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Theoretical perspectives of causation of domestic violence (DV) against Women: Indian experiences during COVID-19

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Abstract

One of the major problems in society is violence against women. There could be protracted repercussions from this aggression towards women. Intimate partner violence, which occasionally involves psychological abuse as well, are linked to a variety of short- and long-term issues, including as bodily harm and illness, mental health issues, and, in severe cases, death. Furthermore, the effects ripple far beyond the specific female victims, affecting not only society at large but also their friends, families, and kids. Although it's a global issue, South Asian nations exhibit the worst examples of it due to their gender-insensitive customs and ideologies. Even though the situation for women in India has improved, data available indicate violence and specifically domestic violence against women, which is on the rise as more incidents than ever before were recorded in 2022. The paper examines the relationship between the causes of intimate partner violence and the theoretical foundations of domestic violence, with particular reference to India. The first portion of the study discusses the conceptual understanding of domestic violence. The causes of domestic violence and preventative actions are covered in the second part. The next section explains the prevalence of domestic violence in India following COVID-19 and places it in the larger theoretical perspective.

Keywords: Domestic violence, women, human-rights, family, social-structures

Introduction

The UN General Assembly's 1993 statement says that violence against women is a manifestation of historically unequal power relations between men and women, which have led to men's domination over and discrimination against women as well as the prevention of women's full advancement. Violence against women is also one of the main social mechanisms that force women into a subordinate position compared with men." Declaration on the Elimination of Violence against Women. (General Assembly Resolution 48//104, 1993) [16].

Human rights are consistently challenged by violence against women. Women are often at risk when they are at home, which should be the safest environment for building trust. Even after the United Nations Convention on the Elimination of Discrimination against Women was adopted over thirty years ago, gender inequality and violence against women continue to remain major concerns in contemporary society. Domestic abuse is a global issue that affects women irrespective of their status, race, cultural background, or educational attainment. In response to the various, mostly hidden, but pervasive forms of domestic violence, the government and the legal system take a passive approach. An intimate partner or a family member commits the act of domestic abuse.

Indira Jaising in Law of Domestic Violence (2001) [10] sums up the meaning of domestic violence,

'Domestic violence is the violent abuse of women, primarily by men, within the boundaries of the family. The majority of the time, domestic violence is defined as violence committed against women by other members of her family. It may be the spouse, his parents, his siblings, or any other inhabitant with the full or partial liberty to do anything that might put a woman in physical or mental anguish. It occurs in private and is frequently denied by the very women who suffered violence.' (Jaising, 2001, pp. 9-10) [10].

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The epidemic of domestic violence puts lives in peril, has a subtle but significant effect on many aspects of society, and hinders a nation's progress. Coercive controls within the four walls cost governments a lot of money in terms of law enforcement, healthcare, lost employment, and overall growth. These costs affect more than just the present generation; an attack on one person can have long-lasting effects on the community and family. (Zimmerman, 1994)^[19]. Domestic violence typically happens when one person takes action that cause another person in a close connection to feel endangered or hurt. In the general public, this is the term that is most frequently used.

A global problem, domestic abuse transcends national borders, socioeconomic status, culture, race, and class. Not only is it prevalent geographically, but it also happens often, which makes it a behaviour that is acceptable. Abuse of women is widespread, deeply rooted, and seriously harmful to their health. There is no moral justification for its prolonged existence at the expense of individuals and society. There has never been a significant public health issue so severe, widely ignored, and little understood. The prevalence of abuse means that it has been socially acceptable for a long time. Due to this, society and individuals have difficulty recognizing and addressing its harms. Consequently, it is allowed to continue unchecked, leading to an inadequate response and an inadequate understanding of the problem.

Over the course of a woman's life, abuse continues to operate in a cyclical manner. The beginning of a girl's life may be marked by sex selective abortions, malnutrition, denial of basic health facilities, education, child marriage, forced labour, and human trafficking. Gender frameworks result in uneven power interactions between men and women. Women do not receive fair opportunities or resources as the persistent social and cultural system breeds inequality and discrimination. Gendered roles have severe implications on the lives of women as lesser or no access to productive assets as well as in structures of choosing institutions results in unfavourable situations to them often vulnerable to violence beginning within the personal space.

