

A Socio-Legal Analysis Of Domestic Violence Against Women In India

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ABSTRACT

Domestic abuse is the subject of this Innocentia Digest. The term “home-grown” refers to violence carried out by a private spouse and by other family members, wherever it takes place and in any circumstance. This report builds on the investigation conducted by the UNICEF Innocentia Research Centre for a prior Digest on Children and Violence. What is happening to a woman who has been the pillar of the family and society as a whole is the greatest tragedy in our nation. She gives life, moulds it, and strengthens it. She serves as a transmitter of tradition and a vehicle for passing down culture from one generation to the next. Regardless of her age, color, position, or social, economical, or political status, she experiences domestic barbarism. Her vulnerability in diverse structures is a distinctive cultural anomaly of India. A woman is an easy target for male dominance, which is supported by the prevalent patriarchy, because of her hidden grief. The dominant, authoritarian nature of men in society and the victimization of women make the problem worse.

Keywords: Socio-Legal, Domestic, Violence, Against, Women, India

1. INTRODUCTION

Women's rights are part of a wider range of rights. Simply because they are female, harassment and prejudice affect millions of women. Every woman has the same personal liberties, such as the ability to select their own method of childbirth and level of personal security, and the right to develop and enjoy her independence and potential. However, due to the persistent gender-based injustices and discrimination in the world, many women do not receive the proper education or care they need, their experiences are not heard, they are forced into prostitution, and their lives are in danger as a result of violence, including violence in their own homes. The surge in cybercrime and female victimization poses a severe threat to women's security. But since women make up 50% of the world's population, no nation can advance if women's rights are disregarded.

Women are seen as being helpless from both real and humanistic views. When we talk about smritis, we see that women have always been dependent on men. Father when she was a teenager; husband when she was married; and child when she was an adult. On the other hand, there is an adage that says, “Where women are respected, God dwells.”

Over time, many institutions have been established to address charged sex. Agreements pertaining to women's household lives, personal liberties, and private and professional activities are a few instances of this form of Moderate regulation. Some of the heavenly orders to remedy the problem include the Hindu Marriage Act of 1955, the Child Marriage Restraint Act of 1901, and the Dowry Prohibition Act of 1961. Subjugation of women is a result of the pressure placed on their bodies, wallets, brains, and souls. Women have been viewed as being subjugated since antiquity. Many philosophers advocated communication, including Aristotle, Rousseau, and Jeremy Bentham, but women had little influence in this area.

The high level of disrespect for women is a result of many factors, including the predominance of female hunger and the high ethical standard. Since girls are considered to be “parayadhan,” it is not advisable for families to invest their limited resources in the rearing and education of female children.

Most settings where men and women are separated from one another are those where there is a prevalent belief that men work harder, accomplish more important duties, and require more nutrition. Women should not invest in possessions and should eat less because they have obligations. Additionally, it is anticipated that equitable resource distribution, growth opportunities, and equal opportunity standards will be used in the workplace. There is also an orientation gap in this instance.

1.1 Violence against Women in India

Three pieces of legislation that address violations of women's rights in India include the Protection of Women from Domestic Violence Act, 2005; the Prohibition of Child Marriage Act; and the Pre Conception- and Pre Natal-Diagnostic Techniques (Prohibition of Sex Selection) Act. But in India, incidents of violence against women are frighteningly on the rise.

