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India: A Developing Economy with a Developing Rate of Domestic Violence

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Abstract

India is a country of paradoxes and the biggest paradox is the way it treats its women, from being worshiped as a goddess on one hand to being persecuted on the other, it is indeed a small road for Indian women. From 'womb to tomb' the daughters of mother India are subjected to inhuman cruelties. Violence against women is an issue that cuts beyond socio-economic, cultural, ethnic and class divides. The problem is not only widespread but is ingrained in human behavior due to patriarchal history. Gender role socialization, poverty, unemployment and lack of education are various other root causes of the inhuman treatment that women are subjected to. Rapes, dowry, sexual exploitations, physical abuse and mental assault cover the headlines on a daily basis which has serious mental, physical and economical implications, hampering the growth of the victim, the society as well as the country by reducing its Gross National Product (GNP); the economic and social costs of domestic violence are enormous. During Covid-19 these barbaric acts have reached new heights due to various reasons, economic instability being the most common one. Despite having many laws, violence against women still occurs at a staggering rate which clearly indicates the need of amends in the structure and most importantly proper implementation of legislation. A change in social mindset is mandatory to change the prevailing perception of women as mere child-bearers and domestic service providers. It's high time that we as humans start practicing humanity and regard our females with the respect and dignity that they deserve.

The objective of this paper is to analyze the reasons behind the increasing rate of domestic violence, the role of government in formulating various laws for protection against such practices and how these laws are facing implementation gaps. The study also takes into account the economic and social costs of violence against women.

Keywords: *domestic violence, women, patriarchy, coronavirus, costs*

1.0 Introduction

From Indira Gandhi to Indira Nooyi, Indian women have come a long way announcing the whole world what they can be if given a chance. No doubt the empowerment process has

already begun and there is no denying women have gone through a vocational and economical transformation. But the rosy picture ends here and another saga of deep-rooted prejudices, discrimination, exploitation, dehumanizing and desensitizing unfolds rises, raising serious questions about the betterment of a woman's position in the society that we have boasted about so far. We have thousands of women who are treated as slaves in the most rough-hewn manner in their own homes, which is deemed to be the safest and loving place for any individual. Various reports have time and again shown that domestic violence which is any kind of physical, sexual, mental or economic abuse committed by anyone in the victim's domestic circle, is so rampant that many women have now accepted it as a part of their destiny and do not recognize this as a crime.

In Indian history, wives were befitted as 'Ardhangini' – the better half of their husbands, but the current reports have shown that the status has come so downhill that now even the basic human rights are denied to them. Through this research, we are exploring different types and causes of violence against women, the contributing factors and the historic background of the patriarchal and misogynist mindset. We have analyzed the current surge in domestic violence and how the previously passed law needs amends. The study also delves into the economic and social costs of violence against women. Unless and until we as a society bestow our females with respect, dignity and opportunities, there is hardly any reason to rejoice about India being a growing economy because a society built on inequalities among men and women can never be strong enough to make an impact in the world.

2.0 History

Domestic violence is not a new concept, it has been around since the dawn of time. The history of violence against women is rife with examples and it's even more troubling that so many laws have supported this indecent act in the first place. In India during the Rig Vedic period, women were considered equal to men; they were protected by god, and men were their guardians. In no way were men considered superior to women. But slowly their position began to deteriorate in the later Vedic civilization. All of the moral and social frameworks that were

prevalent and were in favor of women slowly began to go against them. A female child was now considered a curse and evil and inhumane practices were being followed against women in the name of custom. Manusmriti, an ancient text that forms an important part of Hinduism, doesn't hold women in much good light. Even Draupadi, in Mahabharata, was publicly humiliated in Duryodhana's Court (Dr. R. Radha, 2019, p. 150). The Code of Hammurabi, a collection of 282 regulations that the ancient monarch Hammurabi developed to govern Babylon from 1792 to 1750 B.C.E., is the oldest documented legislation depicting how women were treated (*Worldwide History of Domestic Violence*, 2015). Hammurabi's laws regarded women and children as property. Some rules in Hammurabi's Code required males to use violence against their wives and children in specific situations where they had no legal protection. The spouse of an adulterous lady had the right to tie her up and drown her if she was exposed. It is also possible for a wife to be legally drowned if she leaves her husband without having proof of his brutality against her (*Worldwide History of Domestic Violence*, 2015). Domestic violence was not only allowed but encouraged during ancient civilization, as evidenced by Hammurabi's Code. As a result, women accepted and generalized violence as a part of their lives.

3.0 Domestic Violence: Forms and Manifestations

Violence against women is an issue that cuts beyond socio-economic, cultural, ethnic and class divides. While most of the people in the society associate domestic violence with physical abuse by the partner, physical harm is only one form of abuse. Many others include: sexual, emotional, psychological or financial.

3.1 Types of Domestic Violence

3.1.1 Physical Violence

Physical abuse is any deliberate act of injury to another person through physical contact or mental and emotional trauma (What Is Physical Abuse?, n.d.). According to the survey, 27% of women in India have been subjected to physical assault since they were 15 years old. Women in rural regions are more likely than women in metropolitan areas to have experienced physical

violence. Reported cases of physical abuse in rural and urban areas were 29% and 23%, respectively (Saaliq, 2018).

