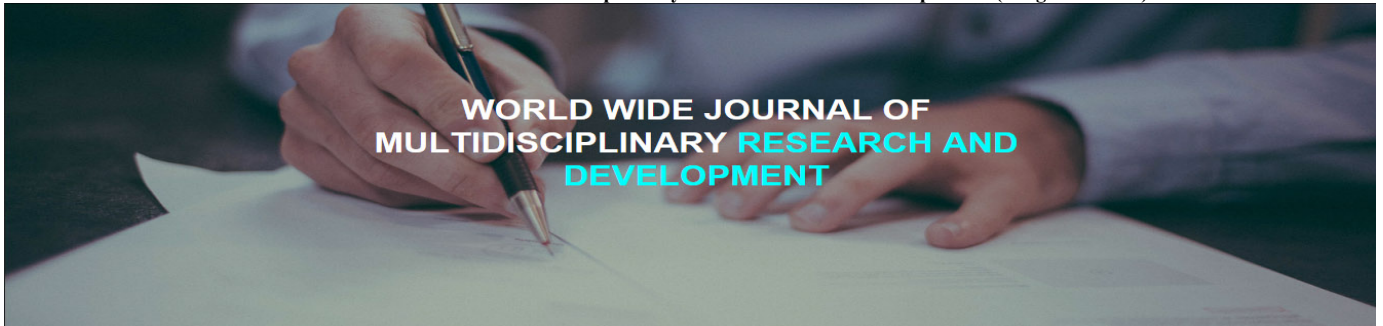




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Domestic Violence against Women in India: A Criminological Analysis

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Abstract

Violence against women in a domestic setting is a gross violation of human rights and freedom, which affects their social status to a greater extent. The National Crime Records Bureau (NCRB) and the National Family Health Survey (NFHS) provide empirical evidence indicating that the number of cases related to intimate partner violence against women is shocking, where women endure various manifestations of abuse, such as Physical, sexual, economic, and emotional abuse. This abuse manifests against women, and she is considered the aggrieved person most of the time. The present article scrutinises the numerous elements that contribute to the perpetration of domestic violence against women from criminological and victimological aspects, emphasising the sociocultural and institutional components that contribute to its continuity in society. By utilising feminist theory of criminology, social learning theory, and general strain theory, the study explores how heteropatriarchy, traditional customs such as dowry practices, and institutional dysfunction in law enforcement perpetuate abuse within familial settings. The study concludes with a recommendation for an examination of current laws on prevention and suppression of domestic violence and also gives an overview of the actors involved in preventing domestic violence in India.

Keywords: Women life Societal issues Legal advantages Gender Insensitivity Interpersonal relation.

Introduction

Violence against women represents an expression of power disparities across historical dynamics between males and females. This phenomenon is neither unfamiliar nor exceptional; rather, it has persisted throughout the ages, or, to phrase it differently, it has existed since time immemorial. Domestic violence is not a mere myth; it constitutes a profound reality. It encompasses any act or pattern of physical, psychological, sexual maltreatment, or the threat thereof, perpetrated against women by individuals within an intimate relationship, whether connected by marriage or familial ties. In India, domestic violence is defined in The Protection of Women from Domestic Violence Act of 2005, Section 3, which states that any act, commission, omission, or conduct that causes harm or puts someone's physical or mental health in danger qualifies as domestic violence. Domestic abuse also includes any injury, harassment, or abuse done to a person or someone connected to that person to satisfy an illegal demand. According to the United Nations, Domestic abuse, sometimes referred to as "domestic violence" or "intimate partner violence," is any act or pattern intended to obtain or maintain control over an intimate partner in a relationship.

. Domestic Violence transcends mere physical abuse, quarrel, or sporadic harsh exchanges. It manifests as a persistent, chronic abuse of power. The perpetrator inflicts torment and exerts dominance over the victim through meticulously crafted threats, fear tactics, and brutal aggression. The American Medical Association articulates intimate partner abuse as "the physical, sexual, and psychological maltreatment inflicted upon an individual by a current or former intimate partner. Although this phrasing is devoid of gender bias, it is predominantly women who suffer physical injuries and bear the psychological scars of intimate partner abuse. This issue is pervasive globally and is deeply rooted in the socio-cultural frameworks of society (Heise et al., 1999). This violence is characterised as a systematic act of intimidation, coercion, emotional and physical abuse, or the threat of violent behaviour within an intimate relationship (Coker, Smith, Bethea, King, & McKeown, 2000).

