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DOMESTIC VIOLENCE AGAINST WOMEN IN INDIA: A CRITICAL ANALYSIS

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Abstract:

One of the most frequent, yet largely unrecognized, forms of violence against women worldwide is domestic abuse. The issue of domestic violence is primarily a matter of human rights, encompassing various aspects such as health, legal, economic, educational, and developmental concerns. Over the past few decades, there has been a significant rise in violence against women in India, which has been extensively covered by both domestic and foreign journalists. In India, domestic violence is ubiquitous. Domestic violence is any pattern of abusive behavior that negatively impacts a person in an intimate partner relationship. It also includes any actions that humiliate, intimidate, coerce, threaten, blame, or harm a person.

In India, 32% of ever-married women reported having experienced physical, sexual, or emotional violence by their husbands in their lifetime. According to NFHS data, 87 per cent of married women who are victims of marital violence do not seek help. Domestic violence can lead to serious mental illnesses such as depression and anxiety. It can further be detrimental psychologically by causing stress and mental health issues. The chapter critically analyzes the problem of domestic violence against women in India as a violation of their human rights. It highlights that a majority of domestic violence cases against women go unrecognized, and there is a lack of proper survey and reporting of such cases in India.

Keywords: - Domestic violence, abuse, patriarchy, human right.

I. INTRODUCTION

Domestic violence is a problem that affects the lives of many women both in the urban and the rural areas. It is also an episode that has been found to recur throughout the life cycle of women and has extensive repercussions. According to the most commonly used definitions, it may comprise “physical, emotional, sexual and economic abuse occurring in an adult relationship between intimate or formerly intimate partners with a pattern of controlling behaviour by the abusing partner.¹ In India, women constitute nearly fifty percent of our population and violence against women is growing as a violation of human rights, which threaten the very existence of women as an independent entities. The Newspapers and periodicals of all hues in India often carry reports about violence against women, which includes the incidents of young brides being burnt for dowry, women being in abnormal circumstances, rapes on hapless women and molestation of young girls.² The most widespread form of violence against women appears to be the domestic violence, in the form of harassment, torture, or murder of young married women in their marital homes by the husband and in-laws. It affects middle class women most, without being absent in other classes. According to the National Family Health Survey of India, around 32% of ever-married women in India have experienced physical, sexual, or emotional violence from their husbands at some point in their lives, with the most common form being physical violence at 28%, followed by emotional violence at 14% and sexual violence at 6%.³ The National Crime records Bureau (NCRB) 2022 statistics around 1, 40,019 women faced cruelty by husband or his relatives. In 2021, just 507 instances were registered across India under the Protection of Women from Domestic Violence Act, 2005, whereas 136,000 complaints were registered under Indian Penal Code Section 498A (cruelty by husband or his relatives).⁴ The chapter attempts to explain various forms of domestic violence in India. It is a severe public problem and violates human rights. The government has made a lot of efforts to prevent violence against women in India. One of the most frequent, yet largely unrecognized, forms of violence against women worldwide is domestic abuse.

II. OBJECTIVES OF THE CHAPTER

1. To examine the effects and various causes of domestic violence in India.
2. To examine the various laws and elimination of domestic violence against women in India

