



Understanding The Issue Of Domestic Violence Against Women In India: Acritical Analysis

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Abstract

Violence against women is the harsh reality of today which exists everywhere. One of the most prevalent crimes against women which is integrally tied to the maintenance of patriarchy is domestic violence. In India, where women are considered to be highly esteemed, we found many examples of violence against women. Nearly every home in India faces some form of domestic abuse, wherein women suffer abuse physically, psychologically and economically. According to National Family Health Survey (NFHS), 2019-2021, 29.3 percent of married Indian women between the ages of 18 and 49 have experienced domestic/sexual violence and this is only the data collected according to the cases reported by women, as there can be many more that never make it to the police due to fear of reprisal, social pressure, low literacy level, lack of trust on police and low conviction rates in such crimes. This paper critically analyses the problem of domestic violence against women in India as a violation of their human rights. The paper looks about the meaning, forms of violence against women and highlights the factors that perpetuate domestic violence against women. Further, it also discusses the national responses to prevent violence against women. In addition, the paper also attempts to provide recommendations to eradicate this menace from the society.

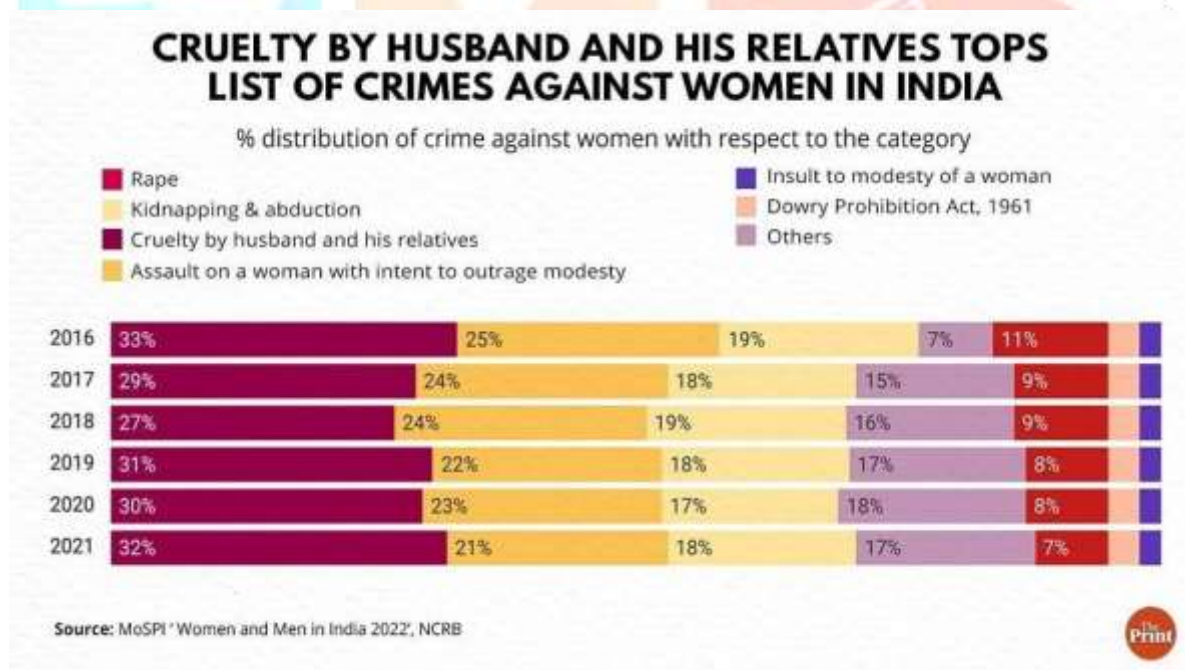
Keywords:- Domestic violence, abuse, patriarchy, human right.

