



## A Review on Domestic Violence Against Women in India

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### ABSTRACT

Women have been oppressed and abused by the so-called patriarchal culture; they make up half of the global population; and gender inequality and prejudice have only made matters worse. Traditionalists in India have a long history of sexual, mental, psychological, political, and social abuse of women. The idea that women break rules that are associated with brutality against them has been a prevalent argument against such regulations in India during the past two decades of criminal law reform. The authorities of the High Courts and the Supreme Court, as well as members of the general public, government officials, and the police, have all vigorously brought these accusations of legal violations.

Domestic violence is on the rise in Indian society. In secret, buildings are places where women are abused, tormented, and **Wikipedia** domestic violence is a national problem that affects all parts of the country. It's becoming ingrained in a culture and passed down through the generations as a tradition. Domestic violence (which, incidentally, has a high recurrence rate) may include psychological, physical, sexual, financial, and emotional abuse, which can present itself in a variety of ways, including physical harm, scarcity of food, money, or other resources, coercion, humiliation, degradation, and hedonism, discomfort, exhaustion, loneliness, estrangement, despair, fear, and decryption.

**Keywords: Domestic Violence, Dowry Death, Women, Equality.**

### INTRODUCTION

Prior to the Indian Constitution, Indian society did not understand the concept of gender equality. To promote social, economic, and political justice; to safeguard the dignity of individuals; to promote freedom of thought, speech, religion, faith, and worship; and to establish equal status and opportunity for all citizens, including women, the Constitution of India serves as the supreme law of the land.

Gender inequality in India is outlawed by the country's constitution. For millions of other women, however, who endure various types of domestic violence every day, the constitutionally mandated equal status remains just that—an illusion. When women experience domestic violence at the hands of their own family members, it is a total violation of their human rights. Domestic violence against women is on the rise, with more and more cases occurring in homes.

Despite several laws, regulations, and policies addressing domestic abuse, the annual report shows that the problem is getting worse. There is a low volume of reported incidents of domestic violence, and researchers have a hard time drawing attention to these crimes because they typically take place within the confines of a person's home. The vast majority of domestic abuse instances are either ignored or not reported to the proper authorities.

Women are even less able to disclose domestic and intimate partner assault because of the ongoing pandemic.

A case was filed. There has been a 2.5-fold increase in domestic abuse complaints since the national lockdown, and 2,878 victims of domestic violence received legal representation from the National Legal Service Authority between April and June, according to the government's report to Parliament.

Approximately once every five hours, a married woman in India is either brutally murdered, burned alive, or forced to take her own life. At least forty percent of married women experience domestic violence at some point in their lives; this type of abuse has serious consequences for the health and safety of the victims as individuals. In addition, women's rights have been consistently ignored for quite some time.

Women were also awarded equal status with males with India's independence. The government has passed a specific statute to combat domestic abuse, and it is actively working to advance women's rights across all sectors through several laws. Numerous laws



guaranteeing women's equality with males have been passed since India's independence. Like the Indian Penal Code and the Indian Evidence Act, there are laws that pertain to women. It was the Adoption Act of 1956 and the Hindu Marriage Act of 1955.

Other legislation on Women such as-

1. The Immoral Traffic (Prevention) Act, 1956,
2. The Dowry Prohibition Act, 1961 (Amended in 1986),
3. The Indecent Representation of Women (Prohibition) Act, 1986,
4. The Sati (Prevention) Act, 1987,
5. Protection of Women from Domestic Violence Act, 2005,
6. The Sexual Abuse of Women at Work (Prevention, Prohibition And Redressal) Act, 2013,
7. The Criminal Harassment of Women at Work, 2013,

Even after all these laws, several other laws have been enacted as well as an alteration has also been made.

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Well despite having such wonderful legislation, does the number of cases is decreasing? Passing of the Dowry Prohibition Act, still, the number of dowry death is increasing every year. Bigamy is an offense in India, but the Hindu spouse and second marriage desertion ratio is higher than the Muslims' "Talaq" figure. Rights of women are immediately granted by the Hindu Marriage Act of 1955 and the Hindu Succession Act of 1956, which guaranteed women the right to divorce and land. Under the Hindu Succession Act, parents deprive daughters of ancestral property right seven prior to the amendment of the Hindu Succession Act-2005.