Indian women's human rights are violated daily. In response to many well publicized rape and murder events involving young female victims, Indians have recently demonstrated around the country. The scandalous rape incident that occurred in Delhi in December 2012 provided evidence of the problem. In Mumbai, a 20-year-old Nepalese woman was gang-raped by three men on December 22, and a 15-year-old physically challenged child was sexually assaulted by her father in the ostensible safety of her own home. India has a high rate of attacks on the dignity of women. According to the Indian National Crime Bureau, there were 24,206 rape incidents reported in 2011, or one every 21 minutes, and 26% of these cases resulted in convictions. According to government figures, a woman is raped in India almost every 20 minutes. In New Delhi, the “rape capital of India,” there have been 661 rapes so far in 2012, up from 572 in 2011. It is important to remember that rape is just one of many crimes and violent acts committed against women. Over 90% of the 256,329 violent offenses reported in 2011—a total of 228,650 violent crimes—were committed against women. India recorded 22.8 lakh crimes against women between 2016 to 2021, of which about 7 lakh, or 30 per cent, were under Section 498A of IPC, says recent MoSPI report. New Delhi: Most “women's safety” discussions in India centre on the dangers of sexual assault, harassment, and other crimes in public spaces. The National Crime Report Bureau receives reports of 1.5 lakh crimes against women every year, of which 50,000 or so involve domestic violence in the homes of the victims. According to Empower People's six-year analysis, 23% of West Bengali women are victims of human trafficking. Following Bihar at 17% are Assam (13%), Andhra Pradesh (11%), Orissa (8%) and Kerala (6%), in that order. According to the NCRB report, the number of crimes against women grew from 56.5% in 2020 to 64.5% in 2021, (incidents per 1 lakh population).

The majority of kidnapped brides belong to scheduled castes, scheduled tribes, or lower social classes. India has had alarmingly high rates of sex-selective abortions despite a 1996 prohibition on gender screening for these purposes. Researchers estimate that up to 600,000 female fetuses, or 2.2 percent of annual birthrate, are aborted in India each year.

2. REVIEW OF LITREATURE

Patel, V., and Jain, S. (2014) It investigates the social, gender, and cultural norms that support the incidence of domestic violence. The writers talk on how social attitudes against women, dowry-related violence, and patriarchal norms all contribute to domestic violence. The essay clarifies the intricate societal setting in which domestic abuse occurs in India.

Das, A., and P. S. Bhat (2019) It makes use of quantitative data analysis to examine variables that affect the likelihood of domestic violence, such as age, education, marital status, and economic circumstances. The report emphasizes the requirement for focused interventions and legislative measures to address the root causes of domestic violence in India.

Bhattacharya, D., & Choudhary, R. (2017) It addresses the implementation issues and inadequacies in addressing domestic abuse and analyzes the current legal framework, which includes the Protection of Women from Domestic abuse Act. The research also looks at the social and cultural elements that support the persistence of domestic violence in the area.

S. D. Dasgupta (2001) It looks at domestic abuse policies and the legislative framework, especially the Protection of Women from Domestic abuse Act. The article examines the social and cultural reasons that fuel domestic violence, emphasizing the patriarchal system, violence associated with dowries, and society perceptions of women. The interplay of legal and socio-cultural factors in comprehending domestic abuse against women in India is highlighted by Dasgupta's analysis.

Agarwal, A., and Sethi, V. (2018) The study by Agarwal and Sethi examines domestic violence against women in India's laws and policies. It looks at how well laws like the Dowry Prohibition Act and the Protection of Women from Domestic abuse Act work to stop domestic abuse. The paper investigates these laws' implementation's difficulties and shortcomings. Agarwal and Sethi's analysis help to clarify the Indian legal system's approach to domestic abuse and sheds light on the consequences for policy in resolving the problem.

3. RESEARCH METHODOLOGY

The scope and motivations of violence against women will be examined in the current study. The majority of the study's primary data will come from field research. The study will also take an analytical approach because it wants to critically assess the origins and nature of violence today.

To collect data at the local level, my native place has been selected using a purposeful sampling method. Key informants, including local ASHA facilitators and employees, assisted with the snowball sampling technique. 200 houses in all were polled; 24 of those were Hindu households, and the remaining 16 belonged to minorities. Women who had never been married and were single between the ages of 15 and 49 were surveyed to learn about their experiences during the previous 12 months

3.1 Mode of Data Collection

❖ Primary Data

The majority of the data came from a population survey of women. Group talks and pre-planned interview schedules will be used to conduct the field survey. The interview schedules included questions pertaining to the objective of the study.

❖ Secondary Data

From published, dependable, and online sources as well as survey reports like the NFHS report, Census report, NCRB report, and others, secondary data and pertinent material will be compiled.

