

“Domestic Violence: A Pressing Health and Social Problem in India”

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The United Nations has elucidated the meaning of violence against women as any action that involves gender-biased violence resulting in or likely to result in sexual, physical, or mental torture or suffering to women.¹ It also includes intimidating remark of such action, coercion, or peremptory deprivation of freedom to such women whether happening in their private or public spheres of life. Generally defining and not restricting the definition to one particular gender, domestic violence includes a wide range of brutal acts perpetrated by a member of a family towards another. It may also include maltreatment of a child or of one's partner (irrespective of the gender) and covers not only corporal harm but also psychological, mental, verbal threat remarks, and sexual abuse. Such aggressive acts are often discerned as remote incidents and are foreshadowed as domestic matters and not interfered with. However, such escalated instances of domestic violence is a matter of profound inspection in India.

Going by the figures, the National Family Health Survey reveals that 30% of women in our country with the age group ranging between 15-49 years have been subjected to violence since the adolescent age of 14-15 years.² In contrary to general opinion, the issue of domestic violence against women is prevalent in all communities irrespective of caste, status, or economic standards of living. The recent Indian and worldwide #MeToo movement exposed that numerous women have undergone sexual harassment and sexual assault at workplaces too.³ In a report stated by the National Crime Records Bureau, the state of Uttar Pradesh, Maharashtra, West Bengal, Madhya Pradesh followed by Rajasthan were held responsible for almost half of the country's total crime that is being committed against women.⁴ The same report also suggested that violence against women had escalated by nearly 10% from the year 2015-2017.

A major reason behind the exponential increase in domestic violence may be the ubiquitous socio-economic reliance of women on men which highlights the deranged correspondence with their husband and family members. The terror of social ostracism and deportation and the absence of efficacious retaliation to barbarity against women at the hands of the male or his family see the women facing repeated violence and menace. Domestic violence against women is an antiquated event. Women have always been considered as fragile and vulnerable by several men who feel it is their right to exploit women. The reason behind such

¹ Violence against women, World Health Organization (Nov 29, 2017), [https://www.who.int/news-room/fact-sheets/detail/violence-against-women#:~:text=The%20United%20Nations%20defines%20violence,or%20in%20private%20life.%22%20\(](https://www.who.int/news-room/fact-sheets/detail/violence-against-women#:~:text=The%20United%20Nations%20defines%20violence,or%20in%20private%20life.%22%20()

² Neha Chauhan, How gender-based violence in India continues to rise, SocialStory (Sept 17, 2019), <https://yourstory.com/socialstory/2019/09/gender-violence-india>.

³ Sreeparna Chattopadhyay, Suraj Jacob, Victims of Domestic Violence in India Rarely Come Forward or Seek Help, The Wire (Jan 11, 2019), <https://thewire.in/women/domestic-violence-india-reporting>.

⁴ Prajanma Das, These 5 Indian states account for 50% of crimes committed against women, Shocked yet? Edex LIVE, The New Indian Express (Oct 22, 2019), <https://www.edexlive.com/news/2019/oct/22/these-5-indian-states-account-for-50-of-crimes-committed-against-women-shocked-yet-8738.html>.

perpetrators exercising violence against women can be assumed to be many. It may not necessarily be the family background or alcohol/drug abuse. Some men commit such atrocities in a deliberate and premeditated manner to accomplish the superiority they feel men are authorized to. For a lot of men, the exercise of such violent behavior is a means to keep their partners from being deceitful even if that included them to force them physically.

In an official report by Oxfam last year, a survey carried out in almost 1000 households in U.P, Bihar, Chhattisgarh, and Jharkhand it was found that women are seldom embroiled of exasperation over domestic chores.⁵ 53% of the respondents in the survey felt it was justifiable to agonizingly condemn the women if she fails to take care of the children or the family. While 33% of the respondents thought it was acceptable enough to physically beat the woman for ignorance in the same matters. Such thoughts of men who favor beating and criticizing the woman who does multiple tasks of running the house and taking care of the children and elderly people are nothing new. The impetus of this inequality is lugged by women who anyway have to conflict the dual drawback of socio-economic destitution and prejudiced standards set up by society. Cultural conventions, religious traditions, political and economic circumstances may set the ascendancy for commencing and eternalizing such acts of domestic violence but eventually, commission of violence against women is a choice that an entity makes out of an array of options.