III. RESEARCH METHODOLOGY

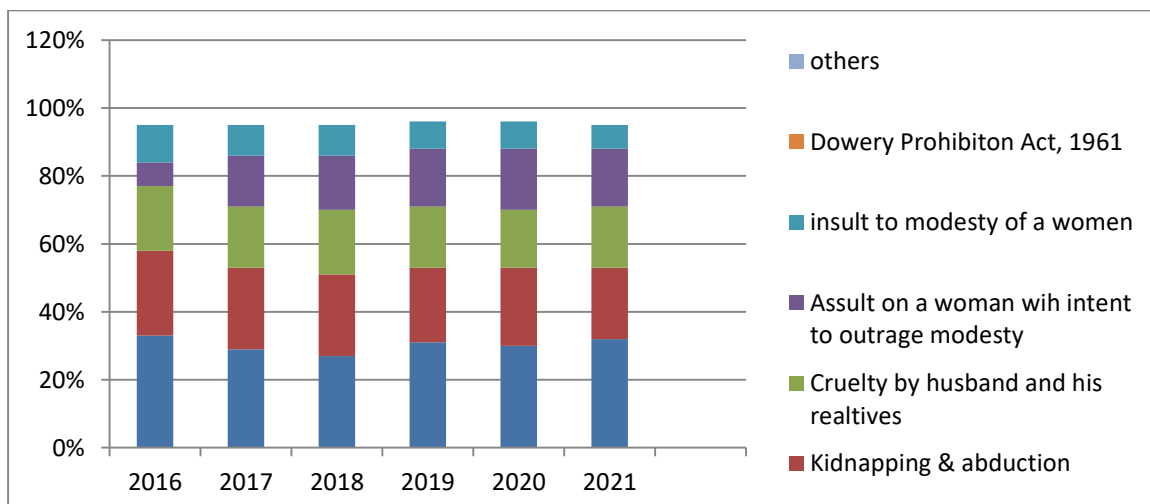
The present chapter is mainly based on secondary data. The data has been mainly taken from newspapers, journal books and the National Crime Records Bureau (NCRB), National Family Health Survey (NFHS), National Commission for Women (NCW).

IV. DOMESTIC VIOLENCE AGAINST WOMEN IN INDIA

Domestic violence is not limited to India; it is prevalent in almost all countries globally, particularly in underdeveloped and disadvantaged nations. Approximately 1.3 million women endure domestic abuse annually, as reported by the National Coalition against Domestic abuse. Approximately 85% of those who experience domestic violence are female. The majority of domestic abuse occurrences are unreported to law enforcement. Annually, there are around 16,800 homicides or deaths resulting from physical violence. Around 40 to 45% of families marked by violence also include occurrences of rape as a manifestation of domestic abuse.⁵

The latest data released by the National Crime Records Bureau (NCRB), crime against women rose by 15.3 percent in 2021 from the previous year, with 4, 28,278 cases registered last year following 3, 71,503 cases in 2020.⁶ It further also stated that the rate of crime against women (number of incidents per 1 lakh population) increased from 56.5 per cent in 2020 to 64.5 per cent in 2021. A majority of these cases (31.8 per cent) fall in category of ‘Cruelty by husband on his relatives.’⁷ the below table No.1 showing the various forms of domestic violence in India.

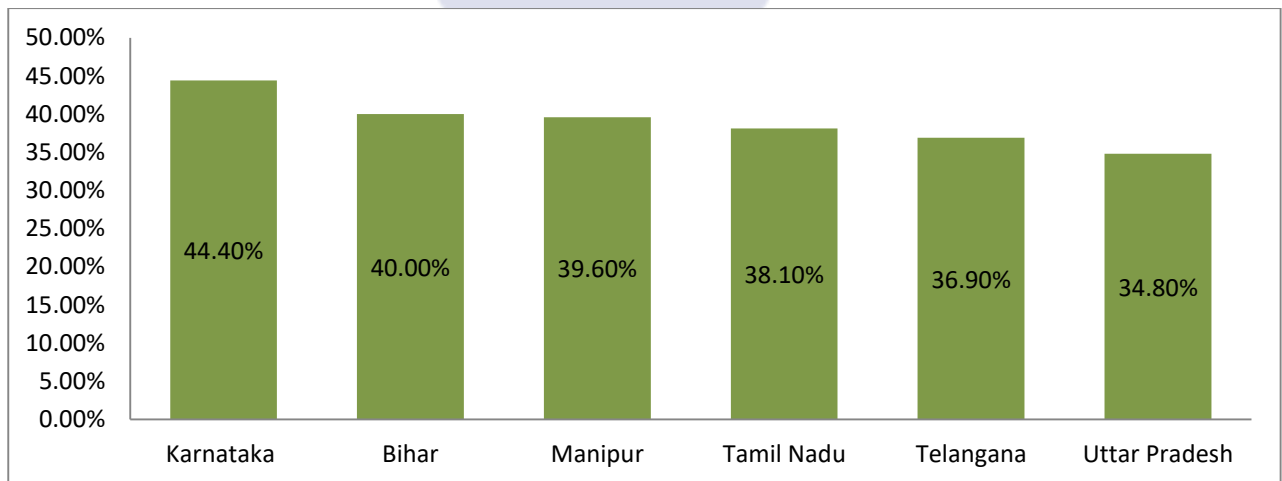
A. CRUELTY BY HUSBAND AND HIS RELATIVES TOPS LIST OF CRIMES AGAINST WOMEN IN INDIA % distribution of crime against women with respect the category