Historically, this issue was regarded predominantly as a private concern. Societal norms dictated that men should assume dominance in domestic environments, and their exercise of authority, whether manifested through emotional, verbal, financial, or physical means, was often perceived as acceptable and normative. Intimate partner violence against women has been widely recognised as a fundamental infringement of human rights. Various factors, such as dowry practices, lack of awareness about their rights, infidelity, and suspicion, may contribute to the emergence of intimate partner violence. This form of violence epitomises a severe abuse of power and control within intimate relationships or familial contexts. It infringes upon the basic rights of individuals who may be vulnerable to victimisation, irrespective of gender, age, incapacity, or dependency. Such violence can manifest in acts of homicide or physical and sexual assault, and can also encompass other forms of abusive conduct, including emotional maltreatment, financial deprivation, exploitation, and neglect. Domestic violence frequently remains an obscured issue, resulting in enduring consequences for its victims. The issue of domestic violence against women in India is heavily laden with cultural biases. Women who endeavour to challenge their husband's perceived authority over their behaviour, or who request access to household finances, or who venture outside the home without permission, may be subjected to violence. These dynamics foster a belief among men that their definitions of masculinity and manhood are validated by the extent to which they exert power and control over their wives. Additionally, this violence may arise from the perceived indifference of women, including neglect of in-laws and children, as well as the maintenance of the household. The social characteristics of women and the lifestyles of men, including smoking, substance abuse, and alcohol consumption, further facilitate the perpetuation of domestic violence (Bhatt, 1998; Murthy et al., 2004; Audinarayana, 2005). Nevertheless, A comprehensive report published by the U.S. Department of Justice Bureau of Justice Statistics in May 2000 illuminates a segment of domestic violence. This report is grounded in their surveys (National Crime Victimization Survey) and data sourced from the FBI (homicide statistics). Within it, they delineate domestic violence as acts of violence executed by current or former intimate partners, including spouses.

Domestic Violence Statistics: Prevalence and Trends

"Globally, at least one in three women has endured physical assault, sexual coercion, or various forms of mistreatment during her lifetime. More often, the perpetrator is someone from her family circle."

"It is estimated that between 4 to 6 million intimate partnerships within the United States encounter incidents of physical violence on an annual basis."

According to the 5th National Family Health Survey of India, 32% of married women between the ages of 18 and 49 had been victims of domestic abuse. Of them, 29% of women experience sexual and physical abuse at the hands of their partner. Of these, a quarter of the women describe physical injuries such as burns, sprains, dislocations, severe lacerations, fractured bones, dental fractures and psychological trauma. Domestic violence impacts 12.5% of females who have not entered into matrimony.

According to NCRB, 2022. A total of 140,019 women

encountered maltreatment perpetrated by their spouses or familial relatives... Determining the exact frequency of domestic violence in India poses challenges for numerous reasons: it frequently remains unreported, even in surveys; there is no national entity compiling data from local police about verified incidents and calls; and there exists contention over what constitutes domestic violence.

Forms of abuse

Physical abuse: According to Section 3 (I) of the DV Act of 2005, physical abuse encompasses any actions or behaviours that inflict bodily pain, harm, or peril to life, limb, or health, or that may impede the health or development of the aggrieved individual. This definition includes assault, criminal intimidation, and the application of criminal force.

Physical aggression fundamentally refers to the imposition of physical injury upon the corporeal entity, or the implied threat associated with it..

It may manifest in various forms such as:

- striking, assaulting, kicking, battering, shoving, or pushing
- Spitting directed towards a person, or forcibly pulling hair
- strangling or asphyxiating
- projecting objects at or in proximity to an individual
- using a weapon
- Wrongful confinement
- interfering with an individual's ability to consume food, secure sleep, or obtain necessary medication
- compelling an individual to consume alcohol or narcotics.

Sexual abuse: According to Section 3 (ii) of the DV Act of 2005, sexual abuse is characterised as any conduct or act that is sexual in nature which inflicts abuse, humiliation, degradation, or otherwise infringes upon a woman's dignity. Sexual abuse typically pertains to the imposition of physical coercion to compel an individual to engage in a sexual act against their will or consent, particularly when the individual is unable to communicate their unwillingness due to medical conditions or other health-related impediments.

Sexual violence, commonly referred to as 'sexual assault,' encompasses any sexual act conducted without an individual's consent, engendering feelings of fear or discomfort.

