

Domestic Violence - Difference between the Statistics and the Real Picture

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Abstract: Domestic violence is recognised as a major contributor to the victim's physical and mental health, and it is present to some degree in every society around the world, according to the data. However, figures on the prevalence or number of cases recorded for domestic violence are significantly lower than the actual numbers, which are not even brought to the attention of the judicial system due to societal pressure and, more specifically, inadequate justice administration in this area. That is why the purpose of this article is to examine the disparity between statistics and the reality of domestic violence in our country, as well as the reasons for it.

Keywords: In this Article I will be deliberating on

- What amounts to Domestic Violence under the Indian Law
- An introduction with respect to what constitutes Domestic Violence
- Whom can it be filed against?
- The various forms and characteristics of Domestic Violence.
- Laws relating to Domestic Violence in India
- Whether Domestic Violence is Gender Neutral?
- Domestic Violence and Men
- The statistics of Domestic Violence cases with respect to National Commission for Women's Statistical Data and The Real Picture of Domestic Violence

1. Introduction

Domestic violence is defined as violent behaviour in any personal relationship that permits one partner to frighten or control the other. This is commonly associated with married couples or other personal partnerships, but it can also relate to any family relationship or people living in the same house. Domestic Violence also known as spousal abuse or intimate partner violence, refers to any sort of violence perpetrated by a family member or spouse, including physical, emotional, sexual, and financial harm. Domestic violence is recognised as a major contributor to the victim's physical and mental health, and it is present to some degree in every society around the world, according to the data.

2. Literature Survey

The strict significance of the term Domestic Violence essentially implies any violent or forceful conduct of any individual inside the Home as the word here may be 'Domestic' or as such a brutal fight between a couple that may compel a female companion to file for mental badgering fundamentally under the Domestic Violence Act and various arrangements of the Indian Penal Code (IPC) and Criminal Procedure Code (CrPC).

Domestic Violence has primarily been committed against women throughout history, but men can now file a petition for Domestic Violence, which falls under the category of Domestic Abuse, family viciousness fundamentally emerging in relationships, for example, marriage, which includes relationships with relatives, family companions, and so on, and it can occur in various structures, for example, marriage.

What constitutes Domestic Violence

Section 3 of the Domestic Violence Act, 2005 states that what constitutes domestic violence according to which domestic violence shall include: -

- Threats to health, safety, life etc, whether mental or physical, including physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or
- Harassment through any forms such as harms, injuries to the aggrieved person by coercing her or any other person related to any unlawful demand for dowry or other property or valuable security; or
- Otherwise injuring or causing harm, through physical or mental means to the aggrieved person.¹

Against whom can it be filed?

Any adult male member of the aggrieved person's family who is in a domestic relationship with the aggrieved person and against whom the aggrieved person has sought any relief under this Act, including other family members such as mother-in-law, father-in-law, brother-in-law, or any relative of the husband or male partner, can file a complaint.

Bombay High Court recently ruled in a case that a sister cannot file a suit against her brother's wife or her own sister. If a mother-in-law is subjected to domestic abuse by her daughter-in-law, she cannot submit a complaint against her daughter-in-law, but she can file a complaint against her son, naming the daughter-in-law as the agent of the domestic violence.

¹The Protection of Women from Domestic Violence Act, 2005, India, available at:

<https://www.advocatekhaj.com/library/bareacts/protectionofwomen/index.php?Title=Protection%20of%20Women%20from%20Domestic%20Violence%20Act,%202005> (Visited on May 13, 2022)