Source: MosPI' Women and men in India 2022, NCRB⁷

B. STATE WITH THE HIGHEST CASES OF DOMESTIC VIOLENCE

In India, **32% of ever-married women reported having experienced physical, sexual, or emotional violence** by their husbands in their lifetime. According to the National Family Health Survey-5 (NFHS-5), 2019-2021, “29.3% of married Indian women between the ages of 18 and 49 have experienced domestic/sexual violence; 3.1% of pregnant women aged 18 to 49 have suffered physical violence during their pregnancy.⁸ Shows table No.2, showing states with domestic violence against women in India. **STATE WITH THE HIGHEST CASES OF DOMESTIC VIOLENCE** (Married women, 18-49, spouse violence)



Sources: National Family Health Survey, & media reports⁹

V. CAUSES OF FOR DOMESTIC VIOLENCE IN INDIA

Violence against women is due to a variety of factors, not just one. Women have remained disproportionately vulnerable to the violence due to a number of institutionalized, complexes, and interconnected social and cultural variables. Some of the causes for domestic violence against women in India are:-

- i. Gender disparity
- ii. Patriarchal attitude
- iii. Poverty unemployment, or financial issues
- iv. Religious sanctifications show a subdued sort of dominance over women
- v. Drug Addiction
- vi. Extra-marital affairs or lack of trust

- vii. The desire for a male kid is among the cultural factors that contribute to domestic violence
- viii. Humiliation brought on by challenges at work, other evident downfalls
- ix. Dowry system
- x. Low literacy level
- xi. Lack of awareness.¹⁰

The effects of domestic violence and physical consequences of violence might include small wounds or life-threatening conditions. The short-term effects may include bruises, cuts, shattered bones, or wounds to internal organs and other body components. Without scans, x-rays, or other tests carried out by a doctor or nurse, it can be difficult or impossible to see some physical ailments. Long-term verbal abuse may have an impact on women's and children's moods in their daily activities and may also decrease productivity.

VI. LEGAL PROTECTIONS TOWARDS DOMESTIC VIOLENCE IN INDIA

- 1) Section 313-316 of Indian Penal Code, 1860:-** This section deals with female infanticide. Under these sections of IPC forcing the wife to terminate her pregnancy will come under domestic violence recognized as an offence under the IPC.
- 2) Section 326B of Indian Penal Code, 1860:-** For attempted acid attacks, the section specifies the penalty. Five years in prison is the very minimum penalty for such assaults, however it can go up to seven years.
- 3) Section 498-A of Indian Penal Code, 1860:-** In 1983, domestic violence was recognized as a specific criminal offence by the introduction of section 498-A into the Indian Penal Code. This section deals with cruelty by a husband or his family towards a married woman.
- 4) Dowry Prohibition Act, 1961:-** The Dowry Prohibition Act of 1961 defines dowry and sets strict guidelines for punishing and preventing violence against women resulting from dowry.
- 5) Criminal Law (Amendment) Act, 2013 (Section 354A) :** Amended the IPC to include new offenses related to sexual harassment. Relevant in cases of domestic violence.
- 6) Juvenile Justice (Care and Protection of Children) Act, 2015 :** Protects children's rights and welfare. Relevant when children are victims of domestic violence.