The various forms of physical abuse are:

- Female foeticide and female infanticide
- Marital rape
- Physical torture like slapping punching, grabbing, murder
- Overwork, lack of rest, neglect of healthcare
- Burning
- Strangulation
- Coercing partner into substance abuse
- Use of weapons

Strangulation is the most fatal form of domestic violence. It has recently gained attention. It is regarded as a hidden problem because there is a lack of external injuries, social awareness and medical expertise in regard to it (Breckenridge, 2018). Acid assaults are a particularly heinous type of violence in which acid is thrown at the victims' faces, causing significant damage such as long-term blindness and permanent scars. These are frequently used as a form of retaliation against a lady who has turned down a marriage proposal or sexual approach. Bride burning, also known as dowry killing, is another type of physical violence in which a married woman is tortured to death at home by her husband or his family because they are unhappy with the dowry her family has provided. The act is frequently the outcome of post-marriage requests for more or longer dowry.

3.1.2 Sexual Violence

Sexual violence deeply affects the survivor's physical, mental, sexual and reproductive health. It is a highly disturbing and traumatic experience for the victim, whether it occurs in the context of an intimate relationship or during times of conflict. It includes rape, using force to compel a sexual act, touching or injuring a person's intimate parts, making sexually inappropriate

comments, forcing someone to watch pornography, distributing sexually explicit pictures of your partner without their consent also known as revenge porn and taking advantage of someone because they are ill, underage, disable, inebriated, sleeping or unconscious (Flannery, 2021).

Sexual Coercion is a form of sexual abuse that involves forcing physically or emotionally to have sexual contact with someone against their will. Emotional coercion is more common than physical coercion, and it is the most subtle of all sexually coercive actions. Lundy Bancroft, an author and consultant on domestic violence refers to this as "Hidden Hurt". Researchers revealed that one in ten women and one in seventy males are perpetrators of sexually coercive conduct and have had sex against their will since the age of 13, with half of them never informing anyone. One-third of sexual abusers were molested as children and this trauma drives them to commit similar crimes (User, 2018).

Stealthling is the act of removing the condom before or during intercourse without the partner's consent. This increases the chances of a person catching a sexually transmitted disease and pregnancy. It is a breach of trust and emotionally impacts the individual (Shkodzik, 2020). Laws in India do consider non-consensual acts as a punishable offense but there is no mention about the act of stealthling (Joshi, 2021). Conjugal rape or marital rape is another type of sexual abuse where the wives are often forced to engage in sexual intercourse with her partner leading her to be humiliated, degraded and tortured (Post, 2019). According to the National Coalition Against Domestic Violence, up to 25% of women are sexually assaulted by an intimate relationship. Between 40 and 45 per cent of women who have been subjected to various forms of violence in their relationships will also be subjected to sexual abuse. Sexual abuse is more about power and control than sex (Flannery, 2021).

3.1.3 Emotional Violence

Emotional Abuse refers to controlling another person by using harsh words and bullying behaviors to continuously accuse, condemn, shame or manipulate the other. It erodes a person's self-esteem and undermines their mental health. It is the most difficult form of abuse to identify (*Emotional Abuse*, n.d.). Stalking is a form of emotional abuse which involves following, spying

or monitoring by any means including social media. This may directly or indirectly communicate a threat to the victim or instill fear or distress. Victims may frequently experience depression, eating disorders, suicide, drug and alcohol addiction (Sehgal, 2020).

According to the National Crime Records Bureau Report, there were 8,512 reported cases of stalking in India in 2020, which is just 4.25 per cent lower than in 2019. Maharashtra tops the states in the number of recorded cases, with 2,013, while Nagaland reported no cases of stalking in 2020 (*NCRB Report 2020: Despite Lockdown, Pandemic India Sees Only 4% Drop in Stalking, Voyeurism, and Sexual Harassment against Women*, 2021). The Bombay High Court heard *Shri Deu Bajju Bodake v The State of Maharashtra*, a case involving suicide by a woman who claimed the reason for her death was the accused's persistent harassment and stalking. During her shifts at work, the accused would follow her around and insist on marrying her. The accusations under Section 354D should have been recorded in addition to the allegation of aiding and abetting suicide, according to the High Court (Bench, 2018).

3.1.4 Economic Abuse

Economic abuse is when a partner restricts the use of money and resources, such as food, clothing, transportation, a place to live and also exploits the economic resources of the victim. Women may not be allowed to access bank accounts and take decisions regarding finances. The victim's capability to sustain herself is harmed which leads to reduced access to education and work, as well as professional progression. Perpetrators also might control spending, provide allowances to spend, check receipts, threaten to use physical violence if bills are not paid, etc and be constantly blaming and emotionally blackmailing the victim. This can lead to an argument, which can eventually escalate into physical, emotional and sexual abuse (*What Is Economic Abuse ?*, 2021). Economic abuse can also have physical (health risks related to stress and malnutrition) and emotional (anxiety, depression, guilt, powerlessness) impacts on the lives of the victim. The impact of the abuse can be long-lasting even after the survivor gets justice. A victim of abuse has to establish themselves emotionally as well as financially which requires a lot of courage, patience and support (*What Is Economic Abuse ?*, 2021).

A domestic violence case was reported in Kerala, where a 31-year-old woman accused her husband and his relatives of demanding more money and refusing to feed her. They intended to sell her gold in order to purchase an apartment. When she refused, her husband used to severely beat her and starve her. When questioned about these occurrences, the victim's father was also viciously assaulted. Despite the fact that she had filed a report, she claims the police did not take any action (News Desk, 2021).