Forms and Characteristics of Domestic Violence

- Physical abuse does not always leave marks or cause permanent damage:
(Scratching, biting, grabbing or spitting, Shoving and pushing, Slapping and punching, Throwing objects to hurt or intimidate you, Destroying possessions or treasured objects, Hurting or threatening to hurt your children and/or pet, Disrupting your sleeping patterns to make you feel exhausted, Burning, Strangling, Attacking or threatening to attack with a weapons, Any threats or actual attempts to kill you.)
- Emotional/Psychological Abuse
(Name-calling, mocking, intimidation and making humiliating remarks or gestures, Yelling in your face or standing in a menacing way, Manipulating your children, Telling you what to do or where you can and cannot go, Placing little value on what you say, Interrupting, changing topics, not listening or responding, and twisting your words, Putting you down in front of other people, Saying negative things about your friends and family, Preventing or making it difficult for you to see friends or relatives, Cheating or being overly jealous, Shifting responsibility for abusive behaviour by blaming others or saying you caused it, Monitoring your phone calls, texts, car and computer use.)
- Economic/Financial Abuse
(Forbidding the victim to work or attend school, Sabotaging employment opportunities by giving the victim a black eye or other visible injury prior to an important meeting, Jeopardizing employment by stalking or harassing the victim at the workplace, Denying access to a vehicle or damaging the vehicle so that the victim cannot get to work, Sabotaging educational opportunities by destroying class assignments, Withholding money or giving an allowance, Denying access to bank accounts, Hiding family assets, Running up debt in the victim's name.)
- Stalking and Harassment
Stalking and harassment can happen between strangers or in relationships, where the abusive partner or ex demands your time even after you make it clear you do not want contact:
(Making unwanted visits or sending you unwanted messages (voicemails, text messages, emails, etc, following you, including installing GPS tracking software on your car or cell phone without your knowledge or consent, checking up on you constantly, embarrassing you in public, refusing to leave when asked.)
- Sexual Abuse
(Includes coercing sexual contact, rape (including marital rape), attack on sexual body parts, forcing sex following physical violence, and sexually demeaning another.)
- Psychological Abuse
(Involves creating fear and a sense of isolation and helplessness. Acts of psychological abuse include causing fear through intimidation, threatening to harm a spouse, partner, children, family, friends, pets, or self. Also, intentionally isolating a person from family, friends, school, work, and extracurricular activities.)²

²Dr. Nitu Nawal and Dr. R. K. Sharma, Domestic Violence Against Women, (Legal protection, Legislative and Judicial Aspects).

Laws related to Domestic Violence/ Laws supportive

1) Protection of Women against Domestic Violence 2006

- This law was adopted in light of the rights given under Articles 14, 15, and 21 of the Constitution to provide for a civil remedy to protect women from becoming victims of domestic violence and to prevent domestic violence from occurring in the society. On the other hand, this Act has created an extensive machinery for female abuse and has undoubtedly become a visible manifestation of inequity.
- For a violation of the Act, a penalty of up to one year in prison and/or a fine of up to Rs. 20,000/- is imposed. Section 31 makes the offence cognizable and non-bailable, while Section 32 (2) goes even farther, stating, "The court may infer that the accused has committed an offence based only on the testimony of the aggrieved person."

2) Section 498A of The Indian Penal Code 1860

- Section 498 A of the Indian Penal Code, 1860, is a godsend for battered women in domestic abuse cases. Section 498A states that "Whoever, as the spouse or relative of the husband of a woman, submits such woman to cruelty shall be punished by imprisonment for a term not exceeding three years, as well as a fine."³
- This provision protects women from physical and emotional abuse by their in-laws. Many of these cases, however, have been proven to be fake, and they are now being used to harass spouses and their relatives. In such cases, cruelty is frequently justified under the pretence of dowry. When the bride brought a lot of gifts to the wedding, it's easy to prove that her in-laws expected dowry. Occasionally, husbands are accused of dowry stealing as well as physical and emotional abuse.