- 7) **National Commission for Women Act, 1990** : Establishes the National Commission for Women (NCW) to **safeguard women's rights**. NCW plays a role in addressing domestic violence.
- 8) **Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994:-** Prenatal sex determination has been outlawed under this law, which attempts to end female feticide and restore India's falling sex ratio.
- 9) **Protection of Women from Domestic Violence Act, 2005:-** The Domestic Violence Act was passed in 2005 to safeguard women's rights and dignity and prevent them from falling victim to abuse or various kinds of domestic violence. According to the Protection of Women from Domestic abuse Act of 2005, cases of domestic abuse against women must be reported to a protection officer. The Act was created to provide access to justice for women who might not necessarily want legal action but still want to maintain the possibility of reconciliation.
- 10) **Medical Termination of Pregnancy Amendment Act, 2021:-** By guaranteeing universal access to comprehensive care, this law also increases access to safe and legal abortion processes.¹¹

VII. GOVERNMENT INITIATIVES TOWARDS ELIMINATION OF DOMESTIC VIOLENCE AGAINST WOMEN

A. National Initiatives

- a) **National Commission for Women:** - This statutory body was established by the government in 1992 with the express purpose of investigating and monitoring all issues pertaining to the constitutional and legal protections for women in place of the core constitutional provisions. In 2024, the NCW received 25,743 complaints, with 24% (6,237) related to domestic violence, the complaints concerning the “right to live with dignity” and dowry harassment were also notable. Uttar Pradesh reported the highest number of complaints.
- b) **National Human Rights Commission:-** This statutory body was established in 1993 which is responsible for the protection of human rights in India. In accordance with section 2(d) of the Protection of Human Rights Act of 1993, this Act defines human rights as the right to life, liberty, equality, and dignity of individuals guaranteed by the constitution or embedded in international covenants and

enforceable by Indian courts. As a result, the NHRC can play a significant role in protecting women who are victims of domestic violence.

- c) ***Beti Bachao Beti Padhao Scheme:*** - In order to address the dropping child sex ratio and challenges connected to the empowerment of girls and women, the Beti Bachao Beti Padhao (BBBP) Scheme was introduced in 2015. In order to safeguard girls and give them equal chances in the public domain, this program aims to avoid gender-biased sex selective elimination.
- d) ***Swadhar Greh Scheme:-*** The Swadhar Greh Scheme, which strives to end violence against women, is implemented for women who are the victims of challenging circumstances and want institutional help for recovery so they can live their lives with dignity.
- e) ***One Stop Centre and Universalization of Women Helplines:*** - The One Stop Center and the Universalization of Women Helplines are two Nirbhaya Fund projects that the Ministry of WCD is currently working on. It strives to offer assistance to women who have experienced any form of violence and to connect them with the appropriate agencies, including the police, one-stop centers, hospitals, legal services.¹²

B. Global Initiatives:

- a) **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW):** Adopted in 1979 by the UN General Assembly, CEDAW works towards eliminating discrimination against women in all areas of life.
- b) **UN Declaration on the Elimination of Violence against Women (DEVAW):** The 1993 DEVAW was the first international instrument explicitly addressing violence against women, providing a framework for national and international action.
- c) **Safe Cities and Safe Public Spaces:** This initiative is a flagship program by UN Women aimed at preventing and responding to sexual harassment and other forms of violence against women and girls (W&G) in public spaces. It works collaboratively with city governments, local communities, and civil society organisations.
- d) **Beijing Platform for Action:** The 1995 Beijing Platform for Action identifies specific actions for governments to take to prevent and respond to violence against women and girls.¹³

VIII. CONCLUSION:

This chapter finally concludes and finds that there is still accurate data regarding domestic violence because it is an uncovered form of violence in India. It draws attention to the numerous physical and emotional ailments that the victim and other family members, particularly children, experience. These illnesses may have long-lasting effects or even pass down through generations.

Domestic violence must be addressed for the greater welfare of society because it has a negative impact not only on the well-being of women (victims), but also on the entire family. To prevent and reduce domestic violence, government and non-governmental and inter-governmental organizations are already working at many levels. The strategies being adopted include: home visitation, collaborative efforts of domestic violence service providers, prevention efforts that address violence both in homes and in communities, school-based programmes, and public education campaigns.

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