Society also assumes that once a daughter is married, she should not be offered to another person or remarried again. Thus, widow remarriage, although permitted by the 1856 Hindu Widows Remarriage Act, seldom takes place and is discouraged<sup>5</sup>.

### Domestic Violence: A Conceptual Clarification

Domestic Violence is the term used to describe this exploding epidemic of violence inside our households. Any household violation against a person who is in a relationship or as a wife, husband, son, daughter, mother, grandparent, or other member of the family. Anyone can, of all things, be a perpetrator and a victimizer. This aggression, such as physical, economic, sexual ormental, has a different kind of tendency.

### Definition-

1. **The lexicon** meaning of the violence refers to any physical force or any damage or injury to person or property
2. **Webster's New Collegiate Dictionary**<sup>6</sup> violence means "exertion of any physical force for instance: (a) violent treatment or procedure, (b) profanation infringement, outrage, assault, (c) strength, energy, activity displayed or exerted, vehement, forcible or destructive action or force, (d) vehemence in feeling, passion, order, furry, fervour.
3. **According to Black's Law Dictionary**, "violence means unjust or unwarranted use of force usually accompanied by fury, vehemence, or outrage, physical force<sup>7</sup> unlawfully exercised with the intent to harm".
4. **An operational definition**<sup>8</sup> Abuse, including all cases of violence against women, is still missing.

### Concept of Domestic Violence

Most cases of domestic violence occur within the confines of the home and/or within a certain dynamic and socioeconomic system of entrenched control that makes it nearly impossible to acknowledge or recognize the abuse that has taken place. Interpreting and identifying domestic violence is the most difficult task. The rejection of equality, in any shape or form, is gender discrimination. A violation of the right to equality will occur if there is insufficient infrastructure in the field of abuse prevention.

Any behavior that causes harm or injury, or the failure to prevent harm, is defined as



domestic violence under the Protection of Women from Domestic Violence Act, 2005. Recognizing that gender inequality stems from historically unequal ties of power between the sexes, the United Nations General Assembly passed a Resolution on the Elimination of All Forms of Violence against Women on December 20, 1993. This resolution forbade the full emancipation of women and acknowledged that men have always had the upper hand. The annual tally of domestic abuse cases is on the rise in Indian society. Multiple international organizations concerned with women's and human rights, as well as government authorities, social scientists, and social work practitioners, have taken notice of the growing number of incidents. Nearly 30% of all reported cases of domestic violence were for this type of offense in 2019, according to the NCRB crime report. Many academics in the field of social science have tried to examine it and come up with different hypotheses. In addition, over the past 20 years, the government has introduced a plethora of legislation and amended existing laws.

**Development and Causes of Domestic Violence**

Violence towards women is one of the most critical but little recognized and acknowledged factors that play a role in the phenomenon of marginalization of women in development processes. Various forms of gender-based abuse are reflected in female feticide and infanticide, sexual slavery, incest, molestation, sexual harassment at work and on the streets, marital rape, domestic violence in the form of female assault and battering of women. In some regions, such as female genital mutilation in some African countries and harassment/murder/beating for dowry in India, culture-specific forms of violence against women occur. Of all the forms of violence that women face, domestic violence is the least reported and typically suppressed.

Discrimination is a condition for women that begins at childbirth and persists across their life cycle. Early marriages and early childbearing and the catastrophic impact of the same on women's health further exacerbate vulnerability. Specifically in India, child marriages further emphasize the vulnerability of the women. For several females, the fertile age is punctuated by their husbands' physical, mental and emotional violence. Due to unfulfilled dowry demands, millions of Indian women face extreme harassment and many are victims of homicide and are even driven to suicide. However it has been identified that domestic violence is undoubtedly one of the world's most prevalent forms of violence against women.