4. RESULT AND DISCUSSION

Table 1: Educational Status of Women

Variables	Frequency
Illiterate	21
Literate	35
Primary	42
Upper Primary	40
Madhya milk	51
H.S	38

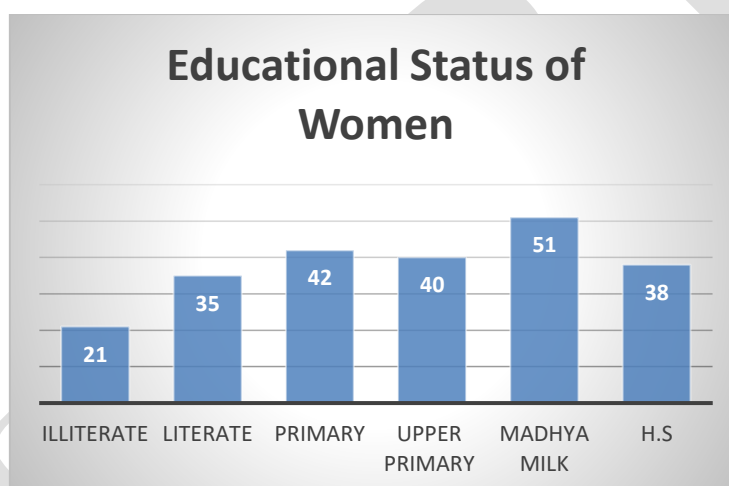


Figure 1: Educational Status of Women

The educational background of the respondents was highlighted in the graph mentioned above. The majority of respondents (48%) had completed their primary education, followed by 24% who had completed upper primary education, 12% who were illiterate, and 4% in each level who had completed Madhyamik and H.S.

Table 2: Religious Status of Women

Variables	Frequency	Percentage
Hindu	130	65
Muslim	70	35

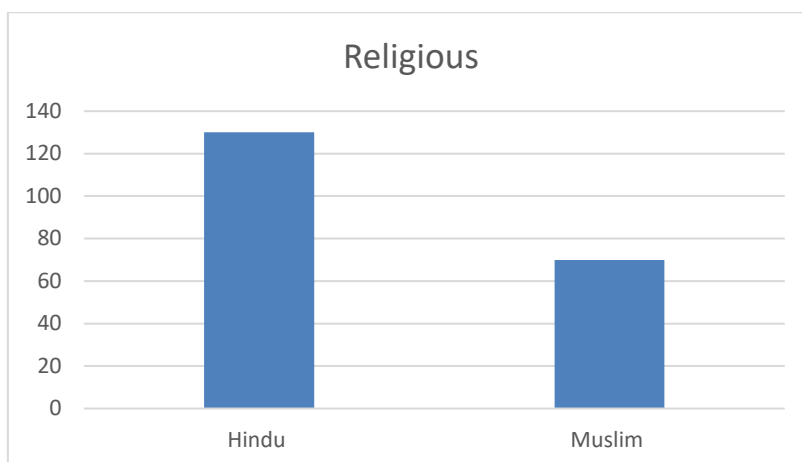


Figure 2: Religious Status of Women

The religious makeup of the respondents is depicted in the figure. 70% of the women surveyed identified as Muslim, and the remaining 130% as Hindu. Hindu and Muslim dwelling was present in the sampled population.

Table 3: Age of Respondent

Age	Frequency	Percentage
18-20	60	30
20-25	40	20
25-30	40	20
30-35	40	20
35 Above	20	10