3) The Dowry Prohibition Act 1961

- In India, the issue of Dowry has prevailed for a long time. The Act was enacted in order to specifically provide provisions for Dowry Harassment and various other aspects related to Dowry. "Any property or valued security provided or agreed to give, directly or indirectly," according to Section 2 of the Dowry Prohibition Act of 1961. This can be offered by either party to the marriage to the other party, or by a parent of one party to the other party or family of the other party to the marriage, at any time before or after the marriage.
- Accepting and offering dowry are both illegal under Section 3 of the Act. This means that if the bride's family wants dowry and the groom's family accepts, both parties are accountable under the Act. The person might face up to five years in prison and a punishment of not less than 15,000 or the amount of dowry, whichever is greater.
- The punishment for dowry demand is dealt with in Section 4 of the Act. Any person who directly or indirectly seeks dowry from the bride or groom's parents, relatives, or guardians shall be held guilty and punished

³ LexisNexis, Universal's Criminal Manual, Indian Penal Code (45 of 1860) as amended by The Criminal Law Amendment Act 2018.

with imprisonment ranging from six months to two years, as well as a fine of up to ten thousand rupees.

- The Supreme Court declared in Pandurang Shivram Kawathkar v. the State of Maharashtra⁴ that merely demanding dowry without exchanging it is a crime under Section 4 of the Dowry Prohibition Act.

Is Domestic violence Gender Neutral?

Domestic violence does not affect only one gender, but in our society, it has traditionally been associated with women, while abuse against males has gone unnoticed and unrecorded. The male has traditionally been viewed as the culprit in society. Due to ongoing socioeconomic changes influencing the family structure, domestic violence is no longer limited to women. Men are abused verbally, physically, emotionally, psychologically, and sexually. Because men do not report these harmful behaviours, they remain silent victims. These unlucky boys are denied justice for their dreadful circumstances in the family and society since our Indian culture favours women as victims of violence.

Domestic violence has long been associated with women in India, and the culprit is always assumed to be a man. Because of established gender standards, society does not recognise that a woman may commit violence against men. However, men do report and accuse domestic abuse in private, but they rarely do so in public. Women's violence against men is not a new occurrence, and it may become more prevalent as power relations shift and people achieve economic independence.

Domestic violence should be classified as marital violence and should not be classified by gender. In India, the Domestic Violence Act solely applies to women. Men are also victims of violence at the hands of women, according to studies and data, and there is no law in our country that defends men's rights in society. As a result, significant reforms to address violence against men are urgently required.

Domestic Violence and Men

- Domestic violence against men has never been the subject of a systematic study or record in India. However, it is estimated that approximately 40 incidences of domestic violence involve violence against men for every 100 cases of domestic violence. Our society structure and ideals associated with males, as well as our societal framework and conventions linked to men, all make it difficult for them to discuss and disclose domestic violence and abuse. Even if someone comes forward and admits wrongdoing, society is unlikely to believe him.
- Physical violence, such as the wife, her parents, or relatives slapping, pushing, or punching the husband, emotional violence, such as the woman threatening suicide to scare and persuade the husband, verbal abuse if the husband talks with his family members or arrives home late from work, throwing things at the husband, such as utensils, sexual abuse if the husband declines sex

to mental abuse by continual threats of incriminating the husband.

- Male victims of domestic violence are not recognised by Indian law. Section 498A of the Indian Penal Code was enacted to safeguard women from their husbands' maltreatment after marriage. The wife is the victim, while the husband is the culprit in this case.⁵ Everyone makes the mistake of believing that men are always the ones who torment and mistreat women. Men are frequently the victims of domestic violence perpetrated by their wives. A law designed to protect women from domestic violence is being abused by the exact women it was designed to protect.
- Recognizing the widespread misuse of section 498A, the Delhi High Court, in Chandra Bhan v State⁶, established various essential processes before filing a complaint under this section, including conducting a thorough investigation before filing a FIR, among other things. This is merely a precaution to prevent routine abuse of this part; however, the situation will be alleviated only when a law exists to protect both men and women from domestic violence.