Domestic violence is spread globally, deeply implanted and has far-reaching repercussions on women's health and comfort. Such violence not only results in physical wounds, it also sabotages the social, psychological, economic, emotional and spiritual happiness of the sufferer, the perpetrator or executioner and the society as a whole.⁶ Exercise of such aggression in any form acts as a crucial contributor to the pathetic condition that women are subjected to these days. It has grave reverberations on women's physical and mental health often including their reproductive and sexual health too. Some of them include depression and anxiety, serious injuries, temporary or perpetual incapacitation, gynaecological problems, etc. Such mental and physical health results have emotional and social emanation for the victim, their family and community and sometimes even the entire society. There has been enough corroboration to subsist that excessive reproductive failures are experienced by women who have been subjected to domestic violence than women who reported no sexual and physical violence.

Economic abuse is also considered as one form of domestic violence that is meted out against women. It includes forms like restraining a woman from taking a job, coercing her to discard the existing job, compelling her to get money from her parent's house and sometimes even forbidding her from procuring thing of her own. The conception of domestic violence against women vary from family to family and even states to states. This often happens due to the different amount of education a person or the family has been entitled to, family value

⁵ TNN, Reasons why women face domestic violence, Times of India (Jan 24, 2020 03:33 PM), <https://timesofindia.indiatimes.com/india/reasons-why-women-face-domestic-violence/articleshow/73482831.cms>.

⁶ Ravneet Kaur, Suneela Garg, Addressing Domestic Violence against Women: An Unfinished Agenda, Indian Journal of Community Medicine, (2008).

inclination, socio-economic position and religious and cultural backdrop of the families. However, the reason can not only be construed to these reasons solely. It has been found in many cases that women are subjected to harassment even in families with high education background and even rich cultural and social heritage. Domestic violence is a universal issue. However, the real dimension of such violence is arduous to quantify. It may be much higher than what official reports designate as many cases of domestic violence against women go unreported.

Discussing about the current situation where COVID-19 has engulfed the entire world, domestic violence is considered as the next pandemic in our country. The National Commission for Women has documented a two-fold climb in domestic violence against women in our country with the institution getting 257 calls in the last week of March as compared to 116 calls in the first week of March.⁷ These numbers are renounced beyond reckoning by the lockdown which proliferates the components devoting to domestic violence while diminishing the trench from this abuse. All those women who have been facing domestic violence have been locked with their abuser for months now. These situations could have been otherwise had the country been on normal days. The victim could have looked for other refuge, sought some medical help or call for police. But all these options have been temporarily shut because of the perpetual extension in lockdown due to the pandemic. Travel is prohibited, visit to the hospital has been life threatening and a police call has been unbidden.

The National Crime Records Bureau in a report released in the year 2018 fixed that the state of Uttar Pradesh was the most unsafe state for women whereas Madhya Pradesh reported the most number of rape cases.⁸ In the latest data published by the National Legal Services Authority revealed that domestic violence had risen to an unbearable extent due to the lockdown state in the country.⁹ Uttarakhand has witnessed the most number of domestic violence cases against women followed by Haryana and Delhi. Irrespective of any situation in the country and worldwide, domestic violence is a global issue and is being endured by women for ages now. Various organizations and helplines are constantly working to completely erode this issue from its roots. There are preferably three laws in India that directly deal with the issue of domestic violence against women. These include: The Protection of Woman from Domestic Violence Act, 2005, the Dowry Prohibition Act, 1961 and Section 498A of the Indian Penal Code, 1860.¹⁰

⁷ Harshitha Kasarla, India's Lockdown is Blind to the Woes of its Women, The Wire (May 02, 2020), <https://thewire.in/women/indias-lockdown-is-blind-to-the-woes-of-its-women>.

⁸ Ananya Bhardwaj, Domestic violence top crime against women, sedition cases doubled in 2018: NCRB data, The Print (Jan 10, 2020 07:57 PM), <https://theprint.in/india/domestic-violence-top-crime-against-women-sedition-cases-doubled-in-2018-ncrb-data/347814/>.