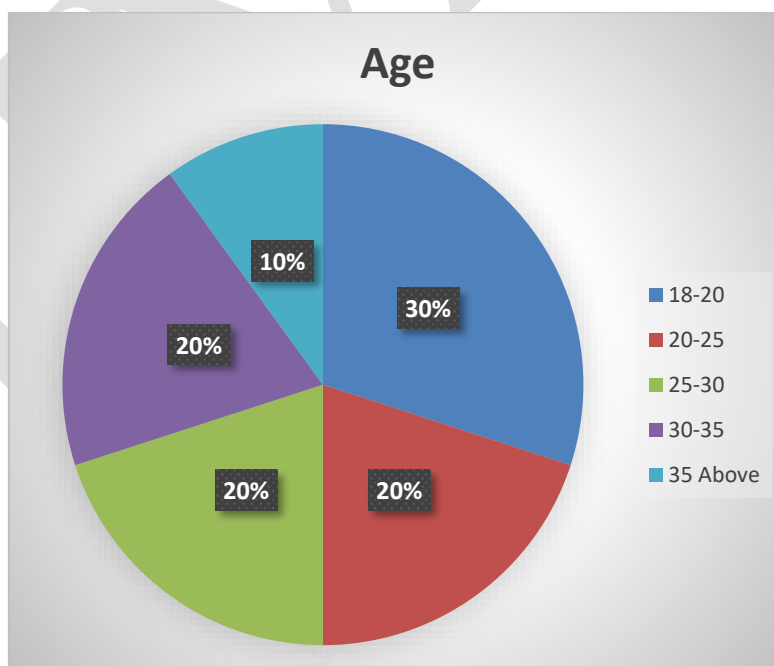


Figure 3: Age of Respondent

The age distribution of the study's surveyed women is shown in the table. In both communities, the majority are between the ages of 18 and 20 years old, with Hindus making up 45.84 percent and Muslims 50 percent, respectively. Over 18 years old makes up the second-largest age group among the women questioned.

Table 4: Demand for Dowry

Given Dowry	Hindu	Muslim
Yes	120	70
No	150	50

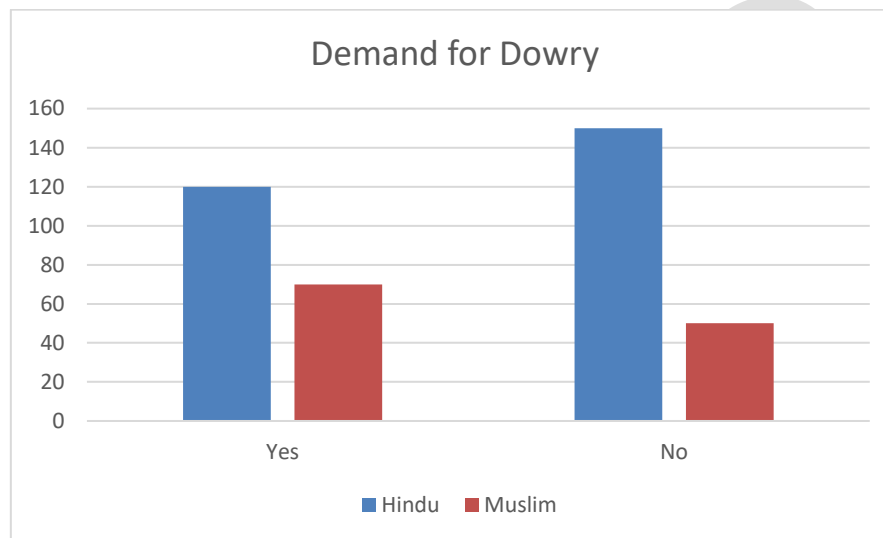


Figure 4: Demand for Dowry

According to the table described above, the social rite of marriage involved both giving and receiving dowries. Most of the women in the poll (92–95%) agreed that giving and receiving dowries occurred during their marriage. However, only 3% of the women who responded to the study stated that dowry was not appropriate on the occasion of marriage.