Statistics

- According to the National Family Health Survey (NFHS), more than 30% of Indian women have experienced domestic violence at some time in their life.
- Domestic violence statistics show that over 4 million women are abused by their male partners each year. It is the top cause of serious injury in women between the ages of 15 and 44, with a former husband or lover killing more than 30% of women each year. Unfortunately, statistics on domestic violence perpetrated by women against their male partners, as well as inside same-sex relationships, are limited, as these individuals are less inclined to report such actions for fear of mockery.
- In recent decades, India has made rapid progress in terms of education and awareness. Despite this, only around a fourth of domestic abuse cases are reported. The Government of India's ncrb record bears witness to this. 106527 cases out of 244270 were attributed to cruelty by their husband or his relatives.
- Domestic abuse and associated issues were addressed for the first time in the Indian National Family and Health Survey-7 in 2019-2020.⁷ It formally recorded information about domestic abuse throughout the country. This has shown that spousal violence is more prevalent in the first two years of marriage, with 12 to 15% of women reporting being dragged, beaten up, or having something thrown up on them, 1 in 3 married women reporting being slapped by their husband, and 1 in 7 married women suffering physical injuries as a result of spousal violence, and 10% of women reporting being forced to have sex with their spouse.
- The government notified Parliament in 2021 that there were 3,582 cases of domestic violence registered in India

⁵ Does India Need Gender Neutral Laws for Domestic Violence, India, available at: <https://www.ijalr.in/2020/10/does-india-need-gender-neutral-laws-for.html> (Visited on May 15, 2022)

⁶ Chandra Bhan v. State (2005) CriLJ 351 (P&H)

⁷ National Family Health Survey (NFHS-7) India Report, India, available at: <http://rchiips.org/nfhs/> (Visited on May 18, 2022)

⁴Pandurang Shivram Kawathkar v. State of Maharashtra (2001) 2 DMC 448.

between April and June 2021, when the second COVID-19 wave was at its peak, compared to 3,748 cases in the same period in 2020, when the pandemic started out in the country. Women and Child Development Minister Smriti Irani said in a written reply to a question in the Rajya Sabha that comparative data reveals a decline in the number of cases of domestic violence in the same period in 2021 as compared to 2020.

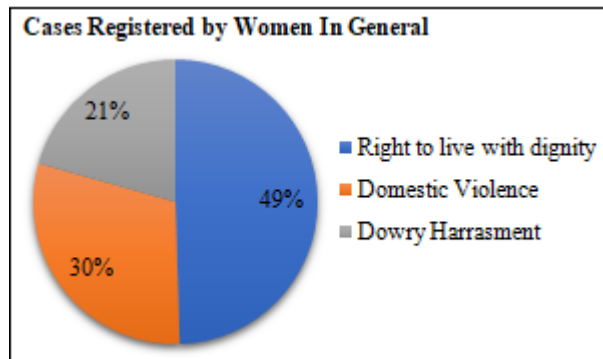
- Over 2,300 domestic violence complaints were filed with the National Commission for Women between January and May in 2021, the highest for any year since 2000. Most complaints were received from U.P., while the highest complaint rate was recorded in Delhi.

National Commission for Women Statistical Data 2022

The National Commission for Women (NCW) is the statutory body of the Government of India, generally concerned with advising the government on all policy matters affecting women. It was established on 31 January 1992 under the provisions of the Indian Constitution, as defined in the 1990 National Commission for Women Act. [National Commission For Women, India, Available at: https://en.wikipedia.org/wiki/National_Commission_for_Women (Visited on May 19, 2022)]

Each year, the National Commission for Women publishes the complaints it receives, which include: Acid Attacks, Bigamy, Complaint Against NRIs/NRI Marriages, Cyber Crime, Deprivation of Property Rights, Divorce/Maintenance, Dowry Death, Gender Discrimination, Harassment for Dowry/ Cruelty, Harassment of Widows, Kidnapping/ Abduction, Miscellaneous, Murder, Outraging.

The graph below shows how the Commission received complaints from women about three significant issues.