⁹ PTT, Domestic violence cases in India on the rise during lockdown, says report, E Times, Times of India (May 18, 2020 02:00 PM), <https://timesofindia.indiatimes.com/life-style/relationships/love-sex/domestic-violence-cases-in-india-on-the-rise-during-lockdown-says-report/articleshow/75801752.cms>.

¹⁰ Protection of Woman from Domestic Violence Act (2005), The Dowry Prohibition Act (1961), Indian Penal Code S 498A (1860).

The Protection of Women from Domestic Violence Act, 2005 is a civil law that was enacted to protect women from the pangs of domestic violence. It not only protects the wife but also female live-in partners and also extends protection to other women in the household like sisters, grandmothers, and even widows.¹¹ This Act seeks to protect women from domestic violence and ensures that women who have been abused are able to sustain themselves. Under this Act, a Magistrate may even pass a protection order to the woman so that the abuser does not try to harm the victim further. The Dowry Prohibition Act, 1961 is a criminal law under which the act of giving and taking dowry is punishable under the law with both imprisonment and fine. The Act also considers any agreement that was made with the purpose of taking or giving of dowry to be void. The Indian Penal Code of 1860 also contains provisions for the punishment of the husband or the relative of the husband who tries to subject the woman to cruelty in any form. If the husband or the relative of the husband is found guilty under this provision, they are liable to punishment with imprisonment for a term of three years and also fine.

This section is further assisted with Section 304B of Indian Penal Code, 1860 which states that if a woman commits suicide within 7 years of her marriage or there is a reasonable suspicion that somebody else could have abetted her suicide and it is shown that either the husband or his relatives had subjected to any form of cruelty, the husband and his relatives are then held responsible for the abetment of her suicide and hence held punishable under this section.¹² There are various other organizations who are working for the same cause. Women Entrepreneurs for Transformation Foundation, an NGO has come with an initiative named 'red dot' whereby the citizens can identify a woman who has been subjected to domestic violence by seeing a red dot on her palm and thereby inform the NGO authorities over the same.¹³ Along with that, given the present pandemic condition, around 50 helplines have been initiated across India to help the distressed woman battling domestic violence during the lockdown.¹⁴ These various helplines are run by women's welfare departments, NGOs, and police. Any woman suffering from such distress can call up these helplines and register complaints.

There are also a few numbers where women are assisted help through psychologists. With the high number of domestic violence cases coming up every day, it is high time we reflect on this issue afresh and more acutely on the concept of violence, human rights, and dignity. The mere presence of sections in various Acts is not enough to damper this ongoing violence unless corroborative actions are earnestly commenced. Restraining of cruelty in a

¹¹ Sanyukta Dharmadhikari, Watch: These are the laws in India against domestic violence, The News Minute (Feb 28, 2019 09:43 PM), <https://www.thenewsminute.com/article/watch-these-are-laws-india-against-domestic-violence-97543>.

¹² Indian Penal Code S 304B (1860).

¹³ PTI, Using 'red dot' signal, women seek help to escape domestic violence during lockdown, Deccan Herald (Apr 04, 2020 03:57 PM), <https://www.deccanherald.com/national/north-and-central/using-red-dot-signal-women-seek-help-to-escape-domestic-violence-during-lockdown-821281.html>.

¹⁴ Press Trust of India, Over 50 helplines to help women facing domestic violence during lockdown, NDTV (Apr. 18, 2020 10:41 PM), <https://www.ndtv.com/india-news/coronavirus-lockdown-over-50-helplines-to-help-women-facing-domestic-violence-during-lockdown-2214221>.

matrimonial home is not enough to change the temperament of people who are used to the patriarchal culture. Our country still holds the view as 'marriage' to be crucial and indispensable. Many have even normalized the condition of domestic violence at matrimonial houses to be a part and parcel of married life. It remains a significant perturbation as to how the laws are to be enforced so that distressed women and women from weaker sections of the society have to not run from pillar to post in order to attain justice and this long-rooted crime is completely uprooted. The lawmakers should see to the establishment of necessary mechanisms and suitable foundations that can actually address the issue without baselessly following the unequal norms of patriarchal society.