

Domestic Violence in India- Issues and Challenges

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Abstract

Domestic violence is violence or abusive behaviour which is used by one partner to control another partner in any relationship. Domestic violence can be physical, sexual, emotional, and psychological or any pattern. For example, it may take the form of sexual assault psychological abuse or verbal abuse to anyone. It affects people of all socioeconomic backgrounds and education levels. Domestic violence not only affects those who are abused, but also affects family members, friends, co-workers, other witnesses, and the community at large. According to the National Family Health Survey (NFHS), 2019-2021, 29.3% of married Indian women between the ages of 18 and 49 have experienced domestic or sexual violence in India. That is only the number of cases reported by women, there are frequently many more that never make it to the police. According to NFHS data, 87% of married women are victims of marital violence. The National Commission for Women said in 2020-21, it received 26,513 complaints from women, an increase of 25.09%, compared with the 20,309 complaints registered in 2019-20. The Indian legal system has formed Section 498A of the Indian Penal Code according to the Criminal Law (Second Amendment) Act, 1983 (46 of 1983), especially for dealing with domestic violence. 498A IPC states that “Husband or relative of husband of a woman subjecting her to cruelty. —Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to a fine. Sec 498A IPC is cognizable, non-compoundable and non-bail able. Even though the law provides for the security of women, there is a big loophole; a lack of awareness among the victims, most of whom do not know that they have the option to approach the law. In this paper, the researchers have tried to explore the issue and challenges for stopping domestic violence in India.

Keywords: Domestic violence, Abusive behaviour, control, psychological abuse.

Introduction

Violence is the intended use of strength or physical strength which is used to dominate or threaten the other person's physical and mental safety and security. Violence may be started by aggression. It is a human attitude that occurs everywhere in the world. Various forms of abuse can happen, such as physical violence, emotional or psychological violence, sexual violence and domestic violence. Here we will discuss domestic violence. Domestic violence is the corruption of power which is applied by one person to dominate the other person in a close relationship. Domestic Violence is the power of physical force or threat of physical force, emotional force including sexual violence in any intimate relationships. 'Domestic violence' is more than physical force and also can be emotional force that isolates the victim

from family, friends and others. It is a pattern of repeated abusive and controlling behaviours that occurs within a close relationship. Violence against women is the harsh reality of today which exists everywhere. The patriarchal system prioritizes the male community and control over women. It is a practice that has always been considered as a way of social life. Women have been repeatedly victimized to establish power over them. To sustain a patriarchal society, these types of practices are acceptable socially and culturally. In India, where women are in a higher position in the society, many cases of violence against women happen. Almost every woman in India faces various form of domestic abuse, where nearly every woman tolerates abuse physically, psychologically and economically. According to the data of 'National Family Health Survey (NFHS)', 2019-2020, "29.3 per cent of married Indian women between the ages of 18 and 49 have experienced domestic or 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. 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%)". This paper critically analyses the problems, issues and challenges of domestic violence against women in India. The paper highlights the factors that increase domestic violence against women.

Objectives of the study

1. To summarize the nature and causes of domestic violence in India.
2. To recognize the issues and challenges of domestic violence in India
3. To assess the present scenario of domestic violence against women in India.

Methodology

This paper is mainly based on secondary data. The researchers have used empirical methods to analyze the objectives.

Defining Domestic Violence

"Violence is a global phenomenon resulting in the deaths of more than 1.6 million people each year, making it one of the leading causes of death worldwide"(Safer spaces). According to 'World Report on violence' in 2002 "The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal development or deprivation." "Domestic Violence is traditionally associated with cases of physical violence occurring within intimate relationships and in a domestic setting. It is most commonly perpetrated by a male against a female partner, but it also includes violence against men"(Morgan, Chadwick & Hanna, 2009). It is an abusive behaviour and can cause physical harm and psychological harm too.

Causes of Domestic Violence

Domestic violence is happened for many reasons. It is very difficult to identify any single reason as the cause of domestic violence. Therefore, the researchers have tried to summarize the basic causes which

are responsible for 'Domestic Violence' in the following points.

- 1. Patriarchal system-** Indian social structure is patriarchal and yet to judge the men and women equally in the Indian social structure. This patriarchal social pattern practices harmful systems to dominate the weak person, in this case, the women in India.
- 2. Home environment-** Children are affected by domestic violence, who grow up witnessing this at home. Frequent disclosure of violence in home teaches that violence is a normal thing.
- 3. Social Tradition-**A person also can be violent if his social and cultural environment is unstable. The social instability often leads to violence in human nature.
- 4. Dowry System:** Though the dowry system is prohibited in India, but the practice is still on. There is much dowry-related violence reported every year in India.
- 5. Cultural Aspects:** Patriarchy inflicted culture promotes traditional practices to dominate the women. It becomes kind of legitimate practice for the male child to express his anger and control over the female.
- 6. Economical Aspects:** Financial vulnerability leads to violence in the social structure. It can be observed in the war-torn countries or in the financially poor countries.
- 7. Objectification of female body:** In the Indian social structure, female are considered as the body only. In the commercials, female bodies are objectified. In this way, violence is also promoted.