3.2 Causes of Domestic Violence

Domestic violence is not caused by a single factor, it's a combination of various sociological/behavioral, historical, religious and cultural factors. Numerous studies have stated several factors like the educational attainment, the length of the relationship, work of the female, the status of women's property ownership, use of alcohol, dowry payments, religion, caste, wealth status etc as the reasons behind such heinous acts of violence (Bhattacharya 2015).

3.2.1 Patriarchal Social Structure

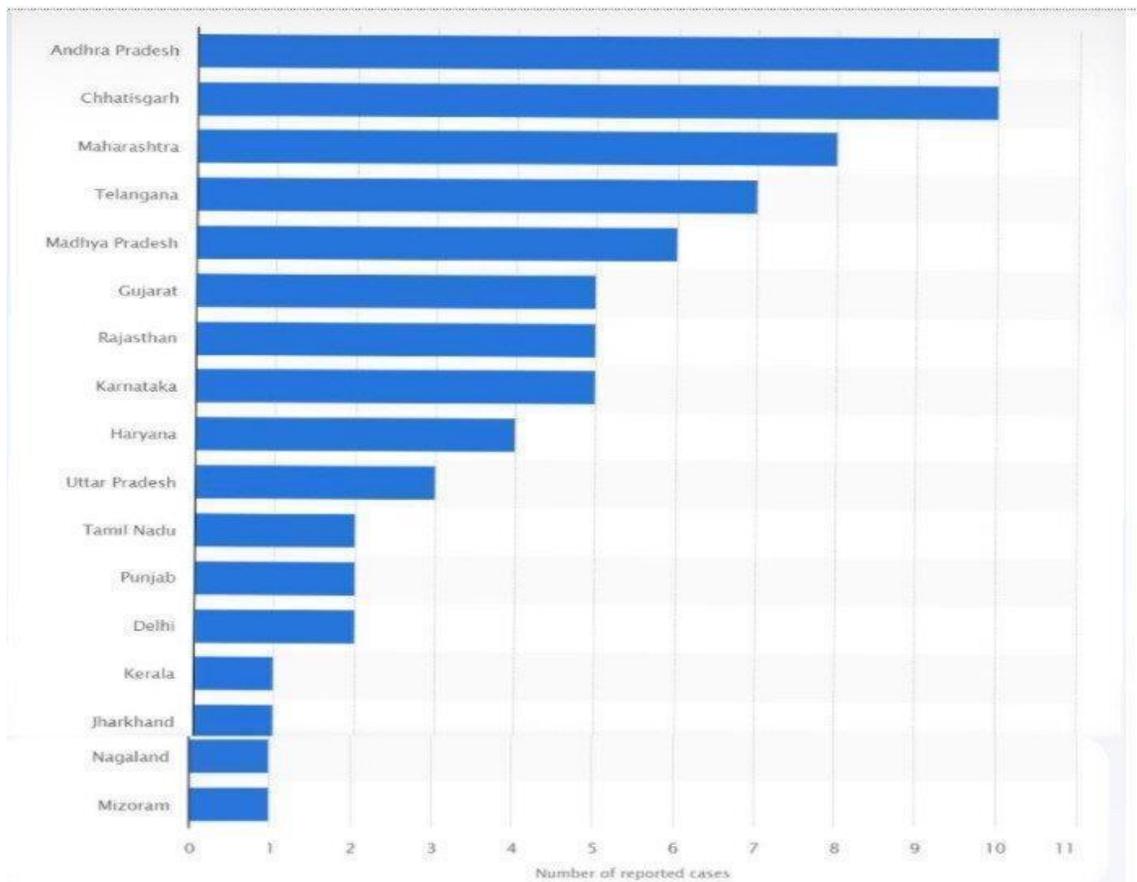
Female vulnerability is exacerbated by male domination, authority abuses and the power system itself. The head of the family is a male and has all the power. A female has no distinct identity and is recognised by her father's name before marriage and by her husband's name after marriage. Patriarchy permits violence in any relationship where men are regarded as the dominant authority. Women are perceived as mere objects who should not be granted freedom and whose sole purpose is household work. The son preference attitude is prominent; it is the thought that producing at least one son is required to perpetuate the familial line and to light the funeral pyre of the late parents to assist in the soul salvation. These perceptions towards women are a major contributor towards cases of female de-selection and sex-selective abortions that still occur irrespective of the laws that have been introduced.

3.2.1.1 Female Foeticide and Infanticide

As a result of the patriarchal system existing in the society, male child is often favoured

over the female child which leads to this inhumane practise of female foeticide and female infanticide. Female foeticide is the illegal termination of a female fetus. Female infanticide refers to the intentional killing of a newborn female child (Antony, 2021). It is a violation of fundamental rights and is considered illegal in India. The Pre-Conception and Pre-Natal Diagnostic Techniques Act (PCPNDT) was passed by the Indian government in 1994 to prohibit and penalise prenatal sex screening and female foeticide. Authorities have, however, been accused of not properly enforcing the PCPNDT Act(Iyer 2014).