Table 5: Type of Offered Dowry

Type of Dowry	Hindu	Muslim
Cash	120	70
Kind	130	60
Both	90	110

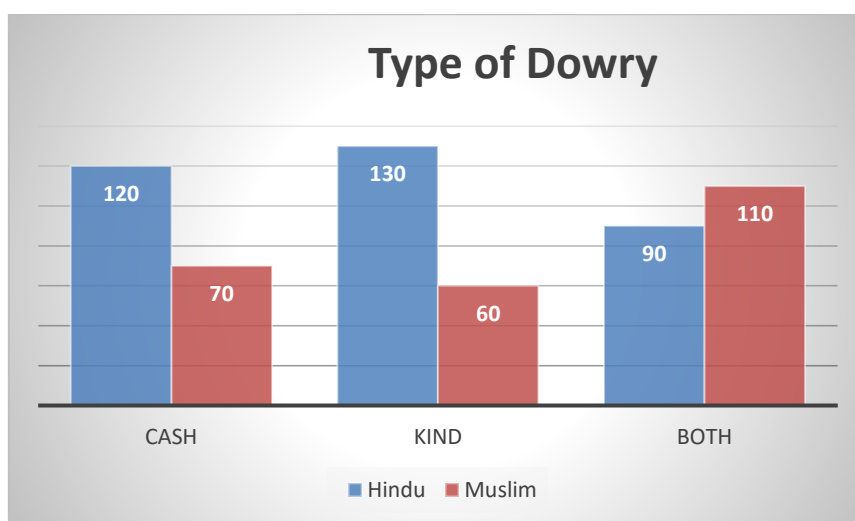


Figure 5: Type of Offered Dowry

The type of dowry that was given during the wedding ceremony is shown in the current table. On average, 74% of women said that their in-laws had received dowries in kind and money as part of the custom of marriage. On the other hand, it appears that the remaining respondents recognized the fact that they had received dowry during their marriage, either in cash or in kind.

Table 6: Perpetrator of Violence

Perpetrator	Hindu	Muslim
Husband/ Partner	110	90
Other Family Members	120	60
All	150	50

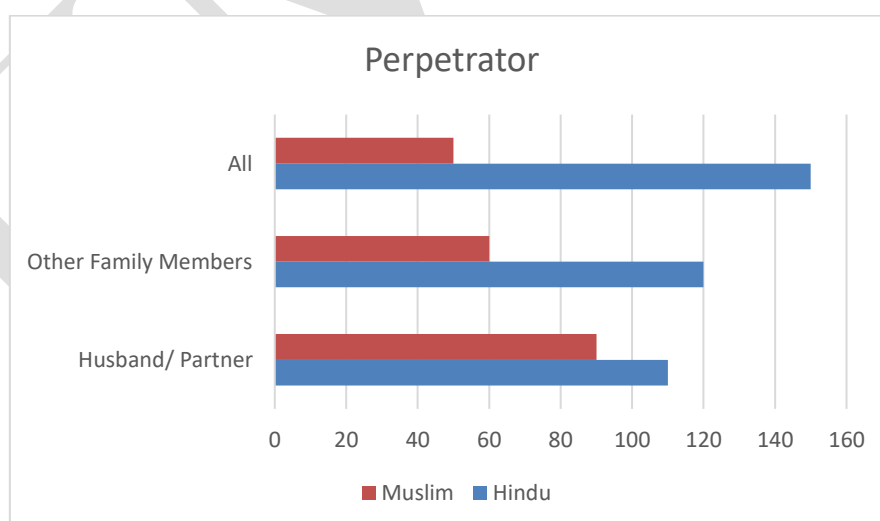


Figure 6: Perpetrator of Violence

The main culprits of domestic violence against women were identified in the table above. The majority of respondents (66 percent) named their male counterparts, usually their spouses, as the primary offender, while 26% claimed that all members of the household were responsible.

Table 7: Type of Violence

Type Of Violence	Hindu	Muslim
Physical	60	120
Sexual	150	50
Psychological	100	100
Economic	130	70
Physical & Sexual	160	40
Physical & Psychological	120	60
Physical & Economic	90	110