It may manifest in various forms such as

- unconsented physical contact or kissing
- The act of coercing an individual to participate in sexual conduct without their explicit consent
- Pressuring or encompassing situations where individuals are forced to engage in sexual activities without the implementation of adequate protective measures, such as condoms.

Emotional and verbal abuse: According to Section 3 (iii) of the DV Act of 2005, emotional and verbal abuse is articulated in terms of insults, ridicule, humiliation, derogatory namecalling, particularly condemn the absence of children or the birth of a male child; and the issuance of repeated threats intended to inflict physical pain upon any person of interest to the aggrieved individual.

Emotional abuse happens when an individual articulates or

performs actions aimed at diminishing another's self-worth, undermining their self-esteem, or instilling feelings of fear or powerlessness.

Illustrative examples encompass:

- Criticising an individual and their decisions or behaviours
- alienating an individual from their social circle or familial connections
- intimidating an individual with threats of harm directed at their family, friends, pets, or possessions
- menacing with the disclosure of personal or sensitive information, including aspects such as sexuality, gender identity, health status, or immigration status
- imposing blame upon an individual for difficulties within the relationship or family structure
- withholding attention or intentionally ignoring an individual for a duration, a phenomenon often referred to as 'ghosting' or 'the silent treatment'.

Verbal abuse occurs when an individual articulates statements, either privately or publicly, intended to shame or humiliate another, or to evoke feelings of fear or insecurity. This encompasses not only the content of the utterances but also the manner in which they are delivered.

Examples include:

- mocking or humiliating an individual
- critiquing their physical appearance, intellectual capacity, sexual orientation, religious convictions, or ethnicity
- background judging their conduct as a partner or using derogatory, abusive words against their parent
- yelling at an individual.

Economic abuse: According to Section 3 (iv) of the Domestic Violence Act of 2005 articulates that economic abuse is characterised as the withholding of all or any economic or financial resources to which the aggrieved party is entitled under prevailing legal statutes. In India, a considerable percentage of women undertake the responsibilities associated with domestic management... They rely on their partners to fulfil their financial obligations... Occasionally, husbands allocate funds to their wives to address their needs; however, they insist on a meticulous account of every paisa expended, thereby preventing them from accessing and enjoying the material inheritance gained from their ancestors. Such forms of maltreatment directed at women exemplify economic violence.

- Coercing or threatening her to obtain a credit card or taking a loan against her will
- restricting access to her own money, such as wages or salary
- Selling her ancestral property and stridhan that was received at the time of the wedding without consent
- Restricting access to basic amenities like food, clothing and healthcare.

Impact of domestic violence on women

Victims of domestic abuse may sustain physical injuries. Such injuries may manifest in the form of contusions, periorbital hematomas, lacerations, abrasions, fractures, avulsed teeth, and thermal injuries. These physical injuries may impede the victim's capacity to maintain financial

Independence. As a consequence, this may bring about a fall in revenue. Both the inflicted injuries and the abusive context may induce feelings of shame, leading victims to withdraw from social interactions with family and friends. Victims may also exhibit symptoms that lack a detectable physiological basis. These manifestations may encompass cephalgia, abdominal or pelvic discomfort, and chronic fatigue. A significant number of victims are also at risk of acquiring sexually transmitted infections like HIV and may encounter complications during gestation. Unfortunately, intimate partner violence may ultimately lead to the death of the affected individual. Victims of domestic violence may experience mood disorders, anxiety, or dependencies on substances or alcohol. Consequent to domestic violence, numerous victims experience psychological health challenges, including depressive disorders, substance abuse disorders, personality disorders, and post-traumatic stress disorder (PTSD). An escalation in physical abuse is typically correlated with a more pronounced severity of mental health issues. Furthermore, domestic violence may exacerbate the symptoms of pre-existing psychological disorders. Even when incidents of physical abuse diminish, psychological abuse frequently persists, serving as a continual reminder to victims that they remain susceptible to physical harm at any given moment.