Figure 1.0: Number of reported cases of infanticide in India 2019



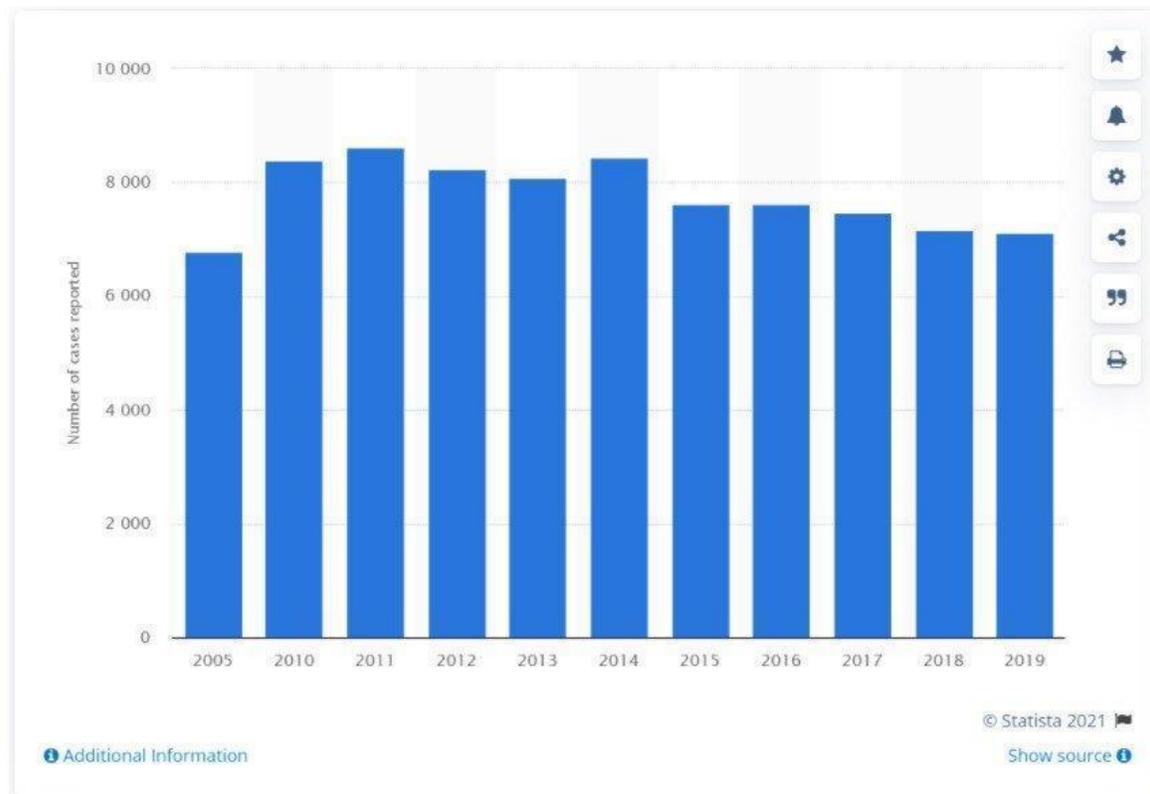
Source: *Statista, 2021*

With ten cases, Andhra Pradesh and Chhattisgarh had the greatest number of infanticide incidents recorded in India in 2019. Followed by the state of Maharashtra with eight cases that year (Statista, 2021). According to a recent National Statistical Office study, Andhra Pradesh has the lowest literacy rate of any state at 66.4 percent, indicating that low literacy rates can be the reason for the prevalence of such cruel practices in society (Merli, 2020). These practices demonstrate the idea that females are undesired, especially in this age, when we are progressively promoting gender equality and women empowerment.

3.2.2 Dowry System

Dowry is defined in Section 2 of the Dowry Prohibition Act 1961 as "a property which a woman brings to her husband at marriage and that includes the land, all kinds of assets, valuable securities provided or promised to be given directly or indirectly at the time of marriage." (Vijayvergiya 2021b). Greed is the major cause of domestic violence. The bride is generally a non-related member of the family in a patrilocal system (where she lives with her husband's family). Possibly, this arrangement favours dowry because the bride's family is excluded after the marriage as a type of premortem inheritance for the bride. Women's education, income and health plays a significant role in the dowry system. If the bride's family is unable to provide, it results in harassment, dowry deaths and marital rape. Many incidents go unreported because the victim is afraid, and if the victim is a mother, she is concerned for her children and refuses to take any further action.

Figure 2.0: Number of reported dowry death cases in India 2005–2019



Source: Statista, 2021a

More than 7.1 thousand dowry killing incidents were registered in India in 2019. This was a gradual drop from 2014 when the figure was 8.5 thousand (Statista, 2021b). Uttar Pradesh saw the most number of dowry deaths around 2274 in 2020 (Ojha, 2021).

3.2.3 Gender Role Socialization

Merriam Webster Dictionary defines socialization as ‘the process beginning during childhood by which individuals acquire the values, habits, and attitudes of a society’ (*Socialization*, n.d.). A girl child is treated differently from their birth or in some circumstances even before birth. They have been trained not to question things and to be obedient. Societal norms expect them to be calm, shy, obedient, submissive, timid, look a certain way, not be aggressive and possess feminine qualities. While men are supposed to be strong, argumentative, authoritative, decision-makers of the family and are supposed to act in a

masculine way, which makes them arrogant, insensitive to others and they cannot tolerate negative reaction against their power, not even a slightest attempt to challenge their masculinity (Singh 2016).

The role of women is considered to be confined to only childbearing and rearing. The revenue generation activity is completely a man's work and women shouldn't be doing it. Women are not meant for outside work and are expected to stay at home and take care of their children. All of this is imposed on women by society and cultural standards. If both husband and wife work and the husband assists her with domestic chores, he is targeted and humiliated. Insults are made against him, which makes him indifferent to her and sometimes seen as a provocation by some husbands, making them aggressive. Men who conform to stereotypes respond to violence at the least provocation. All of the socialization procedures internalize the qualities of reliance and subordination, which devalues a girl child's standing as an individual.