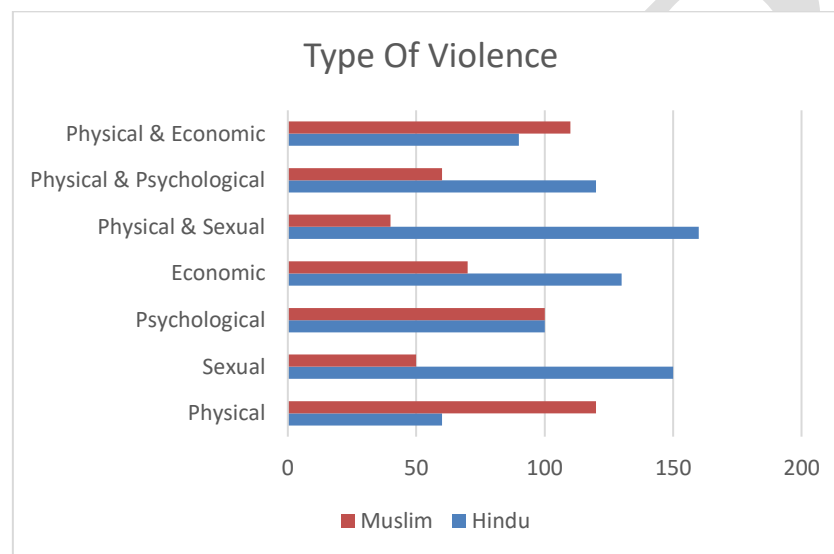


Figure 7: Type of Violence

The violence that the responder experienced in their marriage was chronicled on the aforementioned table. Surprisingly, it was discovered that the majority of respondents (88%) had encountered physical violence, 48 percent had experienced psychological violence, and 78 percent had experienced economic abuse. Only 6 percent of women reported to experiencing physical or sexual abuse, whereas 24 percent said they had some experience with all of the aforementioned forms of violence.

5. FINDINGS

Much more domestic violence against women occurs than what the reports suggest because many incidents go unreported. Individual research projects and surveys typically yield greater estimates of violence than official statistics. However, it is also believed that they overestimate the amount to which domestic violence against women actually exists. Women may choose not to disclose domestic violence for a variety of reasons.

- Due to the majority of the women's reported low educational levels, it was determined that they were illiterate. The vast majority of domestic violence victims were reported to be married. The majority of respondents said that they were married between the ages of 16 and 20.
- The majority of the ladies were discovered to be from the labor and peasant classes. Most of them came from joint households. Their families were said to work primarily in agriculture and labor.

- Most often, according to respondents, family concerns are resolved by in-laws and elders, and their involvement in decision-making is minimal. Their family members claim that they never feel encouraged to participate in family decision-making. As a result, their spouses and in-laws are seen to be in a dominant position over them in the family.
- The majority of responders said their husbands are alcoholics. Even more than half of the respondents stated that their wives have problems finding work, are in poverty, or are unemployed themselves. An additional 60% of respondents admitted that their husbands are experiencing mental stress.
- The majority of respondents named their husband as the primary offender, although other victims named their husband and other in-laws as the abusers.
- Offering of dowry on the occasion of marriage was the most common cause of domestic violence. Additionally, it appeared that among the respondents, 48% named dowry as one of the reasons for their aggression. However, 98 percent of marriages were not yet officially registered. Overall, the majority of respondents report having experienced various forms of domestic abuse. It was frequently recorded in instances of reprimanding, harsh behavior, mental harassment, beating, torture, and frequent arguments.
- The vast majority of women who report experiencing physical abuse said it has taken the form of slapping, shoving, beating, kicking, cane beating, sexual abuse, etc. Similar to this, a number of women reported that the main forms of emotional abuse involved assigning blame for everything that goes wrong in the family, frequently making demands on trivial matters, pressuring them to feel guilty for no reason, allowing them to express their opinions on family issues, threatening divorce, and desertification. However, many women claimed that they had experienced economic violence as a result of their lack of job or other employment-related issues.

6. CONCLUSION

It has always been a problem for women to experience domestic violence. Women were usually seen as being weak, defenseless, and easily exploitable. To assess the situation of domestic abuse against women, a life cycle perspective is helpful. The prevalence of domestic violence against women is rising in many nations as a result of numerous economic and social causes. Domestic violence takes on different forms and severity depending on the sociocultural environment and value system. Individual research projects and surveys typically yield greater estimates of violence than official statistics. The society believes the antiquated belief that women are subordinate to men. Religion is misunderstood, and women are the target—not in the present, but in past eras.

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