



“Understanding the Prevalence of Domestic Violence in Indian Society: Causes and Pathways to Change”

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Abstract

This article delves into the complex issue of domestic violence in Indian society, analyzing the factors contributing to its persistence. The prevalence of domestic violence is influenced by deeply ingrained societal attitudes, a lack of legal awareness, systemic barriers, socio-economic disparities, gender inequality, and sometimes underlying mental health issues. Traditional and patriarchal norms often normalize abuse, making victims hesitant to seek help. A lack of awareness about legal protections and systemic obstacles in the justice system further compounds the problem. Socioeconomic factors, such as economic insecurity, limited education, and healthcare access, create conditions where victims feel trapped. Addressing the issue of domestic violence requires a multifaceted approach. This includes changing societal norms through awareness campaigns and educational initiatives, empowering victims with knowledge of legal protections, ensuring the effective implementation of existing laws, and creating a network of support services, including shelters and counselling. Economic empowerment programs can reduce vulnerability, while access to mental health support is essential for individuals with underlying mental health issues. In conclusion, while progress has been made, domestic violence remains a significant concern in Indian society. Efforts are needed to challenge and change traditional beliefs, offer immediate support and protection to victims, and address the root causes that perpetuate this issue.

Keywords: Domestic Violence, Legal Protection, Protection of Women from Domestic Violence Act

Introduction:

Domestic violence is a pervasive and deeply troubling issue that affects individuals and families across the globe. In the context of Indian society, it remains a persistent and complex problem, despite legal provisions and societal awareness efforts. This article aims to shed light on the reasons behind the enduring prevalence of domestic violence in India and explores the multifaceted factors contributing to its persistence.

Understanding domestic violence within the Indian context requires an examination of the intricate interplay of societal attitudes, legal frameworks, systemic barriers, socio-economic disparities, gender

dynamics, and underlying mental health issues. These factors collectively shape an environment where victims often suffer in silence, unable to access the protection and support they desperately need.

By delving into the root causes and systemic challenges, this article seeks to provide a comprehensive overview of the domestic violence landscape in India. Furthermore, it underscores the importance of a holistic approach that addresses these underlying factors while simultaneously offering support and resources to empower victims and survivors. Ultimately, this discussion aims to contribute to a deeper understanding of the issue and advocate for meaningful change in Indian society, where domestic violence is not tolerated, and where all individuals can live free from fear and abuse.

There are laws in India that address domestic violence. The Protection of Women from Domestic Violence Act (PWDVA) was passed in 2005, which provides legal protection to women who are victims of domestic violence, including physical, sexual, emotional, and economic abuse. The PWDVA defines domestic violence as any conduct that harms or endangers the health, safety, life, limb, or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse.

The PWDVA also provides for the appointment of Protection Officers and Service Providers who are responsible for helping victims of domestic violence navigate the legal system and access resources such as shelters, counselling, and medical care. The act also allows for the court to issue protection orders and residence orders to protect the victim from further abuse.

Additionally, several other laws such as the Indian Penal Code (IPC), Indian Evidence Act and Code of Criminal Procedure (CrPC) are also used to prosecute domestic violence cases in India.

It's important to note that despite the laws in place, domestic violence is still a pervasive problem in India and victims often face difficulty in getting justice and protection, due to various reasons such as lack of awareness, social stigmas and systemic barriers.

Reasons for Domestic Violence

There are many factors that can contribute to domestic violence, and the causes are complex and multifaceted. Some of the most common contributing factors include:

1. **Power and control:** Abusers often use violence as a way to gain and maintain power and control over their partners.
2. **Societal factors:** Domestic violence is often perpetuated by societal norms and attitudes that condone violence and blame victims for their own abuse.
3. **Trauma and abuse in childhood:** Many individuals who perpetrate domestic violence have themselves experienced abuse or trauma in their own childhoods.
4. **Substance abuse:** Substance abuse can increase the likelihood of domestic violence, as it can impair judgment and increase impulsiveness and aggression.
5. **Economic stress:** Financial strain can contribute to domestic violence, as it can increase feelings of powerlessness and frustration.
6. **Mental health issues:** Some individuals who engage in domestic violence may have underlying mental health conditions, such as personality disorders or impulse control disorders.

It is important to note that these factors often interact and overlap and that domestic violence is never justifiable or acceptable.

Why it is still prevalent in Indian Society

Domestic violence is still prevalent in Indian society due to a variety of factors. Some of the main reasons include:

1. **Societal attitudes:** Domestic violence is often perpetuated by societal norms and attitudes that condone violence and blame victims for their own abuse. In many parts of India, there is a culture of silence and tolerance towards domestic violence, and victims are often discouraged from speaking out or seeking help.
2. **Lack of legal awareness:** Many victims of domestic violence in India are not aware of their legal rights and the protections available to them under the PWDVA and other laws. This lack of awareness can make it difficult for them to access the justice and support they need.
3. **Systemic barriers:** Despite the laws in place, victims of domestic violence in India often face barriers to accessing justice, such as police and court officials who are not properly trained to handle domestic violence cases, and a lack of resources and facilities to support victims.
4. **Socio-economic factors:** Domestic violence is often more prevalent in communities with lower socio-economic status, where there is a lack of economic security, education and healthcare.
5. **Gender inequality:** Gender inequality is one of the main drivers of domestic violence in India. Patriarchy and traditional gender roles often assign men as the dominant and women as the submissive partners, and this often leads to men using violence as a means to assert power and control over women.