3.2.4 Cultural and Religious Factors

Sati is a ritual in which a widow is obliged to sacrifice herself by sitting atop the funeral pyre of her deceased husband (Robertson, n.d.). The government enacted the Sati Prevention Act of 1987, as well as the Rajasthan Sati Prevention Ordinance of 1987 since the majority of Sati incidents were committed in Rajasthan (Jaipur, 2004). Devadasi is a system in which a young, prepubertal girl is given away/married off to dedicate her life to worship and serve the deity or a temple for the rest of her life. She is not allowed to marry as she is already married to the god or temple. In the name of God, they are sexually exploited by inmates of the temple, the local landlords and other rich men living in the town and village. Women who dare to break such ties are mercilessly beaten, harassed and are not accepted in society. Over 450,000 Devadasies are imprisoned in this type of prostitution. This practice is prohibited in India under the Devadasi Security Act of 1934. This prohibition was reinforced in the 1980s, although the law is still violated on a daily basis. Poverty and a sense of "untouchability" contribute to the continuation of this heinous practice, even after the enforcement of the law (Zaidi 2018).

3.2.5 Poverty and Unemployment

Violence creates a trap and coming out of it, sometimes, seems impossible. Since the majority of women are not financially independent, leaving their abusive partner and living in poverty is not an option for them. Poverty makes it impossible for them to be able to pay for services and programs that can help them against domestic violence. Low-income women's condition is worse than the ones who are financially stable. Due to the factors like poverty and unemployment, they are scared to leave their abusive partners (*The Intersection of Domestic Violence and Poverty | SafeHouse Center – Domestic Violence Services, 2019*). With the age of globalization and digitalisation, the companies/firms are 'downsizing' as the new age is more technology-intensive instead of labor-intensive.

Companies are trying to use cost-efficient methods of production which involve more use of capital-intensive techniques, which has increased the unemployment population in the country. The global pandemic has left many people unemployed and this has indirectly caused a spike in domestic violence. The anger and frustration of being unemployed and unable to feed the family members among men have resulted in venting it out on women, making women more vulnerable to abuse and violence. If the family's male member is unemployed, he has to rely on the female member's income which is unacceptable due to their much assumed social standing and superiority; he starts resorting to violent actions towards her as a result of his frustrations. In most slum communities, when the male members are unemployed, they become hooked to drugs and alcohol, which utterly destroys their minds and bodies and causes them to lose touch with reality and committing crimes under the influence of drugs and alcohol.

This might be the result of severe early childhood experiences, as well as a lack of affection and care from parents. When a goal or aim is not met, the offender becomes upset, and his irritation becomes aggressive. Since frustration is linked to aggression, the overpowered feeling leads to men not being able to control their anger and use violent methods against women to satisfy themselves. Perversion refers to abnormal and unacceptable sexual behaviour that can also lead to violence and can also be due to inter-individual conflict (Sunitha, 2016).

3.2.6 Education

Education is not directly a factor of violence against women, but indirectly it plays a significant role. In respect of educational opportunities, male children are given preference over female children because the ulterior motive is to get a female child married and spending money on her education is considered a waste. Boys are regarded as pillars of the family and educating them is seen as a great investment. In rural areas, a girl child, instead of joining a school, has to help her mother in household chores. The financial situation of families in rural areas makes it impossible for them to send all of their children for higher education. It is mostly the girl child who has to sacrifice her dreams despite being a meritorious student.

Another reason why women are not permitted to pursue higher education is because it is believed that it may create a barrier in the search for a suitable partner for her. It is strongly believed that education will create awareness among women about their rights, encouraging them to argue with the traditions. When they apply their knowledge in the real world, women are subjected to a great deal of psychological, verbal, and emotional abuse in their everyday existence. (*Domestic Violence and Education*, 2015).

4.0 Shadow Lockdown

The fast-moving and far-reaching Coronavirus has affected every section of society. The novel virus has disrupted the lives of people in such ways that no one could have ever imagined; Covid -19 brought a multifaceted crisis to the world. Beyond the direct impacts of the pandemic, studies have shown the emergence of a 'shadow' pandemic which is making the already existing inequalities in the society worse ("Gender in Crisis. Covid 19 and Its Impact," 2020). According to the reports of the United Nations Population Fund (UNFPA), Covid-19 has imposed calamitous impacts on women and girls- from physical health to social life, the crisis has affected and continues to affect and deteriorate every aspect of a woman's life. As Covid-19 took a toll on public health, the only way to handle this storm was deemed to be a complete lockdown. With the whole country in lockdown, 1.3 billion people were sheltered at home as a protective measure. But, the lockdown proposed another deadly danger to human health which is violence

against women. In 2020, during the lockdown period between April to June, 3,582 complaints of domestic violence were made by women (*3,582 Cases of Domestic Violence Reported in India between April and June; Decline from 2020: Govt, 2021*)

According to UN Women, globally, 18% of ever-partnered women and girls aged between 15 to 49 have experienced physical or sexual violence at the hands of current or former partners between march 2020 to march 2021. One out of every 3 women has faced physical and/or sexual violence, mostly by an intimate partner during her lifetime. According to International Institute for Population Sciences (IIPS), in India, 31.1% of married women have been subjected to violence at the hands of their partners (*Violence against Women and Girls: The Shadow Pandemic, 2020*).

