

## *Stochastic Modelling and Computational Sciences*

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### VIOLENCE AGAINST WOMEN IN INDIA

**Praveen Hitkari<sup>1</sup> and Dr. Mahendra Kumar<sup>2</sup>**

<sup>1</sup>Research Scholar and <sup>2</sup>Research Guide & Assistant Professor  
(Institute of legal studies)

Shri Ram Swaroop Memorial University, Lucknow Deva Road Barabanki, U. P.

#### ABSTRACT

*Owing to disparities in gender and bias, women constitute half of the world population; women have been the victims of abuse and exploitation by the so-called patriarchal society. Women have been abused in India since time immemorial by tradition-bound society-socially, politically, mentally, psychologically and sexually too. In the last 20 years of the reform in criminal law, a common case made against laws that associate with savagery against women in India has been that women violate these laws. These charges of breach of law have been enthusiastically raised by the police, common society, government officials and even named authorities of the High Courts and the Supreme Court.*

*Domestic abuse is exploding in Indian culture. Women are being tortured, beaten and killed behind the closed doors of buildings. Domestic violence, both rural and urban, happens everywhere in the country. It's becoming a custom or habits in a society that is being treated like inherited from one generation to another generation. Psychological, physical, sexual, financial and emotional abuse that may manifest itself as physical harm, lack of food, money or other resources, coercion, humiliation and degradation, and may result in hedonism, discomfort, fatigue, loneliness, alienation, depression, fear and decryption, may be part of the continuum of domestic violence (which, incidentally, has a high degree of recurrence).*

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

#### INTRODUCTION

***"Domestic violence is endemic and it is everywhere"***

**- DR NAYREEN D, 2020**

The Indian Society was ignorant of the idea of equality between men and women until the beginning of the Indian Constitution. The Constitution of India is the highest law of the land, which helps to develop equal status and opportunity for its fellow citizens, including women, social, economic and political justice, freedom of thinking, speech, religion, faith and worship, and to promote fraternity that ensures the dignity of individuals.

The Indian Constitution forbids India's gender-based disparities. But the constitutionally guaranteed, equal status is only an illusion for millions of other women whose lives are harassed

by numerous forms of violence within their homes. Abuse in the family is a denial of all human rights that women face at the hands of family members at home. The number of incidents rising each year identified the home as the site of violence against women.

Why the number is increasing every year on domestic violence despite having many laws, rules and policy on domestic violence? The researcher finds it difficult to catch attention on domestic violence cases because these crimes happened within four walls or inside the privacy of a home and very less number of cases registered. Majority of the cases on domestic violence often go unreported or brushed by the police, medical officers and legal workers.

Amidst pandemic this year has made the situation worse with women unable to report partner as well as family violence.

## *Stochastic Modelling and Computational Sciences*

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The case registered In addition to the case growth rate of roughly 2.5 times related to domestic abuse complaints since the national lockdown, the Government informed Parliament that legal assistance was given through the National Legal Service Authority in a total of 2,878 cases of domestic violence during the April-June lockdown period.

Somewhere in India, about every 5 hours, a married woman is burned to death, battered to death or forced to commit suicide. Domestic abuse has resulted at a certain stage in their lives in at least 40% of married women between the ages of 15 and 49; Domestic abuse not only has significant ramifications for individual women's health and well-being. Furthermore, since a longtime, rights of women have been continuously denied.

With India's Independence, women's also granted equal status with men. The government enacted special law on domestic violence also trying all effort to raise the status of women in every field through legislations. Since the Indian Independence, we have seen the number of legislation enacted to ensure equal status to women as men. Some of the legislation has women related laws like IPC, Indian Evidence. The Hindu Marriage Act, 1955, the Adoption Act, 1956.

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.