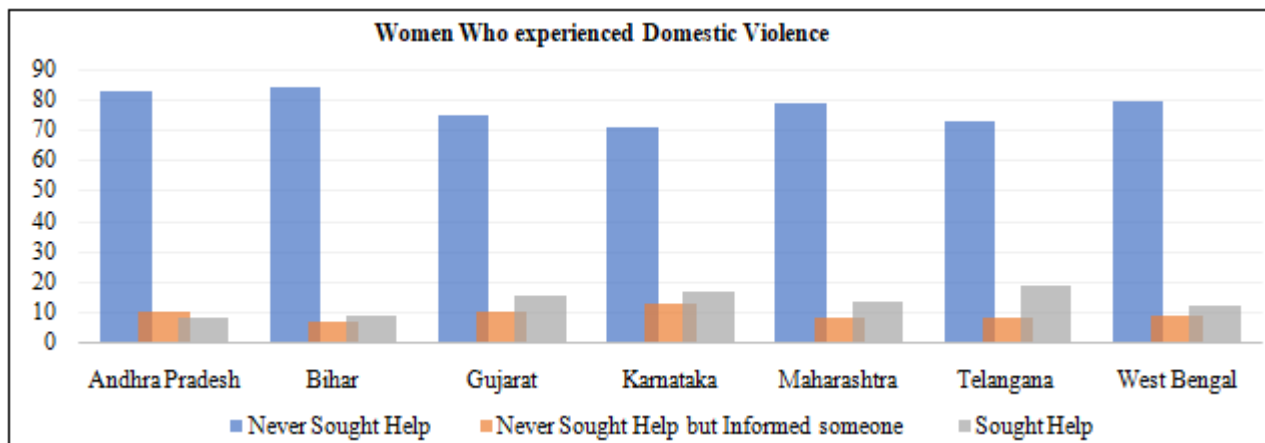
National Commission for Women Data with respect to Domestic Violence Cases

The table below will help you understand the number of cases of domestic violence against women that were reported in each state.

States	Cases Registered for Domestic Violence
Uttar Pradesh	15,828
Delhi	3,336
Maharashtra	1,504
Haryana	1,460
Bihar	1456

Real Picture

When discussing the disparity between the real image and the statistical data on domestic violence cases, we must be very careful to understand how many cases were reported and how many victims never sought aid. The table below will provide you the relevant information in this regard. [The Hindu - Data | Domestic violence complaints received in past five months reach a 21-year high, India, available at: <https://www.thehindu.com/data/data-domestic-violence-complaints-received-in-past-five-months-reach-a-21-year-high/article34877182.ece> (Visited on May 19, 2022)]



- We can see the fundamental problem that is producing a gap in the statistics of domestic violence cases in India by looking at the graph above. According to the National Commission for Women, more than half of women who suffer domestic violence or have been victims of domestic violence do not seek support from legal authorities.
- None of the 15.4 percent of Gujarat victims who sought assistance contacted relevant authorities such as doctors, police, attorneys, or social care organisations. Only a small percentage of the victims who sought aid in the

states indicated contacted the appropriate authorities. The issue in India is that the victims do not believe they are being victimised. This is due to the social conditioning that Indian women have received.

- Indian women filed more domestic violence reports during the first four phases of the COVID-19-related shutdown than in any previous 10-year period. However, this outlier is simply the tip of the iceberg, as 86 percent of women in India who are victims of domestic violence do not seek help.

3. Conclusion

Despite the significant frequency of domestic violence in today's society, the above-mentioned discussion and study show that victims' perceptions of the law and harsh measures against domestic violence are extremely low. As a result, ongoing efforts to promote public awareness about reporting domestic violence instances using the Domestic Violence Act of 2005 are required. This will enable us to gain a better understanding of the current state of domestic violence in the country, as well as how we can address the problem by providing proper protection and compensation to victims.

Author Profile



My name is **Jonita**. I'm a Bangalore resident currently enrolled in my fifth year of the BBA LLB programme. My interests are mostly in criminal law and drafting. I come from a commerce background and began my legal education in 2017. One of my all-time favourite articles that I had researched and written is titled Domestic Violence- The Statistics and Real Picture. Finding the exact figures and statistical information for the current paper required much investigation. Writing numerous case commentaries and papers on some of the most significant and fascinating topics, as well as voicing in front of the public, have been my passion.