Criminological theoretical framework on the Occurrence of domestic violence

1. **Physiological Theory:** According to Misra (2006), the physiological theory predominantly concentrates on the individual as a unit of analysis. It encompasses numerous variants that underscore the role of evolutionary processes, cerebral imbalances, biochemical deficiencies, nutritional inadequacies, hormonal influences, and genetic predispositions that may facilitate violent behaviour in males. In the context of males, genetic factors provide a compelling rationale for the predisposition to violence when compared to females; this phenomenon is exclusively associated with genetic attributes rather than biochemical or nutritional deficiencies.
2. **Psychological Theory:** Psychological frameworks posit that the manifestation of violence can often be traced to an individual's personality disorders or the traumatic experiences encountered during formative years, as noted by Russell (1998). When a male engages in physical aggression towards another individual, it may stem from underlying emotional disturbances. Factors such as parental abuse, rejection from caregivers, and unmet dependency needs in childhood emerge as significant contributors to abusive behaviour. The psychological disorders commonly identified among perpetrators include post-traumatic stress disorder, depression, diminished selfworth, and various personality disorders. The personality disorders typically observed encompass anti-social tendencies such as narcissism, borderline personality disorder, passive-aggressive behaviour, paranoia and obsessive-compulsive disorder.
3. **The Cycle Theory of Violence:** This theoretical framework was proposed by Walker (1979). It represents the most frequently examined theory about women who have experienced domestic abuse. The theory delineates distinct phases within the cycle of

violence. The tension-building phase, the active battering incident and the phase of kindness and affectionate behaviour. In the initial phase, minor acts of violence occur, prompting the victim to adapt, rationalise, and externalise the circumstances. In the subsequent phase, tension escalates, culminating in severe acts of battering that inflict significant physical, emotional, sexual and psychological repercussions on the woman. In the final phase, there is an overwhelming expression of affection. The husband assures his wife that he will not repeat this behaviour in future. This phase is positively received by both parties involved. This cycle is perpetuated in the lives of nearly all women affected by domestic violence.

4. **The Theory of Learned Helplessness:** This theoretical perspective concentrates on the elements that contribute to the reinforcement of victimisation among battered women. Women subjected to domestic violence come to understand that when certain barriers are present, their actions will not yield any favourable outcomes within the exploitative context. Consequently, these women may cease to react even when the barriers are subsequently removed. This leads to the development of a belief in their helplessness and powerlessness, which may result in a fatalistic and passive acceptance of the abusive circumstances (Subhadra, 1999).
5. **The structural theories:** This theory proposes that social groups manifest variability according to conventional levels of stress, deprivation, frustration, and coping mechanisms. When individuals experience heightened stress in conjunction with limited resources, the likelihood of violence may escalate. Factors such as economic instability, inadequate housing, bankruptcy, scarcity of employment opportunities, and unfavourable working conditions are identified as sources that contribute to societal stress. In social contexts, specific roles are delineated for both men and women. When structural functions hinder individuals from executing their prescribed roles, it subsequently generates frustration, which can lead to domestic violence.
6. **Patriarchy theory:** The Patriarchy theory, articulated by R.E. Dobash and R. Dobash in their work "Violence against Wives" (1979), posits that historically, violence has been predominantly targeted toward women. This phenomenon is contingent upon Social and economic procedures that either directly or indirectly reinforce the patriarchal culture within familial structures. Due to the enduring patriarchal framework, women have been subjugated for centuries, and patriarchy further perpetuates the historical trend of violence perpetrated against women in India.
7. **Social Learning Theory:** This theory, founded by Sharma in "Marriage, Family, Violence and Divorce" (1997), concentrates on the individual offender. It contends that men's violence against women is a behaviour that is learned. The behaviours observed and internalised by a male during childhood are often replicated in adulthood. Boys who witness instances of domestic violence during their formative years are twice as likely to become the perpetrators of such violence in adulthood. These individuals are predisposed to inflict abuse upon their partners and children upon reaching adulthood

(Strauss, Gelles & Smith, 1990). The violence they either experience or observe within the family context becomes a model for their future actions. Individuals assimilate the behaviours of those they are conditioned to respect and learn from. Research has indicated that approximately 30 to 60 per cent of domestic violence perpetrators also exhibit violent behaviour towards children within their households (Edelson, 1999).

8. **Feminist Theory:** Advocates of feminist theory primarily scrutinise the male-dominated societal structure, which is characterised by patriarchy. The fundamental components related to violence encompass gender and power dynamics. Violence serves as a representation of the imbalance of power existing between men and women within their interpersonal relationships. A critical tenet of this theory is the notion of male coercion. However, it is noteworthy that this theory does not prioritise discussions surrounding family violence, spousal abuse, or marital aggression. The root causes of domestic violence are intrinsically linked to the patriarchal framework of society. Males often resort to physical dominance to assert control over women, particularly when they perceive a threat to their societal authority. This dynamic reinforces masculine status while simultaneously undermining the status of women. Furthermore, it portrays women as inherently incompetent. A significant factor that correlates with this issue is economic dependence; thus, as dependency increases, the risk of violence correspondingly rises (Pence and Paymar, 1993).