Ironically, staying home for safety turns out to be the most unsafe place for women. Lockdown forced them to live with the perpetrator and all the outside help was cut off. According to the data provided by the National Commission of Women, there was an almost 100 per cent increase in domestic violence during the lockdown. From doing the household chores to homeschooling their children as schools were shut, women were bound to cater to the needs of all the family members and all of this comes additionally if they are employed. The expectations of being on their toes round the clock added to the already existing mental stress among women. Violence against women results in serious physical injuries, mental health problems, sexually transmitted infections and unplanned pregnancies. As all the medical health care personnel were busy with dealing Covid-19, many sexual abuse victims did not receive adequate medical help. Perpetrators have used lockdown as a way to control their partners and exert powers which further reduced all the psychological help from both the formal and informal sectors. Personal hygiene and menstrual health have also suffered a lot during the lockdown. Lack of income due to the economic crisis was the prime stress-causing factor and beating their partners became a way for the male members to release their anger and agitation. As many women in India are homemakers, they are just considered as a mere liability on the income earners. Various addictions of the male community have contributed a lot to domestic violence during the

lockdown. As shops were closed, alcohol, opium, heroin and various other substances were not readily available, the agitation and withdrawal symptoms caused arguments which when prolonged turned into violence (“Gender in Crisis. Covid 19 and Its Impact,” 2020).

In early April 2020, it was reported that a 42-year man killed his wife, suspecting infidelity. Help centers were flooded with calls reporting spousal violence as the husband could not get alcohol during the lockdown. Even though there is wide under-reporting, still the numbers are big enough to show the degraded state of women during the pandemic (“Gender in Crisis. Covid 19 and Its Impact,” 2020). As the crisis continues these numbers are likely to grow and have multiple impacts on a woman’s physical, mental, sexual and reproductive well being. Not only does this show the lack of basic human rights to women, but the economic cost of violence against women is also high. If not dealt with urgently, this shadow pandemic is going to eat up the whole economy.

5.0 Steps taken by the Government

Over the years the government of India has taken many steps to curb domestic violence in India. As the crisis and lockdown imposed great stress on women and accelerated the violence against them, new steps came into action to combat the sudden shadow crisis alongside the already existing laws for the safety of women in India (Shah, 2021).

5.1 Protection of Women from Domestic Violence Act, 2005

The Government of India and the Ministry of Women and Child Development passed The Protection of Women from Domestic Violence Act 2005 on 26 October 2006 (Bind, 2021). This is an act to provide for more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto. The main purpose of this act was to protect women from violence and provide an easy and effective way of relief to the aggrieved (Nigam, 2020). For the first time in Indian law, domestic violence was clearly defined. The definition was broad and included not only physical violence but sexual, mental, verbal, emotional and economic

abuse as well. As stated in the law, domestic violence includes:

- (a) harms or injures that endanger 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; or
- (b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or
- (c) has the effect of threatening the aggrieved person or any person related to her by any conduct
- (d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person.

The act clearly defined physical, verbal and emotional, sexual and economic abuses as well. As it was primarily a civil law meant for protection orders, it defined the roles of police officers, service providers and magistrates. This law focused on the implementations as well and therefore it was ordered that in no way police officers can relieve themselves from their duties. They have to take action if any complaint is filed by any aggrieved or any witness. The Act also recognised the duties of shelter homes and the medical sector. The law gave a right to the aggrieved to reside in a shelter home as and when needed. It also establishes the aggrieved right to free medical facilities. Under the protection orders in the law, on being prima facie satisfied that domestic violence has taken place the aggrieved is bound to receive a protection order to protect them from further violence (*THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005*, 2005). Various monetary reliefs, residence orders, custody orders and compensation orders were also passed to provide the aggrieved with a form of relief.

Even though the law was well-drafted, its implementation is questioned every now and then. The gaps in implementation were prominent but with the emergence of Covid-19, the lack of implementation is now sky-scraping. Although, it was exhibited that staying home means staying safe during the pandemic but the reports have shown that 'home' has turned out to be the most unsafe place for women. From physical to economic, women have gone through all kinds of abuses during the lockdown period. The poor implementation of the law just added to the

hardships. Medical facilities were not available to the victims of major sexual and physical abuse. Migrant women were forced to deliver babies at the roadside as maternity help was inaccessible (*THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005*, 2005). Mental and emotional harm was caused to women due to lockdown as they were overburdened with household chores, home-schooling of children and looking after all the family members in addition to professional work. The pandemic is widening the already existing disparities in our society, oppressing and dehumanizing women being one of them. Domestic violence has a huge economic and social cost and as the times are changing we need new laws with proper enforcement and implementation to combat the shadow crisis we are facing as a society.

5.2 Section 498A, Indian Penal Code

Section 498A of the Indian Penal Code was introduced in the year 1983 to safeguard women from harassment by spouses or relatives and it is one of the major anti-dowry laws in India (Rathi, n.d.). The conduct of the husband or relatives compelling the woman to commit suicide or cause serious injury physically or mentally, harassing her or her relatives in order to compel them to comply with any unlawful demand for property or valued security is a punishable act under this section. Section 498A is a cognizable offense that is not compoundable or bailable. Under this code, the police are obligated to file a case and place the accused in jail. The convicted who can even be the husband and husband's relative are subjected to imprisonment for 3 years or shall be liable to a fine (Varsha, 2022)

5.3 Section 113A, Indian Evidence Act, 1872

When the question is whether the suicide of a married woman had been abetted by her husband or any relative of her husband and proofs are shown that the suicide is committed within seven years from the date of marriage and she had been subjected to cruelty by her husband or any relative of her husband, the court may presume (considering all other circumstances of the case as well) that the suicide had been abetted by her husband or any relative of her husband.