Introduction

The issue of violence against women is not new. It is a prehistoric practice that has always been regarded as an integral component of a social life. Women have been repeatedly victimized and usurped throughout human history with the aim of establishing tyranny over them, and in order to maintain a patriarchal social structure, this sort of exploitation has always been socially and culturally acceptable. According to Aristotle, "The relation of male to female is by nature a relation of superior to inferior and ruler to ruled". Similarly, the German philosopher Nietzsche said, "When you go to meet a woman take your whip along". In Indian context, in the book of Manu, women have been described as false, insignificant and useless being. They are not given any form of freedom. Their only duty was to serve their male members. According to Manu, Svabhāva eṣa nārīṇaṃ nārāṇāmiha dūṣaṇam | Ato'rthāṇna pramādyanti pramadāsu vipāścitaḥ || (Manusmṛiti, 2:213). This means, it is the nature of women to pollute men in this world. In the childhood a female would be under the care of her father, after marriage, she would be under her husband and after the death of her husband, she should be under her son. (Manusmṛiti 5:149). A wife should worship her husband like a God. She has no separate entity except her husband (Manusmṛiti, 5: 154). Thus, one may draw the conclusion that such male egoistic ideas toward women played a significant role in keeping women under control and tolerating all forms of exploitation and atrocities. The awful reality is that women have been mistreated in our

male-dominated society of India for a very long time. She has been deprived of her individual identity and treated like a commodity. Human rights violations in private spaces (home and family) are far more serious and difficult to contest because there is no witness to such crimes and the culprits mostly include the family members. Such type of violence that takes place within the four walls of the home and is committed by the family member is called 'Domestic violence'.

Domestic Violence- A terrible reality often hides behind closed doors, hidden from the public sight but affecting countless lives. Domestic violence is an omnipresent and alarming issue that rips the fabric of families and society all around the world. This type of abuse crosses age, gender, ethnicity, and social status borders, leaving an enduring effect on victims and communities. While physical scars fade with time, the emotional and psychological wounds caused by domestic violence can last a lifetime. The United Nations Declaration on the Elimination of Violence against Women (1993) defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life." Domestic violence is described as a pattern of violent acts by one partner against another in an intimate relationship such as marriage, dating, family, or cohabitation. Physical aggression or assault (hitting, kicking, biting, shoving, restraining, slapping, throwing objects), sexual and emotional abuse; controlling or domineering; are all examples of domestic violence. According to 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. The NCRB report also shows 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'.

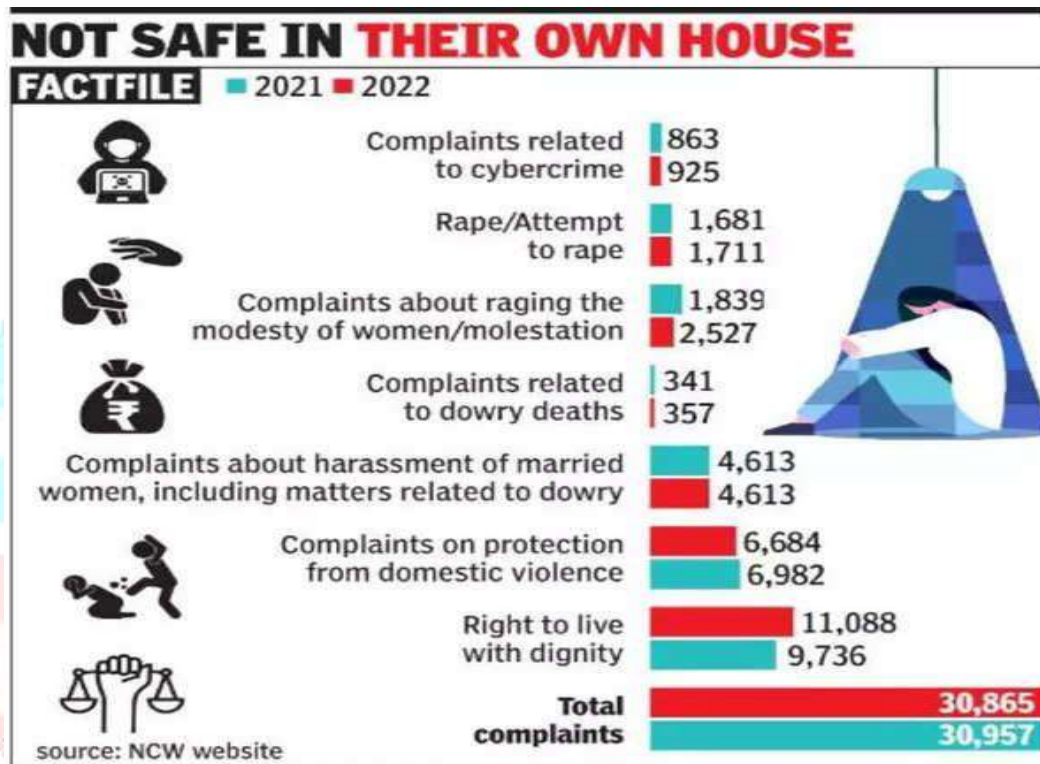


Objectives of the Study-

Research Methodology- The present paper is mainly based on secondary data. The data has been mainly taken from National Crime Records Bureau (NCRB), National Family Health Survey (NFHS), National Commission for Women (NCW) and Press Information Bureau (PIB). Further both qualitative and quantitative methods have been applied for data analysis.