Approaches to Understand Domestic Violence

Domestic abuse is a pervasive issue that has an impact on many facets of society. Domestic abuse arises as a result of several situational and contextual circumstances. Contextual elements include individual or couple characteristics, stress, domestic abuse, or an aggressive nature. Financial difficulties and drug abuse are examples of situational issues. The framework to approach domestic violence provides a better understanding of problems leading to violence.

Resource theory

In 1971, Goodie made the connection between resource acquisition and power claims, saying that a husband is less likely to use violence in a family the more resources he provides. However, whenever man's dominance is threatened by wife's advancement in their career or educational edge over husband, he may resort to violence to assert his dominance.

Atkinson, Greenstein, & Lang, 2005^[1] in their work have identified level of resource perpetrating domestic violence on women as mostly married men with few or lesser resources in comparison to their wives' resort to violence to

gain obedience. Insecurity is caused by status instability where women resources are more (Gracia & Merlo; 2016)^[6] another study given by Davis & Greenstein, 2009^[5] hold marital dependency due to meagre resources of women leads to more violence. This reasoning leads to the development of resource theory, which maximizes the assumption that spouses' gender beliefs-that is, the degree to which men embrace concepts of the breadwinner-are important. When it comes to marital status, gender roles range from "traditional" to "non-traditional" (that is, from the viewpoint that wives should take care of the home and husbands should be the primary breadwinners) to "egalitarian" (that is, from the perspective that women's contribution to the household income is crucial). People can observe and make decisions about their social surroundings through the lens of gender ideology (Idris *et al.*, 2018)^[8]. Atkinson *et al.* (2005)^[1] looked into the gender ideology of the husband and how it related to the amount of money woman contributes towards the household income. Because of the correlation between a woman's portion of the income in the home and the risk of traditional husband abuse, gendered resource theory looks at women who are the primary breadwinners in the home. These opinions suggest that men make decisions for their families and have the dominance to keep things under control (Davis & Greenstein, 2009)^[5].

Economic issues linked to gender roles have been extensively studied in relation to how they increase the risk of domestic violence among women, using the gendered resource theory. In her research on domestic violence in Bangladesh, both rural and urban, Naved (2013)^[13] found that women with lower incomes become more reliant on their spouses, which weakens their ability to negotiate and control their physical aggressiveness. In support of his claim, he notes that there need not be a direct correlation between violence and resources because an increase in resources could potentially result in a rise in the number of women who experience domestic abuse (Gracia and Merlo, 2016; Cools and Kotsadam, 2017)^[6, 4]. This claim aligns with the findings of (Rahman, Hoque, and Makinoda, 2011)^[14], which found that with women's empowerment domestic abuse is widely prevalent and the risk has not reduced.

Social Approach

Social structures evaluate violence in terms of cultural norms, socioeconomic disparities, and socially normatively regulated attitudes. These norms are guidelines pertaining to acts and expressing emotions by people in a society. Variations in terms of power amongst social groups of gender, class or age finds expression in violence. "Intergenerational theory" is one of the hypotheses that explain why domestic violence occurs. Often called the "cycle of abuse," it is a result of the notion that "violence breeds violence," which is derived from the theory of social learning. This suggests that adult relationships involving abuse are more likely to be maintained by young women who had watched or experienced domestic abuse, and that young men who have witnessed or experienced domestic abuse will be more likely to commit violence of the same type as adults. Family plays a predominant role in the construction of and development of community life. There are high chances of children who see violence or themselves are target of violent attacks in the family to resort to violent means in their behaviour (Bandura, 1971; Mihalic & Elliott,

1997) [2, 11] which they may carry outside the realm of family. The society is a reflection of family and consequently its destruction has a corresponding influence on community.

Obligations of Institutions in Combating Domestic Abuse

Human rights are violated by violence towards women. Because of its violation, state actors are required to protect victims by enacting laws and implementing programs that address domestic abuse. Earlier the strict division between public and private sphere limited state intervention in an individual's personal realm. Domestic violence occurs in the private sphere of the family, which is exempt from state laws and legal provisions. Over time, the idea of governmental responsibility has changed, with the state now obligated to take both preventive and punitive measures in cases of human rights infringement caused by domestic abuse.

According to international legal standards, places obligation on the states to investigate cases of human rights abuses, take all feasible steps to stop violence against women, punish criminals suitably, and compensate victims fairly. "States may also be held responsible for their private actions if they fail to take adequate measures to prevent violations of rights, investigate into and punish violent acts, and provide compensation." the Committee on the Elimination of Discrimination Against Women (CEDAW, 1992) held after adopting 19 proposals in 1992 to end human rights being violated when women are abused (CEDAW, 1992).