The meaning of cruelty should have the same meaning as mentioned in section 498A of the Indian Penal Code. (*Indian Evidence Act Section 113A. Presumption as to Abatement of Suicide by a Married Women*, n.d.)

5.4 Steps taken by the government during Covid-19

The government has taken many steps to curb domestic violence in India. As the crisis and lockdown imposed great stress on women and violence against women increased manifold, new steps came into action to combat the sudden shadow crisis as per Shah, 2021.

1. Rescue System: A rescue system was put in place in various states. Tamil Nadu is one of them to rescue women in pain and distress due to domestic violence. The system was stepped up so that each and every complaint call would have been acted upon and as immediate relief, to the aggrieved, they were rescued from their domestic surroundings.

2. Helpline Numbers: Various central and state wise helpline numbers were introduced to help and assist women experiencing domestic violence (*Effective Steps Taken to Curb Domestic Violence during Lockdown, TN Tells Madras HC, 2020*). The National Commission for Women launched a WhatsApp number to combat the rising number of domestic violence cases and a large number of under-reporting.

3. Protection Officers: Many new counselors were appointed as protection officers and their contact details were made available publicly (*Effective Steps Taken to Curb Domestic Violence during Lockdown, TN Tells Madras HC, 2020*). Transport was made available for these officers for emergency visits to different areas for rescuing distressed women or counseling the abuser.

4. Technological Help: Personals worked on ground level and distributed smartphones in different areas to women (*Effective Steps Taken to Curb Domestic Violence during Lockdown, TN Tells Madras HC, 2020*). They were explained about different apps available to help women connect with counselors, learn about their legal rights and complain about any kind of abuse. Women were also elucidated on how to attend regular webinars and live chats sessions with different experts.

5. Shelter Homes: Shelter facilities were made available to the rescued women (*Effective Steps Taken to Curb Domestic Violence during Lockdown, TN Tells Madras HC, 2020*). Essential services, medical help, psychological assistance and some financial help was also provided to the victims of domestic violence in shelter homes. However, the success rate is not clearly known. These efforts by the government show their concern towards the victims.

6.0 Implementation Gaps

Although the laws are well-drafted, there is a huge question mark on their implementation. Most of the women do not get fair access to justice which completely hampers the basic objective of the law. Due to familial pressure, caste pressure, stigma and the fear of being humiliated, victims are frequently forced to remain silent. The huge number of illiteracy rates among women and various social and cultural barriers stop them from putting a halt to the violence and injustice they are subjected to. There is a huge underreporting of domestic violence cases which is something the authorities should be concerned about. The unfriendly process of law and approaching for help is something that should be worked upon as it is also a major hindrance in reporting the abuse. If the process of approaching the court is friendly it encourages the victim to take action; a proper set of guidance and assistance is needed at every step of the process. Protection Officers (POs) who are responsible for helping women victims are not easy to find. The National Commission for Womens' website does not provide details of POs of all the states (Rajkumar, 2021). NGOs and various organizations should come forward and provide assistance to the victims whenever needed. Whenever the victim does not get proper assistance they tend to go for a secret settlement with the abuser because of societal pressure which is why the law enforcement agencies should take extra measures to ensure that the victim is supported throughout the process. The large gender gap in smartphone ownership among low-income women makes it much more difficult for women to contact helplines or protection authorities over the internet. Under *Suo Moto v. The State of Gujarat* case brought by the Gujarat High Court in 2012, it was reported that women seeking to file complaints under the DV law were told to wait three months due to a shortage of POs (Rajkumar, 2021). When cross-investigations

occur, the number of acquittals outnumbers the number of convictions. Corruption is also a major hindrance in the implementation of the laws passed. The number of years mentioned in section 113A (seven years after marriage) has now turned into a gap. Cases have been reported after seven years of marriage but the law does not support that, which is something that needs urgent amends (*Indian Evidence Act Section 113A. Presumption as to Abatement of Suicide by a Married Women*, n.d.).

7.0 Economic and Social cost of Domestic Violence

7.1 Economic Cost

Domestic abuse is commonly regarded as a significant violation of women's human rights. As a result, one method to obtain a more in-depth understanding of this issue is to analyze and calculate economic costs. Domestic violence is expected to cost the world economy \$4.4 trillion, or 5.2 per cent of gross domestic product. The average cost of a single sexual assault in the United States in 2010 was \$240,776. This included the victim's pain and suffering as well as medical expenses, lost production, judicial system expenses and the imprisoned offender's lost output. A single violent attack costs society around \$107,020, including \$95,023 in pain and suffering, as well as the weight of increased murder risk. It is hoped that bringing attention to the high cost of violence would promote anti-violence measures. The economic cost of domestic violence is borne by the public sector. If we could discover a way to cut these events in half, the benefits would be worth at least \$230 billion per year to the country (Lomborg & Williams, 2018). According to Indian research, a woman loses at least 5 paid workdays for every instance of intimate partner abuse. (*Consequences and Costs*, 2010).