To address the prevalence of domestic violence in Indian society, a multifaceted approach is needed:

1. **Changing Societal Norms:** Promoting gender equality and challenging traditional beliefs is essential. Public awareness campaigns and educational initiatives can help shift societal attitudes toward non-violence and respect.
2. **Legal Empowerment:** Raising awareness of laws like the PWDVA and ensuring their effective implementation is crucial. This includes providing training to law enforcement and legal professionals.
3. **Support Services:** Creating a network of support services, including shelters, counselling, and medical care, is essential for victims. These resources help empower victims to seek help and leave abusive situations.
4. **Economic Empowerment:** Programs that support economic independence for women can reduce their vulnerability in abusive relationships. This may include vocational training and access to employment opportunities.
5. **Mental Health Support:** Recognizing and addressing underlying mental health issues is vital. Access to mental health services and counselling can be part of the solution.

Protection of Women from Domestic Violence Act (PWDVA) Main Provisions

The Protection of Women from Domestic Violence Act (PWDVA) of 2005 provides several provisions to protect women from domestic violence in India. Some of the main provisions of the act are:

- I. **Definition of domestic violence:** The PWDVA defines domestic violence as any conduct that harms, or endangers the health, safety, life, limb, or well-being, whether mental or physical, of the aggrieved person

or tends to do so, and includes causing physical abuse, sexual abuse, verbal and emotional abuse, and economic abuse.

II. Protection Orders: The act allows for the court to issue protection orders to protect the victim from further abuse. These orders can include provisions such as restraining the abuser from entering the victim's home, workplace or other specified places, and from contacting or communicating with the victim.

III. Residence orders: The court can also issue residence orders, which can provide the victim with exclusive possession of the shared household, and the abuser with the obligation to vacate the household.

IV. Emergency Relief: The act allows the victim to apply for emergency relief, which can include provisions such as medical expenses, legal aid, and shelter.

V. Appointment of Protection Officers and Service Providers: The act provides for the appointment of Protection Officers and Service Providers who are responsible for helping victims of domestic violence navigate the legal system and access resources such as shelters, counselling, and medical care.

VI. Right to residence: The act also provides that a woman has the right to reside in the shared household, whether or not she has any title or rights in the household, and whether or not she is married to the abuser.

VII. Punishment: The act also provides for punishment for the abuser, which can include fines and imprisonment, and also provides for compensation to the victim.

Landmark Judgements On PWDVA

There have been several landmark judgements related to the Protection of Women from Domestic Violence Act (PWDVA) of 2005 in India. Some notable examples include:

- In the case of *Shabnam Hashmi v. Union of India* (2006), the Delhi High Court held that the PWDVA applies to both married and unmarried couples and that the definition of "aggrieved person" includes not only the woman who is the victim of domestic violence but also her relatives.
- In the case of *K.S. Puttaswamy v. Union of India* (2017), the Supreme Court of India held that the right to privacy is a fundamental right under the Indian Constitution and that the PWDVA's provision allowing for the release of the abuser's personal information to the victim is a violation of the right to privacy.
- In the case of *Neelu v. State of Haryana* (2019), the Punjab and Haryana High Court held that the PWDVA applies not only to married couples but also to couples in a live-in relationship and that the definition of "shared household" includes not only the home where the couple resides but also any other place where the couple has lived together.
- In the case of *Ms X v. Union of India* (2020), the Delhi High Court held that the PWDVA applies to all persons regardless of their gender identity and sexual orientation and that the definition of "aggrieved person" includes trans and gender non-conforming individuals.

These judgements have expanded the scope of the PWDVA, and have helped to ensure that it provides more comprehensive protection to victims of domestic violence in India.

Conclusion:

The landmark judicial pronouncements on the Protection of Women from Domestic Violence Act (PWDVA) in India have played a crucial role in shaping the interpretation and application of this legislation. These judgments have extended the scope of the PWDVA to encompass a wider range of individuals, clarified its civil nature, and underscored the importance of individual rights and privacy. This evolution in the legal landscape has not only enhanced protection for victims of domestic violence but has also demonstrated the adaptability of the Indian legal system in addressing complex and evolving societal challenges.

Suggestions:

1. **Public Awareness and Legal Literacy:** Promoting awareness about the PWDVA and its provisions is essential. Legal literacy programs can empower individuals, especially women, with knowledge about their rights and the legal remedies available to them.
2. **Sensitization and Training:** Ongoing training and sensitization of law enforcement, judiciary, and legal professionals are imperative to ensure that the PWDVA is effectively enforced. This can help prevent the misapplication of criminal laws to domestic violence cases and promote a civil remedy approach.
3. **Accessibility to Legal Services:** Ensuring that legal aid and support services are accessible to all victims, regardless of their socio-economic status, is crucial. Provisions for free legal aid should be widely publicized and available to those in need.
4. **Gender-Neutral Language:** The PWDVA could be further enhanced by adopting more gender-neutral language. While the act primarily focuses on female victims, the law should be inclusive of male victims and LGBTQ+ individuals who may also experience domestic violence.
5. **Regular Review and Amendment:** Given the evolving nature of societal norms and legal understanding, it is important for the PWDVA to undergo periodic reviews and amendments to address emerging challenges and provide enhanced protection.
6. **Community and NGO Involvement:** Collaborating with community organizations and non-governmental organizations (NGOs) that work with victims of domestic violence can help bridge gaps in support services and provide a holistic approach to addressing the issue.

In conclusion, while the judiciary has played a pivotal role in shaping the PWDVA's application and scope, a collective effort is required from the legal system, government, civil society, and the public to ensure the act's effective implementation and further improvements in the fight against domestic violence in India. Legal reforms and social awareness must continue to evolve to keep pace with changing dynamics and challenges.

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