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>1</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 or mental, 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>2</sup> violence means "exertion of any physical force for instance: (a) violent treatment or procedure, (b) profanation infringement, outrage, assault, (c) strength, energy, activity

## *Stochastic Modelling and Computational Sciences*

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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>3</sup> unlawfully exercised with the intent to harm".
4. **An operational definition**<sup>4</sup> Abuse, including all cases of violence against women, is still missing.

### **CONCEPT OF DOMESTIC VIOLENCE**

Domestic abuse is an extremely complex and brutal form of abuse, most frequently perpetrated within the four walls of the family house and/or within a specific dynamic and socio-economic system of deep-rooted control, which don't even enable acknowledgment or recognition of this

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<sup>1</sup>Ghosh, SK, Indian Women through the Ages, (1989), p. 19.

<sup>2</sup>.Webster's New Collegiate Dictionary, 1961, p. 952.

<sup>3</sup> Black's Law Dictionary, VII. ed., 1999, p. 1564.

<sup>4</sup>Sinha, Niro, Women and Violence, 1989, pp. 20-22

abuse. The most challenging task is the interpretation and identification of domestic abuse itself. Gender discrimination is a denial of the right to equality in any form. Inadequate infrastructure in the area of abuse prevention itself will constitute a breach of the universal right to equality.

The Protection of Women from Domestic Violence Act, 2005 says that any act, conduct, omission or commission that harms or injures or has the potential to harm or injure will be considered domestic violence by the law.

On 20 December 1993, the Un General Assembly Adopted a Resolution on the Elimination of All Forms of Violence against Women, which recognized that gender inequality is a reflection of the historically unequal ties of gender power that also have led to the domination and discrimination of women by men and the prohibition of the complete liberation of women.

As far as Indian Society is concerned, the numbers of cases on domestic violence are increasing every year. The increasing number of cases has drawn the attention of several feminist, Human rights group, Government agencies and Social scientist, Social Work Practitioner all over the world. As per the NCRB crime report 2019, stated that almost 30% case registered for domestic violence, which highest per cent in any individual crime. Many researcher or social scientist have attempted to study and proposed various theories. Also, the Government brings the number of legislations as well as amendment of laws since the last 2 decades.

### **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

## *Stochastic Modelling and Computational Sciences*

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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**

According to the Indian National Crime Records Bureau's report<sup>5</sup> stated - 2019' which tracked criminal activities over 2019, Crime against Women. A total of 45,485 cases of crime against

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<sup>5</sup>NCRB (MHA), 2019.

women were registered during 2019, showing an increase of 7.8% over 2018 (42,180 cases). Most of the cases under crime against women were registered under 'Cruelty by Husband or his Relatives (30.9%) followed by 'Assault on Women with Intent to Outrage her Modesty' (20.2%), 'Kidnapping & Abduction of Women' (19.3%) and 'Rape' (7.3%).

For example, one article investigated that of the 40% who report physical assault, 50% experienced violence during pregnancy, an experience that is consistently recorded by women across all socio-economic strata. Another very important repercussion of women's subordinate role and Indian society's patriarchal existence is that women fail to seek treatment or legal. The primary reasons for the reluctance of women to seek treatment related to gender roles and imbalances in power, embarrassment and shame, preference to rely on home remedies, and lack of control over the economic resources needed to seek care<sup>6</sup>

Inside a research study, *Gautham and Brandan* confirmed that a higher risk of domestic abuse was correlated with infection control measures taken by governments during the COVID-19 pandemic. In addressing this problem, psychological services can play a key role through a) identifying certain risk factors for domestic abuse by for example, assertive recognition and management of substance abuse; (b) providing counseling, advocacy and recovery services for victims of domestic violence; and (c) collaborating with various organizations to improve medical and social responses to domestic violence. Multi-disciplinary mental health resources must be expanded at a time like this rather than diminished, to solve the urgent challenges at hand.<sup>7</sup>

*Jagbir and Anuradha* surveyed in a research paper<sup>8</sup>, Gender-based abuse was reported by 52.4