The Committee made recommendations on what nations should do to adequately safeguard women who experience abuse, including:

1. Strong legal safeguards including civil remedies, criminal penalties, and compensation provisions, are in place. Usually exist legal protections against a variety of violence, including as sexual assault, domestic abuse, stalking, and sexual harassment in workplaces;
2. Preventive measures, such as public education programs and information altering perceptions about gendered roles impacting both men's and women's status in the social structure;
3. Safety precautions, including services for rehabilitation, as well as assistance for women who are abused or in danger of being abused.

There is a strong emphasis on the provision of protection for domestic abuse victims and pursuing justice for those responsible. Policymakers are presented with a number of ideas regarding how to combat domestic abuse. Intimate violence is seen as a violation of trust related to intimate relationships, so the legal profession argues that it should be criminalized. As far as resolving such behavioural disorders is concerned, it is up to policymakers whether counselling and mediation should be prioritized (UNICEF, 2000) [17].

Women's Status and Pervasiveness of Domestic Violence in India

A woman's status in society provides insight into the quality of the social structure. Many Hindu holy texts record the names of prominent women scholars, poets, and philosophers of the time, including the Vedas, Upanishads, and Ramayana. In ancient India, women had equal standing with men in all aspects of life, and they received the same

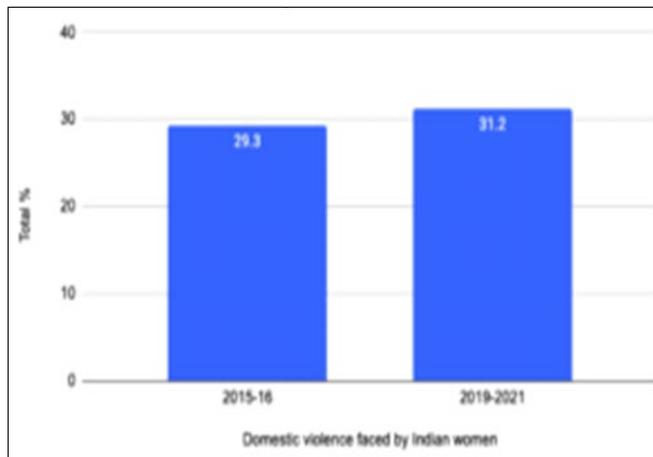
education as men. In Hinduism, the wife is considered to be half of her husband, which is called "Ardhangini.". In Hinduism, unmarried men are regarded as less than whole. The husband and wife performed every religious ceremony together.

Today, women hold very different positions in India. Socially, economically, educationally, politically, and legally, she holds a position equal to men in contemporary India. Women have the right to education, property ownership, inheritance, and participation in public sphere. As a result, she has become financially independent. She receives the same treatment as men. Everyday lives of women have changed in India today because of several considerations, including education for women, reform movements, women's engagement in politics, and numerous social laws. However, a different aspect of Indian society is that women are routinely discriminated against and neglected. This could take many different forms, but one important factor that restricts a woman's freedom of action is the terrifying fear of domestic violence. The fight against violence is really a fight against the unequal physical and economic distribution of power between the sexes.

As a crime, domestic violence has only recently been recognized. Historically, abuse and assault of wives and intimate partners by men has been seen as a "normal" aspect of marriages and personal relationships. Since domestic violence was not officially recognized as a crime until the 1970s, the involvement of the criminal justice system was necessary. In India, there is widespread domestic abuse against women that takes place in every other family. Section 498A of IPC, however, makes one of the most important changes to criminal law. PWDVA 2005 (Protection of Women Domestic Violence Act) is a law that protects women from domestic violence. As part of the 2005 Act, civil and criminal remedies have been combined in order to better understand the nature of domestic violence. However, there are a greater number of instances of domestic violence in India. The increase in domestic violence complaints is another factor that results in this. Ensuring women's protection from abuse is an important step in ensuring that victims of domestic violence have access to civil law remedies (the 2005 Bill). Although these criminal and civil rules were considered as having great potential when they were passed, it has been observed that social responses to domestic abuse still tend to avoid legal involvement. Male perpetrators are rarely arrested, prosecuted, or sentenced as severely as other violent criminals, according to advocates for women who experience domestic violence. Studies conducted by several NGOs support these allegations. The House of Parliament reauthorized VAWA in 2021 (Violence against Women Act made domestic abuse a federal offense in 1994) under the term "Violence against Women Reauthorization." Women's civil rights have been violated by violent crimes against them, and they are entitled to file lawsuits. The elimination of the customary "spousal immunity" privilege is what stands out as the most advantageous development. Nonetheless, the data that is currently available indicates that India has a high rate of DV against women. Data are scarce since domestic abuse against women is seldom reported. According to 32% of Indian women who have ever been married, their present or previous husbands have physically, sexually, or emotionally abused them, according to the 2019-2021 India NFHS-5. The experiences of women