**Review of Literature**

An investigation into crimes perpetrated against women in India was detailed in a 2019 report by the country's National Crime Records Bureau. In 2019, there were 45,485 reported incidents of crime against women, a 7.8 percent rise from 42,180 in 2018. "Cruelty by Husband or his Relatives" accounted for 30.9% of all complaints against women, while "Assault on Women with Intent to Outrage her Modesty" accounted for 20.2%, "Kidnapping & Abduction of Women" for 19.3%, and "Rape" for 7.3%.

As an example, women from various socioeconomic backgrounds routinely report experiencing violence during pregnancy; in fact, one study found that 50% of the 40% who claim physical assault had done so at some point during their pregnancies. Concerning your second issue, the fact that women in Indian society do not seek therapy or legal recourse is a significant consequence of their subservient role and the patriarchal nature of Indian society. Embarrassment, shame, a preference for self-care treatments, and a lack of control over financial resources are the main reasons why women are reluctant to seek treatment, which is a result of gender norms and power imbalances.

Researchers Gautham and Brandan found that governments' efforts to restrict the spread of the COVID-19 pandemic were associated with an increase in domestic violence. Assertive recognition and management of substance abuse are examples of risk factors for domestic abuse that psychological services can help identify. Victims of domestic violence can also benefit from counseling, advocacy, and recovery services provided by psychological services. Lastly, psychological services can work with other groups to improve social and



medical responses to domestic violence. Instead of cutting back, multi-disciplinary mental health resources should be increased to address the pressing issues at hand.

Of the 1000 people polled by Jagbir and Anuradha for their research paper<sup>12</sup>, 52.4% reported experiencing gender-based abuse; 51.5% had encountered violence at some point in their lives; and 10.5% had been the victim of domestic violence in the past year. Perhaps the most common kind of domestic violence was psychological abuse (51.6% of cases), followed by physical violence (6% of cases). Only 10% of the occurrences were serious physical assaults. In over half of the cases, the husband was the one who started the verbal or physical violence. India does not have a gender symmetry when it comes to physical violence. Potential danger signs included intoxication, low family income, low levels of education (up to middle class), the presence of an offender, and the nuclear family structure. Having a spouse who earns a degree before finishing school increases the likelihood of bidirectional physical violence.

The National Family Health Survey reports that domestic violence is prevalent in several Indian states, including Bihar, Uttar Pradesh, Rajasthan, Madhya Pradesh, Maharashtra, and many more. In the state of Orissa, 35.2% of women reported having experienced domestic violence, according to the NFHS-4 report 2016-17<sup>13</sup>. The abduction of women and their molestation have both been on the rise since the year 2000, according to observers. The rate of molestation increased from 20.5 per 100,000 women in 2012 to 39.1 per 100,000 women in 2016. In this state, 67.4 percent of women can read and write. At the age of 15, the percentage of girls who attend school declines to 63%. In the 15–49 age bracket, just 13% of women finished high school or more, and 28% of those women never set foot in a classroom. If education is to protect women from violence, the state government must do more to raise these figures.

As a result of this deeply ingrained norm, 41% of males and 59% of women believe it is acceptable for husbands to slap their wives; this accounts for 30% of all married women. In addition, the majority of people (82%) would prefer to have a son. While rape instances were highest in Madhya Pradesh, the aggregate number of crimes committed against women was highest in UP.

As per the findings of a domestic health survey in Uttar Pradesh, it was found that children who witnessed violence between their parents were more likely to experience domestic violence themselves (Koenig et al., 2006<sup>15</sup>). It appears that children who witness their mothers being abused as they grow up are more prone to physically harming their relationships. Koenig et al. conducted a domestic health study in Uttar Pradesh and examined studies that found that children who witnessed violence between their parents were more likely to experience domestic abuse themselves. It appears that children who witness their mothers being abused as they grow up are more prone to physically harming their relationships. It is possible that married women who have experienced domestic abuse as children are more vulnerable to it in their own marriages.

