



Domestic violence against women

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Why is in news? Forty years after the introduction of the domestic violence provision in the Indian Penal Code, women are still at risk of having their complaints dismissed or disbelieved by police and judiciary

Domestic Violence:

Domestic violence can be described as the power misused by one adult in a relationship to control another.

It is the establishment of control and fear in a relationship through violence and other forms of abuse.

This violence can take the form of physical assault, psychological abuse, social abuse, financial abuse, or sexual assault.

The frequency of the violence can be on and off, occasional or chronic.

Types of Domestic violence:

Physical violence, including beatings with an object, banging their head on the wall, choking, strangulation, kicking, etc;

Economic abuse like not giving money, forcefully taking away earnings, asking the woman to get more money from her parents, etc;

Verbal abuse, including humiliation using filthy language, and emotional abuse, taunting a woman about her looks, education, cooking skills, etc;

Sexual violence, including non-consensual and forced sex, and beatings if a woman resists.

Reasons:

Economic dependence has been found to be the central reason. Without the ability to sustain themselves economically, women are forced to stay in abusive relationships and are not able to be free from violence.

Gender Disparity is one of the deep rooted cause of violence against women that put women at risk of several forms of violence. Discriminatory gender norms and gender stereotypes results into structural inequality.

Due to **deep-rooted values and culture**, women do not prefer to adopt the option of separation or divorce. They also fear the consequences of reporting violence and declare an unwillingness to subject themselves to the shame of being identified as battered women.

The **everyday realities, obstacles, prejudices, and fears** that women experience around sharing and reporting experiences of violence Crucially women did not want to be a 'burden' on others, in particular, their families.

Lack of information about alternatives also forces women to suffer silently within the four walls of their homes.

Domestic violence has sometimes been referred to as the ‘**shadow pandemic**’ — as the world faced an unprecedented crisis and lockdowns became the norm in several countries, not only did women find themselves locked in with their abusers at home, but they also lost access to support services outside.

The **economic distress** faced by millions exacerbated the problem.

An **ineffective, corrupt and unaccountable and sluggish judicial system** and law enforcement machinery fails to deter various forms of crimes against women.

Government negligence plays a role in preventing and ending violence against women as governance inaction establishes a tolerance of violence against women throughout the community.

Prevalence in India:

The phenomenon of domestic violence is widely prevalent in India but remains invisible in the public domain.

Crimes against women have **increased year on year**.

As per the **National Crime Records Bureau (NCRB) report 2015**, every day 21 women die because of dowry in India.

According to the NCRB report 2019, 4 lakh cases were registered under Section 498A of the Indian Penal Code (IPC).

As per the **National Family Health Survey 5 (2019-20)**, 30 per cent of women between the ages of 18 and 49 experienced physical violence from the age of 15 (that’s over 20 crore women), while six per cent experienced sexual violence in their lifetime.

A recent study of over 4 lakh FIRs in Haryana has found that from filing FIRs to getting convictions, the legal process is stacked against women.

In recent years, more than 560 cases of rape reported in Delhi. Violence against Indian women is increasing and has widespread and deep roots in social psyche.

As per **World Health Organization (WHO) findings** about 1 in 3 (35%) women worldwide have experienced either physical or sexual intimate partner violence or non-partner sexual violence in their lifetime.

Violence against women – particularly intimate partner violence and sexual violence– is a **major public health problem** and a violation of women’s human rights.

Globally, 38% of murders of women are committed by a male intimate partner.

Violence can negatively affect women’s physical, mental, sexual and reproductive health, and may increase the risk of acquiring HIV in some settings.

Effects of violence against Women:

Health Effects: Violence in any form affects not only physical, mental, sexual and reproductive health of women but also adversely affects their self respect and their ability to work and make independent decisions.

Economic Effects: Violence against women can have serious effects on the economy of the household as well as of the nation. It causes direct loss of income, productivity on individual basis and due to the reduced output, the society at large suffers as well.

Developmental Issues: Violence obstructs participation of women in the public sphere as the principles of equality and liberty comes under scanner when women are subjected to abuse. This in turn affects the smooth growth of the nation.

Personal Development: A crime-prone society affects the smooth growth of human capital as women face difficulties in receiving equal quality education, equal jobs opportunities etc.

Fundamental Rights Issue: Any form of crime against women hinders their fundamental rights under Articles 14, 21, 19 and 32 of the Indian constitution.

Governments Efforts:

To address the gruesome violence women face in their homes, a number of laws have been enacted.

Section 498A of the IPC was introduced in 1983 to tackle the problem of the large number of women dying in their homes. This is not to say that prior to this, women did not have legal provisions.