in different states and union territories with domestic abuse varied. Karnataka has the highest rate of domestic violence (44%), followed by Bihar 40%, 39% Manipur, 38% in Tamil Nadu, 36% Telangana. Lakshadweep had the lowest domestic violence rate at 1.3%, Goa and Himachal Pradesh 8.3%.

The National Commission for Women received 30,900 allegations of crimes against women in 2022; domestic violence was included in 6,900 of those reports. There were increased reports of dowry harassment, domestic abuse, and rape in 2022 compared to 2021. Based on National Family Health Survey 2019-2021 (NFHS) data, 30% of Indian women reported having experienced domestic abuse (NFHS, 2019-2021).



Source: NFHS Survey 2019-2021

Fig 1: Domestic Violence faced by Indian women

COVID-19 Shadow on Women: Pandemic of Domestic Violence

According to recent NCRB statistics from the National Crime Record Bureau (NCRB), there was a 15.3% increase in crimes against women in India in 2021 with 4,28,278 recorded cases of crimes against women in total in 2021—a 15.3% increase from the year before (Roy, 2022) [15]. The majority of registered crimes against women fell into the category of "Cruelty by Husband or His Relatives," accounting for 31.8 percent of all instances (Roy, 2022) [15]. Notably, the Covid-19 pandemic and a surge in crimes are occurring at the same time, with domestic violence accounting for the majority of cases. Global observations indicate that the ongoing pandemic of domestic violence against women and girls has gotten worse.

The United Nations in its 2020 report states, "Emerging data and testimonials from individuals fighting the pandemic of COVID-19 have shown that violence against women and girls in general, and domestic abuse in particular, has risen since the outbreak." (UN Women, 2020) [18].

Although India has come a long way in the direction of gender equality, much work remains. For instance, domestic violence instances have dropped from 31.2% in 2015 (NFHS 2015-2016) to 29% in 2021 (NFHS 2019-2021). Even though it looks like a slight adjustment, this tiny shift is nonetheless noteworthy given the size of India's population.

There is no denying that the judicial system needs to react to cases of domestic abuse in a systematic and organized way. The state and its agencies must shift their focus from protecting the perpetrators and putting an end to the misuse

of domestic abuse laws in order to implement these laws for their intended purpose, which is to recognize domestic abuse as a real crime and to safeguard women who have the courage to denounce the abusers and to report the offence.

Conclusion

The most prevalent but least understood occurrence is domestic violence, which is defined as when one person behaves in a way that threatens the safety of another who is in a close relationship. Because women from all social groups and religious backgrounds are affected by this problem to such an extent that it has gained international attention, it is not specific to any one segment of society. In addition to having a detrimental effect on the victims' physical and mental health, domestic violence makes it challenging for a nation to prosper economically. As domestic abuse involves health, law, education, and development, it is a human rights issue first and foremost. Domestic abuse, both physical or sexual, affects one in three women across the world at some point in their life. The startling rise in violence against women in India over the past few decades has been documented by both domestic and international media. In India, gender-based violence is acknowledged as a societal evil and a violation on human rights on a global level. The global goal of the 2015 UN 2030 Agenda for Sustainable Development is to end "violence against women and girls in both public and private domains." The report will serve as a benchmark for assessing how successfully the UN's Sustainable Development Goals are being met. Legislation prohibiting violence against women is typically drafted and implemented by governments without the requisite knowledge. Therefore, governments and civic society must work together to eliminate violence against women. Using an integrated, multidisciplinary strategy is the ideal course of action, wherein specialists such as doctors, psychologists, social workers, lawyers, and other professionals collaborate to get a comprehensive grasp of each case and the requirements of the individual. It is essential that all strategies take into account the battered woman's actual situation, including her helplessness, dependency, limited options, and subsequent need for empowerment. The goal is to assist her in making decisions about her future.

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