Cultural Factors:** The desire for a male kid is one of the cultural factors that lead to domestic violence. Domestic violence against women is perpetrated due to this fixation, which stems from a lack of knowledge and innate masculine superiority. This is not an entire list of issues, and the reasons for domestic violence may differ.
5. **Legal causes:** The legal system reflects society's attitude toward women sensibly. It reveals that much legislation enacted for women suffers from flaws and inefficient machinery. The legal executive's unbending and moderate mindset and society's uncaring attitude exacerbate situations by encouraging wrongdoers to become bolder as they understand they may enjoy their crime without fear of punishment.
6. **Dowry:** Dowry is a social and cultural element. However, due to the high number of domestic violence instances originating from dowry demand, it is necessary to highlight this issue individually. The constant dowry demands may result in suicide or dowry death. Women continue to suffer in other circumstances when the consequence is less severe, such as being denied access to their family, refusing to feed her properly, forcing her to perform excessive labour, etc.



7. **Media:** It also plays a significant part since many films, and television series show women as quiet victims at the hands of a perpetrator and his family members. These subservient female characters are tragically praised. These films and television series have a harmful impact, especially when the culprit is never punished onscreen. Furthermore, viewing violence on television has the negative effect of making individuals less sympathetic to the pain and suffering of others.
8. **Extra Marital Affairs:** Because of modernisation in today's culture, both women and men have the freedom to go to work. Furthermore, contemporary conveniences like cell phones, the internet, and other technology/gadgets make it easier to keep in touch with individuals, leading to extramarital relationships by either spouse. This leads to marital strife between the partners.
9. **Sexual Maladjustment:** Sexual maladjustment is a significant contributor to marital conflict. Spiritual insensitivity and severe neurological problems are often the causes of substantial sexual incompatibility in unhappy partnerships. Peevishness, impatience, and poor temper are symptoms of sexual dissatisfaction and incompatibility. Discord in a married couple's sex life might be due to one or both sides' ignorance or unhealthy attitudes, or it could be because the pair is not well-mated.
10. **Child Marriage:** Around 80% of India's population lives in rural areas, where the practice of child marriage is common. These youthful, elderly spouses want the attention of their husbands and in-laws. As the (typically rural) community allows, these brides require modification multiple times due to their early age. As a result, many types of parental or spousal violence become permanent in these homes.
11. **Poverty or Economic Strain:** Poverty is a factor that might contribute to domestic violence. Poor women are more likely to be victims of domestic abuse than their wealthier counterparts. This is because families with financial difficulties are more likely to experience domestic abuse than households with more stable incomes. Women are becoming more educated and financially independent. And it is a well-known fact that a lack of education combined with poverty is one of the causes of domestic violence^{ix}.



Along with them, other important yet indirect elements that influence men's aggressive behaviour and, consequently, domestic violence are unemployment, unhappiness, negative role models, and intoxication. These factors may make women more susceptible to assault.

Effects of Domestic Violence:

Domestic abuse has a wide range of effects on women. The deprivation of fundamental human rights is perhaps the most severe consequence of domestic violence. It has far-reaching physical and psychological implications for women, some fatal. Injuries from violence range from bruising and fractures to permanent impairments, including partial or whole loss of hearing or vision, and burns can result in deformity. Medical problems may range from bleeding and sterility to severe psychological distress. Violence during pregnancy jeopardizes both the mother and the unborn baby's health. All of these forms of domestic violence can, in the worst-case scenario, result in the woman's death—whether by her current or former husband. As a result of their physical wounds and hospitalization, they cannot perform their duties and may lose their jobs. Violence's influence on women's mental health has severe and fatal implications. Battered women are ordinary among women with stress-related ailments such as post-traumatic stress syndrome, panic attacks, depression, sleeping and eating disorders, raised blood pressure, alcoholism, drug misuse, and low self-esteem. Some women who have been fatally depressed and humiliated by their abusers appear to have no way out of a violent relationship.

Legislation:

Historically, the concept of domestic violence was driven by the dowry system, an ancient custom in India. To stop this social evil, the government of India initiated the making of a strict law against dowry. This Indian legislation took effect on May 1, 1961^x, and was revised twice in the 1980s. In 1983, Section 498A was inserted into the Indian Penal Code (IPC) through an amendment, which established the cruelty to a wife by a husband or his family as a punishable, non-bailable offence, and dowry harassment, suicide, and mental cruelty were included to the provisions of this law. Section 304B was added to the Indian Penal Code (IPC) through an amendment in 1986, making any violence against a husband or in-laws concerning dowry demands illegal^{xi}. Domestic violence has remained one of India's most severe risks to women over the years, and the laws and modifications described above have failed to combat it. The Protection of Women from Domestic Violence Act of 2005 (PWDV)^{xii} was the first of its kind, defining domestic violence as physical, emotional, sexual, verbal,



and economic abuse. Rather than penalising the husband, this legislation assures women access to their marital home, a maintenance claim, and the right to custody of their children. Instead of such regulations, domestic violence continues to be a common problem in India, affecting people of all castes, classes, religions, ages, and educational levels.

Recommendations:

1. The educational system may play an essential role in promoting domestic violence awareness. Gender equality and women's rights should be encouraged in boys and girls early to influence future generations' attitudes. Legal literacy camps should be organized regularly and systematically in local communities.
2. The media should promote a favorable attitude toward women and those who have been victims in particular. Using news media and information technologies such as mobile phones and the internet to broadcast information and facilitate engagement amongst stakeholders in different areas may be effective.
3. Increase funding to ensure victims and survivors receive proper assistance, justice, and redress.
4. A list of non-governmental and governmental groups that deal with women's concerns should be made public.
5. Healthcare professionals, such as physicians, nurses, and other non-medical personnel, should be appropriately trained to treat women who have been victims of abuse. Premarital counseling should be mandatory, and post-marital counseling should be offered as a follow-up to prevent family dissolution.
6. Women's groups should talk about women's improvement programs. To confront the aggression directed against them, women should unite and condemn any domestic violence against women.

Conclusion

We may conclude that, despite the enactment of various laws protecting women, incidences of domestic violence are growing daily. This problem will not be solved until males are included in the process. After doing this study, it is believed that males should be educated about violence against women to become more aware of the issue. It is proposed that females' education be supported since this will serve as a deterrent to domestic violence. As it is deeply rooted in socio-cultural practises and both the perpetrators and victims take it for granted, there is a need for a significant transformation in the socio-cultural milieu. To



address the problem of domestic violence, the government should take various steps, including tightening the law, sensitising law enforcement authorities, and empowering women by allowing them to stand on their own feet. The social movement in rural and urban areas should be encouraged, particularly in areas where the media is not present.

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