Nearly two-thirds of married women in India have experienced some form of domestic violence, according to a recent UN Population Fund research. India has one of the highest rates of female mortality and disability from violence among women aged 15–44, with cancer claiming more lives than traffic accidents and malaria put together.

According to Ravened and Suneela's study paper, the health sector has the potential to significantly contribute to ending violence against women by facilitating early abuse detection, offering victims the support they need, and connecting victims with the care they need. Women must have access to healthcare services and be treated with dignity at all times. Resolving the issue of abused women's reluctance to seek help necessitates a holistic approach from the health sector.

A study on domestic violence in India was conducted by Rehan and Deepika in 2018. The intriguing thing is that when it comes to domestic abuse, India has some of the world's greatest laws. The Indian Parliament amended the law in 1983 to include Section 498A,



which grants legal recourse to women and their family in cases involving dowry. In a similar vein, the IPC gained sec. 304-B. The Indian parliament established a law to safeguard women against domestic abuse in 2005. In addition to designating "special protection officers" to aid domestic violence victims in obtaining medical treatment and reporting incidents of domestic violence, the Act permits the government to issue protection orders that must be enforced by the police.

This paper shows that the Indian government's efforts to protect women from domestic violence have been obstructed by two factors: first, the victimization of male partners and their female relatives due to these protections, and second, the abuse and rent-seeking by police officers. The Indian government deserves praise for its seriousness about this issue. These unintended consequences have trumped the good that domestic violence laws were intended to accomplish. Even if domestic violence legislation complies with global human rights standards, it may nonetheless be ineffective or even restricted due to substantial cultural and social barriers.

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In the twenty years since the penal code was changed in India, one common argument opposing laws that criminalize violence against women has been that these laws are being abused by women. These claims of lawlessness have been provided with much enthusiasm by the police, members of the general public, government officials, and even appointed judges of the highest courts in the land. Section 498A of the Indian Penal Code and Section 304B of the Securities and Exchange Act are the specific sections allegedly violated.

Being a party to human rights treaties and upholding fundamental rights outlined in the Indian constitution, India is in a unique position to ensure the protection of human rights for all citizens. Even in rural parts of India, some people still don't know about women's rights. The unfriendly relationship between the Indian administration and its citizens must be carefully analyzed and handled. In addition, women are The freedom, vitality, and security enjoyed by women persist. They may be aware of these provisions, but they simply do not have the necessary resources—time, money, expertise, confidence, or courage—to put them into practice.

Furthermore, most women think it's acceptable to tolerate domestic violence. When considering domestic violence, it is important to look outside the realm of law and order. Primarily, it is a matter of culture and society. A woman's health, her children's lives, the family dynamic, etc. are all profoundly impacted by its existence. The relevance of domestic violence and its effects on societal structure will be comprehended by delving into the present study's investigation of the causes, existence, forms, and consequences. A member of the Panchayat and the local police station should work together to plan the awareness campaign.

It is important to note that empirical research on domestic violence will contribute to educating the public about this problem, especially in the fields of law, social work, and medicine, and will inspire the development of effective intervention strategies to address this issue.

Furthermore, the study will guide organizations—including certain state governments, non-governmental organizations, and the general public—to acknowledge the complex impacts of domestic abuse and launch an authentic campaign to increase awareness even among the broader population. Beyond that, it will be a practical consideration for academics and politicians when crafting social programs.

**CONCLUSION**

Domestic violence is like a serious decease in a society, which is like the current generation inherited from ancestors. It's become a habit of society for torturing women such as socially, economically, mentally, and sexually. The most authentic suggestion would be like –

- 1) Hence the need for a primary healthcare service response to criticism, in especially to tackle the vulnerability of victims of domestic abuse to ask for assistance. The



healthcare system must also, collaborate with many other organizations, such as education, judicial care and social support.

- 2) The law has been enacted to ensure the protection of women rights, should not be lofty in the hand of political personnel or for any particular section of society.
- 3) Only laws can't help in preventing domestic violence but the change of mindset is much required.
- 4) The awareness camp at panchayat's level will ensure the awareness of women rights in collaboration with the local Police Station.

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