Legal Framework

India possesses an array of legal provisions designed to combat domestic violence:

1. **The Protection of Women from Domestic Violence Act, 2005 (PWDVA):** This legislative framework offers extensive safeguards, including residence orders, financial relief, and the designation of Protection Officers to assist victims.
2. **Bharatiya Nyaya Sanhita, 2023:** Specifically, Section 85 (about cruelty perpetrated by a husband or his relatives) and Section 80 (concerning dowry-related deaths) delineate offences associated with domestic violence. Notwithstanding these legal provisions, criticisms persist regarding the potential misuse of these sections and the insufficient protection afforded to victims.
3. **Dowry Prohibition Act, 1961:** This statute criminalises the practice of dowry, which is frequently associated with incidents of domestic violence. Nevertheless, challenges related to enforcement remain prevalent.

Challenges in Legal Implementation

Numerous obstacles impede the effective enforcement of laws aimed at curbing domestic violence:

1. **Lack of Awareness:** A significant number of victims, as well as law enforcement personnel, exhibit a deficiency in awareness regarding the legal protections and provisions available under legislation such as the PWDVA.
2. **Inadequate Support Services:** A notable scarcity of

shelters, homes, counselling services, and legal aid is evident, especially in rural areas, which greatly hinders the support accessible to victims.

3. **Judicial Delays:** The extended duration of judicial proceedings may deter victims from seeking legal remedies, as the resolution of cases can be prolonged over several years.
4. **Corruption and Bias:** Instances of corruption and gender bias within law enforcement and judicial systems frequently culminate in the inadequate handling of cases and a failure to dispense justice for victims.

Recommendations

To effectively address domestic violence, a multifaceted strategy is required that includes:

1. **Public Awareness Campaigns:** Implementing extensive awareness initiatives aimed at educating the general public about domestic violence, legal entitlements, and available support services can empower victims and mitigate societal stigma.
2. **Education and Empowerment:** Fostering women's education and economic empowerment can significantly diminish their vulnerability to domestic violence. Educated women are more adept at asserting their rights and seeking necessary assistance.
3. **Strengthening Legal Frameworks:** Ensuring rigorous enforcement of existing legal statutes and rectifying deficiencies within the legal framework can substantially enhance protection for victims.
4. **Support Services:** Broadening access to shelter homes, counselling, and legal aid, particularly in underprivileged regions, is essential for effectively supporting victims.
5. **Training for Law Enforcement:** Providing gender-sensitive training for Law Enforcement officials, like police and judicial personnel, can enhance their management of domestic violence cases and guarantee equitable treatment of victims.

Conclusion

Domestic violence has become increasingly prevalent within our societal framework, particularly within the domestic sphere, as a result of entrenched gender inequality and patriarchal structures. This phenomenon underscores the myriad physical and psychological afflictions endured by the victim and other familial members, especially children. These afflictions may have enduring repercussions or may even be transmitted across generations. Addressing domestic violence is imperative for the broader welfare of society, as it adversely affects not only the well-being of women (the victims) but also that of the entire family unit. Children brought up in an environment characterised by violence are more likely to develop into violent adults. Despite the various initiatives undertaken by the Indian government to protect and safeguard women against domestic violence, it is lamentable that such violence persists within the household. The most terrible forms of abuse and violence are perpetrated against women within the confines of their homes. Women, as the marginalised segment of society, require particular attention and care, especially in instances of domestic violence, including dowry-related homicides, physical and psychological abuse. However, if the police

and judges do not sufficiently enforce laws, they may not be successful. Therefore, actual measures to empower women should be taken by both state and non-state actors to reduce their vulnerability and, consequently, minimise the possibility of domestic abuse. There are several ways to lessen domestic violence against women in India, including educating the public about domestic abuse as a human rights violation, holding legal awareness events locally, setting up a special court with a female judge in each district to handle cases involving domestic abuse exclusively, and opening a dedicated police wing to deal with particular issues of domestic abuse, appropriate education about domestic violence and women rights should be given to both boys and girls at a young age, the government should enact stricter legislation to safeguard women's rights and dignity, and women should be economically empowered. Domestic violence against women in India should be reduced through programs, laws, and a multisectoral, comprehensive strategy involving collaboration between governments, NGOs, and other organisations. In the end, society is empowered when women are empowered. Better households, a better society, and better men are all made possible by better women.

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