% in the current study in 1000, 51.5% have experienced violence at least once in their lifetime and 10.5% in the last 12 months at the hands of their wives/intimate partner. Mental abuse (51.6%) was perhaps the most prevalent spousal violence, followed by physical violence 6%. Physical assaults were severe in just one-tenth of the incidents. The husband initiated verbal and physical abuse in almost half of the instances. Gender symmetry of physical violence does not exist in India. Under the influence of alcohol, less family income, education up to middle class, nuclear family setup, and offender were listed as risk factors. The risk factor for bidirectional physical violence is the earning of a spouse with schooling before graduation.

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<sup>6</sup> Ibid.

<sup>7</sup>Gulati G, Kelly BD. Domestic violence against women and the COVID-19 pandemic: What is the role of psychiatry? *Int. J Law Psychiatry*. 2020 Jul-Aug; 71:101594. DOI: 10.1016/j.ijlp.2020.101594. Epub 2020 Jun 2. PMID: 32768101; PMCID: PMC7264022.

<sup>8</sup>Malik JS, Nadda A. A Cross-sectional Study of Gender-Based Violence against Men in the Rural Area of Haryana, India. *Indian J Community Med*. 2019;44(1):35-38 DOI:10.4103/ijcm.IJCM\_222\_18

## *Stochastic Modelling and Computational Sciences*

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According to the NFHS figures, domestic violence is most common in most of the states of India like – Bihar, UP, Rajasthan, MP, and Maharashtra etc. As per the NFHS-4 report 2016-17<sup>9</sup> conducted in the state of Orissa, 35.2% of women in the state reported having faced spousal violence. Observers have noted upward trends in both the kidnapping and molestation of women since 2000. The figure of 20.5 cases of molestation per lakh women in 2012 nearly doubled to cases per lakh women in 2016. The female literacy rate in the state is 67.4%. By the time girls turn 15, their school attendance drops to 63%. Only 13% of women in the 15-49 years age group completed 12 or more years of schooling and 28% of women in the same category never attended school. The state government needs to do more to improve these numbers if education is to be a defense against violence against women.

So deep is the conditioning that 30% of all married women reported having been slapped by their husbands; 41% of men and 59% of women think this is okay. Moreover, 82% of adults of both sexes want at least one male child. UP was on the top on crime registered against women overall, however, Madhya Pradesh was first in rape cases.<sup>10</sup>

According to Koenig, et al. 2006<sup>11</sup> Factors leading to domestic violence the author assessed that have identified the witnessing of violence by a child between parents as a good indicator of subsequent domestic violence during the conduct of a domestic health survey in Uttar Pradesh. This suggests that as they grow up, kids who have grown up watching their mothers being abused are more likely to assault their partners. Factors leading to domestic violence:

Koenig et al. reviewed studies that have established the witnessing of violence by a child between parents as a good indicator of subsequent domestic violence while conducting a domestic health survey in Uttar Pradesh. This suggests that as they grow up, kids who have grown up watching their mothers being abused are more likely to assault their partners. Women who have grown up in their maternal home with domestic violence may also be less immune to it in their spousal relationships after marriage.

A new study by the United Nations Population Fund also reported that about two-thirds of India's married women have been victims of domestic abuse. As cancer and its effect on women's health exceeds that of road accidents and malaria combined, violence in India kills and disables as many women between the ages of 15 and 44 years<sup>12</sup>.

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<sup>9</sup> NFHS- Report on “Crime Against Women”, 2016-17.

<sup>10</sup> Ibid.