Discussion- Domestic violence is one of the most serious infringements of women's fundamental rights, manifesting itself in a variety of ways such as feticide, female child-killing, bride burning, dowry-murder, witch hunting and verbal abuse. According to a study done by the World Health Organization (WHO) in

2020, every 1 out of 3 women have suffered domestic/intimate partner violence. Domestic violence can thus be viewed as a violation of women's human rights, such as the fundamental right to live with dignity and the right to equality and equal protection of law given by the Indian constitution. Thus, it is devastating not only for the victim's health and well-being, but it is also a tool to maintain their class subordination. The saddest part of the scenario is that today's women are not safe and protected even within the four walls of their homes. They are victimized by their own protectors/caretakers, leaving no space/room for women to raise their voices, which are silenced by their own loved ones. Last year in 2022 the National Commission for Women (NCW) registered over 6900 complaints in the 'protection of women against domestic violence' category. The maximum complaints fell under three categories- to secure the right to life with dignity (31%); protection of women against domestic violence (23%); and matters of harassment of married women including for dowry (15%).



To understand how women's exploitation takes place within the 'home' a thorough understanding of different types of domestic violence is highly essential.

1. **Verbal abuse:** Verbal abuse is defined as making a derogatory statement to or about the victim. It is a most prevalent form of domestic violence and commonly understood as scolding. In most family relationships, verbal abuse grows in intensity and frequency over time. It includes, insults, maligning character or conduct, insult for not bringing dowry, preventing women from taking up a job, forcing to commit suicide etc.
2. **Sexual violence:** includes compelled sexual intercourse, forceful viewing of pornography or other obscene picture or material, any sexual act intended to abuse, humiliate, or degrade, any act that violates dignity, and abusive sexual conduct.
3. **Emotional or Physiological abuse:** Humiliating the victim, controlling what the victim can and cannot do, withholding information from the victim, deliberately doing something to make the victim feel diminished or embarrassed, isolating the victim from friends and family, and denying the victim access to money or other basic resources are all examples of psychological or emotional abuse.
4. **Physical abuse:** slapping, beating, arm-twisting, strangling, hitting, kicking all comes under physical violence.

Causes 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:-

1. Gender disparity
2. Patriarchal attitude
3. Poverty
4. Drug Addiction
5. Extra-marital affairs
6. Dowry system
7. Low literacy level
8. Lack of awareness

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. **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.
6. **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.
7. **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.

Government Initiatives towards Elimination of Domestic Violence against Women-

1. **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.
2. **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.

3. 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.

4. 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.

Conclusion and Recommendations- Domestic violence has become more prevalent in our culture, especially inside our own homes, as a result of gender inequality and patriarchy. 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. Children who grow up in a violent family environment are more likely to become violent adults. Despite all of the measures made by the Indian government to protect and shield women from domestic violence, it is disappointing that violence continues to exist within the house. The worst kinds of abuses and violence are used against women within the boundaries of home. Women, as the exploited section of the society, need special care, particularly in cases of domestic abuse, such as dowry killings, physical and psychological harm, assaults, and other atrocities against offenders of violence. However, laws may not be successful unless they are adequately enforced by the police and judiciary. As a result, both state and non-state actors should take real steps to empower women in order to lessen their vulnerability and, as a result, minimize the risk of domestic violence.

Certain measures can be taken to reduce the domestic violence against women in India such as to raise public awareness on domestic violence as a violation of human rights, legal literacy programs should be conducted at local levels, a separate special court with a women judge in each district to deal with domestic violence cases only, a special wing in police should be opened to deal with specific domestic violence issues, proper education should be provided to both boys and girls in early age relating domestic violence and rights of women, government should come with more stringent laws to protect rights and dignity of women, economic empowerment of women through schemes and policies and a multi-sectoral and holistic approach with partnership among governments, NGOs and other institutions should be done to curb domestic violence against women in India. The empowerment of women ultimately empowers society. Better women create better homes, a better society, and help us men be better versions of ourselves.

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