The present scenario in India

According to the data of National Family Health Survey (NFHS), 2019-2021, 29.3% of Indian married women in the age between 18 and 49 are the victim of domestic or sexual violence in India. This is only the number of cases which are reported by women, there are many more cases which are never filed to the police. In 2021, 507 cases were filed across the country under the Protection of Women from Domestic Violence Act, 2005, whereas 136,000 cases were registered under Indian Penal Code Section 498A. According to NFHS data, 87% of Indian married women do not seek help who are the victim of violence (Business Standard, 2023). The National Commission for Women said in 2020-21, "it received 26,513 complaints from women, an increase of 25.09%, compared with the 20,309 complaints registered in 2019-20". In the Indian legal system S.489-A of IPC 1860, various acts particularly concerning the several kinds of violence against women. The Protection of Women from Domestic Violence Act, 2005, The Dowry Prohibition Act, 1961, The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, Indecent Representation of Women (Prohibition) Act, 1986, etc. apart from this various common laws have also gone through amendments to strengthen the existing laws such as The Criminal Law Amendment Act, 2013.

Effects of Domestic Violence:

Domestic violence has several effects in the society and human mind. It affects the psycho-social environment and boosts the patriarchy. It also creates several psychological problems among the victims. As Kristine M. Jacquin (2024), has pointed out, "Several psychological disorders, including post-traumatic stress disorder, dissociative identity disorder, and borderline personality disorder are associated with experiencing or witnessing violence. Other psychological symptoms, such as depression, anxiety, and mood swings (see bipolar disorder), are common in victims of violence".

Therefore, we are summarizing the effects in the following section:

- 1. Gender Inequality:** Gender discrimination and gender inequality, are both connected with domestic

violence. The child, who grows up in the domestic violence, accepts the gender discrimination as a legit factor.

- 2. Gender Bias:** Domestic violence triggers the gender biasness among the citizen of the society. In India, we can experience the social fact that male children are given more priority than the female ones.
- 3. Psychological traumas:** Different mental disorders are seen in the victim of domestic violence, such as depression, anxiety, personality disorder, social anxiety disorder, dependent personality disorder etc.
- 4. Lack of Social Interaction:** Domestic violence is the use of power where the abuser sets boundaries for the victim. Social issues like language barriers and interaction problems with others are seen in the victim of domestic violence.
- 5. Lack of self-confidence:** Domestic violence is a controlling mentality that makes the victim believe that violence is a usual thing. As a result, a lack of self-confidence is seen in the victim.
- 6. Toxic Home Environment:** Domestic violence makes the home environment toxic which is very improper for any child. In any kind of domestic violence, children are the worst sufferers. They learn to accept the unnecessary violence over others as a normal human behaviour.

Present Challenges:

The rights issued in 'Indian Constitution' assure equality between males and females all over the country. But, we are still not able to stop the domestic violence totally. People are still not considering most of the domestic violence as a serious offence. Hence, we are trying to summarize the present challenges in the following section.

- 1. Slow Legal System:** There are many gaps in the laws and acts in the Indian constitution. And the powerful people use their sources to make the legal process lengthy enough. The victims, in many cases, do not get enough support to carry on the case. We must not forget that justice delayed means justice denied.
- 2. Social barriers:** Our traditional society still considers beating women in the home is a justified practice. So, it becomes very tough for the victim to raise her voice in the family. In many cases, the family gets the social pressure to withdraw their complaints against the oppressor.
- 3. Psychological barriers:** Social culture and traditions often creates a psychological blockage in the mind of the victims. The victims feel unsafe and mentally challenged to lodge their complaint because the social traditions often legitimize the violence.
- 4. Financial barriers:** In most of the cases, where husband is the oppressor, the victim woman does not go to the police due to financial dependence on the husband. It is a big issue, because most of the women are not financially independent.
- 5. Lack of awareness:** Most of the victims of domestic violence do not know their legal rights in India. It is a vital issue that should be addresses with highest priority.

Role of education: Education is a vital tool for creating a perfect society. It always can play a big role in preventing the domestic violence in India.

- 1. Creating Social Awareness** -Education can bring awareness among people so that they can protest against any kind of violence.
- 2. Self-dependent** -It helps people to become self-dependent so that he or she does not have to be

financially dependent on anyone.

3. **To know the legal support** -Education helps to know about the laws and acts in the Indian constitution so that they do not have to tolerate any kind of violence.
4. **Awareness of gender equality** -Education can also bring awareness of gender equality so that any kind of violence does not happen or exist in society.
5. **Creating a safer society:** Proper education can help to build a safer society where everyone can live with mutual respect and self-dignity.

Conclusion

Violence is a common human nature and its traces can be found everywhere. The society and its norms force us to be civilized and treat others equally. Somehow, we are not in a perfect shape of humanity anymore. Domestic violence is a curse in human civilization. India, a country, long known for its respect towards women, is facing a big challenge in preventing the domestic violence in the social structure. Proper education and empowering the women can help them to make it right. We should also focus on spreading more awareness on gender equality. Emphasis should be given on abolishing gender discrimination in social practice. And the administration and police should work together with the NGOs to prevent the domestic violence. We believe, in this way, we can achieve a safer world for everyone.

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