<sup>11</sup> Koenig MA, Stephenson R, Ahmed S, Jejeebhoy SJ, Campbell J. Individual and contextual determinants of domestic violence in North India. *Am J Public Health*. 2006;96(1):132-138. DOI:10.2105/AJPH.2004.050872

<sup>12</sup> Two-third married Indian women victims of domestic violence. Available from: <http://www.ptinews.com> [last cited on 2005 Oct 13], [last updated on 2007 Mar

As reported in the research paper by *Ravened* and *Suneela*, the health industry may play a vital role in reducing violence against women, helping to detect abuse early, providing the requisite services for victims, and referring women to appropriate care. Health facilities must be placed for women, and also treated with dignity. A comprehensive response to the problem from the health sector is required, in particular addressing the unwillingness of abused women to seek assistance<sup>13</sup>.

According to *Rehan and Deepika*<sup>14</sup>, study on domestic violence in India. The interesting thing that India has one of the best legislation in the world for domestic violence-related cases. In 1983, India's Parliament added Section 498A, that allows women and on relatives on her behalf allowed to seek legal action on dowry related issues. Similarly sec. 304-B was added to the IPC. In The Year 2005, the parliament of India passed a legislation to protect women from domestic violence in India. The Act also allows the government to pass protection order (which must be implemented by the police) and appoint special protection officers" assigned to assist victims of domestic abuse in receiving medical treatment and filing reports of domestic violence.

## *Stochastic Modelling and Computational Sciences*

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Although the Indian government should be congratulated for taking its responsibilities to protect women from domestic violence seriously, this paper demonstrates that its constructive approach has been hindered, first by the victimization of male partners and their female relatives as a result of special protections provided to women; and, second, by police abuse and rent-seeking

The benefits that these laws were meant to bring to victims of domestic abuse have been overshadowed by these negative effects. This shows that because of strong cultural and social obstacles, even a legislative framework against domestic violence that meets universal human rights criteria can be restrictive or counterproductive.

Over the most recent 20 years of the criminal law change, a typical contention made against laws identifying with savagery against women in India has been that women abuse these laws. The police, common society, government officials and even appointed authorities of the High Courts and Supreme Court have offered these contentions of the abuse of laws eagerly. The claim of abuse is made especially against Sec 498A IPC and against the offence of share demise in Sec 304B.

India being a signatory to Human Rights Conventions and The basic principles of the Indian constitution which guaranteed individuals Human Rights. There are places like in remote areas lack of awareness of women's rights in India. The Most Important to be considered and addressed is the relation of administration in India is not friendly. Women also have Females still have the

<sup>13</sup>WHO. Multi-country study on Women's health and domestic violence against women. Geneva: World Health Organization; 2007. [[Google Scholar](#)].

<sup>14</sup>Abeyratne, Rehan, and Dipika Jain. "Domestic Violence Legislation in India: The Pitfalls of a Human Rights Approach to Gender Equality." *American University Journal of Gender Social Policy and Law* 21, no. 2 (2012): 333-378

security of life, liberty, etc. Even if they are aware, they lack the money, ability, time, experience, trust and courage to invoke these provisions in terms of resources.

In addition, females typically believe in tolerating violence at home. Domestic abuse must not be viewed as a matter of law and order alone. It is primarily a socio-cultural problem. Its presence has far-reaching effects on family life, women's health, children's lives, etc. The present study will investigate the causes, their existence, forms and consequences; the significance of domestic violence and its implications for social structure will be understood. In coordination with the Panchayat member and local police station, the Awareness Campaign must be coordinated.

It can be stressed that empirical studies on domestic violence will help to raise awareness of the phenomenon of domestic violence in our country among all sectors of society; particularly professionals, i.e. legal, social and medical work, and encourage the creation of effective intervention strategies for its management and prevention.

In addition, the study will direct organizations to recognize the multi-faceted effects of domestic violence, including some state governments, non-governmental organizations, as well as the general public, and to make a genuine campaign to raise awareness even amongst the larger population. Besides that, it will serve as a pragmatic concern for researchers and policymakers when designing welfare policies.

### **CONCLUSION**

Domestic violence is like a serious disease 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

## *Stochastic Modelling and Computational Sciences*

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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.