One part of Section 498A IPC addresses the **subjection of any woman to cruelty** (whether mental or physical) of such a nature that is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health. The other part deals with **unlawful demand for any property or valuable security**.

Sections 319 to 338 of the IPC deal with assaults and grievous hurt in various forms. But the police refused to apply these general provisions to cases of domestic violence. Hence, there was a need to introduce a special section.

The **Dowry Prohibition Act, 1961** defines dowry and contains stringent provisions for punishment and prevention of dowry-related atrocities against women.

Indecent Representation of Women (Prohibition) Act, 1986: It aims at banning indecent representation of women through advertisement or in publications, paintings, writings, figures or in any other manner.

National Commission for Women: The Government set up this statutory body in 1992 with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women in lieu of the fundamental constitutional provisions.

Protection of Women from Domestic Violence Act, 2005: a progressive legislation, was passed, promising a joined-up approach — involving civil and criminal protections — to support and protect women from violence within the household

It is a **gender-specific law** enacted to protect women against domestic violence.

The **Prohibition of Child Marriage Act, 2006** passed by Parliament is the landmark law that sets the minimum marriageable age for both genders.

The **Criminal Law (Amendment), Act 2013** was enacted for effective legal deterrence against sexual offences.

Further, the **Criminal Law (Amendment) Act, of 2018** was enacted to prescribe even **more stringent penal provisions** including the death penalty for the rape of a girl below the age of 12 years.

The Government has set up the **Nirbhaya Fund** for projects for the safety and security of women, for which the Ministry of Women and Child Development is the nodal authority for appraising/ recommending the proposals/schemes to be funded under the Nirbhaya Fund.

In order to coordinate various initiatives for women's safety, MHA has set up a **Women Safety Division**.

The government of India conducts awareness generation programmes and publicity campaigns on various laws relating to women and their rights through workshops, cultural programmes, seminars, training programmes, advertisements in print and electronic media etc.

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013: The Act was passed in 2013, keeping in mind the Vishaka guidelines which were laid down by the Supreme Court in a judgment in 1997. It defines sexual harassment, lays down the procedures for a complaint and inquiry, and the action to be taken.

In 1993, the United Nations General Assembly (UNGA) adopted a **Declaration on the Elimination of Violence against Women**.

International Day for the Elimination of Violence against Women was instituted by the United Nations General Assembly (UNGA) in December 1999 and is celebrated on **25th November every year**.

Challenges towards Elimination:

Inefficient law enforcement machinery is the reason why many cases of women violence go unreported and these agents who are supposed to be the first person to encounter the victim or accused are often insensitive towards the incidents.

The **reluctance of the police to file FIRs** even in grave incidents of domestic violence is shocking. The police are responsible for recording crimes and investigating a case.

Crimes against women **often go unreported** as women lack the proper means to report their complaints.

Cases relating to crimes against women suffer the **most backlogs in the judiciary** which hurts the prospects of elimination of violence against women.

Laws need to be checked for their proper implementation as well. Just making the laws without proper sensitization of the population is not enough.

Sociological challenge: Even in contemporary India, daughters are still considered an economic burden.

This is a difficult challenge to overcome where barriers of inequality need to be fixed at lower levels so as to **educate the masses** about women's rights.

Cyber abuse and harassment: As the internet becomes an increasingly engaging place, it is also becoming a source of abuse for women.

Way Forward:

Gender based legislation: It is important to enact and enforce legislation and develop and implement policies that promote gender equality by ending discrimination against women in marriage, divorce and custody laws, inheritance laws and ownership of assets.

Gender based surveys: Generate evidence on what works and on the magnitude of the problem by carrying out population-based surveys, or including violence against women in population-based demographic and health surveys, as well as in surveillance and health information systems.

Financial Independence: Improving women's access to paid employment.

Developing and resourcing **national plans and policies** to address violence against women.

Improve system of collecting **crime surveillance data** on violence against women.

Capacity building and training to service providers and law enforcement officers to handle cases of violence against women.

Male Mediated Initiatives: Ensure male involvement in devising program for abusers.

Prevent recurrence of violence: Through early identification of women and children who are experiencing violence and providing appropriate referral and support

Promote egalitarian gender norms as part of life skills and comprehensive sexuality education curricula taught to young people.

Conclusion:

Violence against women remains a barrier to attaining equality, development, and peace, as well as the realization of women's and girls' human rights and growth. Due to these crimes, the individualistic and societal growth of the nation suffers at large. Multi-sectoral approach from organs of government and civil society is the need of the hour to work efficiently toward the elimination of violence against women.