Violence incurs costs that can be either direct or indirect. The usage of products and services for which a monetary exchange is made results in indirect costs. Capital, labor and material inputs all have direct costs. Indirect costs arising from the impacts of violence against women that have a monetary worth despite the absence of monetary exchange, such as lost revenue or lower earnings. Intangible costs like as early mortality and pain and suffering, which have no monetary worth in the market, are also a result of violence against women. Costs can be

incurred in either the short or long term (Tanis, Katherine & Audra, 2005). To make things easier to comprehend, costs are divided into three categories: direct cost, indirect cost and opportunity cost (“The Cost of Violence against Women and Their Children,” 2009).

- Direct Costs includes tangible direct cost and intangible direct cost. Direct tangible costs are the cost in which actual money is spent. For example, accommodation costs, legal costs, health and medical costs etc. Due to lack of data tangible costs can not be calculated in many instances (Tanis, Katherine & Audra, 2005). Direct intangible costs are the costs in which there is no monetary exchange involved but it results directly from the violent act. For example, the loss of a loved one through a violent death. However, there is debate over whether or not these costs should be included when calculating the economic costs of violence against women (“The Cost of Violence against Women and Their Children,” 2009).
- Indirect Costs includes indirect tangible cost and indirect intangible cost. The indirect tangible cost has monetary worth, but they are evaluated as a loss of potential. Reduced productivity, for example, can result in fewer earnings and profits. These indirect costs are similarly quantifiable, albeit they are based on calculating potential costs rather than actual spending. For example, replacing damaged or lost household items, settlement of partner’s debt etc. Indirect intangible costs result from the violence in an indirect manner and have no monetary worth (Tanis, Katherine & Audra, 2005). Intangibles include very important and significant costs that are not monetary in nature. For example, loss of life, the result of abuse, pain and suffering, etc. The cost associated with fear is impossible to measure but attempts have been made to measure it but they are not precise (Tanis, Katherine & Audra, 2005).
- The opportunity cost of staying in or leaving a relationship is the price the victim pays for the lost opportunities. When a woman's choices are limited due to the circumstances surrounding her, she incurs an opportunity cost. Examples include the loss of employment opportunities, career growth, and general well-being. Indirect expenses

sometimes involve expenditures for lost opportunities (“The Cost of Violence against Women and Their Children,” 2009).

7.2 Types of Economics Costs

Violence against women is widespread and it incurs economic costs. To make the economic cost of violence easier to quantify, it is divided into categories based on the consequences of violence and the services utilized as a result of violence. Costs can be categorized into Justice, Health, Social Services, Education, Business and Personal Costs and Intangibles (Tanis, Katherine & Audra, 2005).

7.2.1 Justice

This includes all of the expenses associated with official actions including filing reports, going to court and employing a lawyer, among other things. Activities like policing, penal costs, administering community sentences, organizations that support the incarcerated, official buildings, labor costs such as employees working for this system etc, that are borne by the public sector are also included under this category. In addition to direct costs, indirect costs include the lost wages of individuals imprisoned for violence and those attending court proceedings (Tanis, Katherine & Audra, 2005).

7.2.2 Health

Health is another area where the state, as well as victims, pay a high price depending on whether health care chosen is public or private. The expenses of health care are incurred as a result of both direct and indirect health issues caused by violence. Health care at doctor's offices, clinics of various sorts and hospitals are examples of direct health expenses. It also includes capital, labour and material costs. Capital costs are the cost incurred in establishing hospitals, laboratory equipment, etc. Labour costs include nurses, doctors, staff etc. Materials input includes hospital food, X rays etc. Lower lifespan, the implications of bad health on lifestyle choices, and limited mobility that affects involvement in public affairs are examples of indirect

costs (Tanis, Katherine & Audra, 2005).

7.2.3 Social Service

Public services are provided to the victims and the accused, which incurs social costs. It can be privately or publicly funded. It includes the cost of agencies that assist battered women and their dependent children. A cost is incurred every time a victim of violence seeks assistance from any public service provider. In many of the community services agencies women volunteer to serve the victims. Violence against them can also lower the hours of service provided by them. The administration cost of social welfare payment of victims who leave their abusive homes is also funded by government agencies. Since the payment done is a direct transfer payment, therefore the opportunity cost of alternative uses of the tax revenue can be measured. The government also bears the indirect intangible cost of time in policy formation, analysis, implementation etc (Tanis, Katherine & Audra, 2005).

7.2.4 Education

Costs related to education can include classes for children at school to make them aware of violence against women and special classes like behavioural, mental health etc. for the children who are impacted by domestic violence. It can also include the cost incurred to train victims of domestic violence to make them financially independent. Indirect cost is the lower-earning capability of women who have experienced domestic abuse (Tanis, Katherine & Audra, 2005).

7.2.5 Business and Personal Costs

Due to violence, there is a decrease in the productivity of women. Low productivity decreases her income which hampers her economic situation. Business costs include the cost of her lost time, the time her coworkers spend covering for her, the extra payment given to her co-workers who cover extra shifts for her, the administrative costs for the search and training of a replacement employee if she leaves the job, the administrative costs for programmes or policies

designed to help support her etc. Since she is not performing to her full potential there is a decrease in the profit margins of the company. A decrease in profit margins negatively affects the GNP of a country. Victims spend the majority of their income on medical services, childcare, therapies, relocation etc. which leads to lesser spending on goods and services that could have been bought in absence of violence. Time away from work, lower productivity at work, quitting, or losing promotions can all lead to a decrease in income. As a result of the violence, the victim's health deteriorates and she is no longer able to do her duties. Lower-income and decreased household productivity lead to alteration of lifestyle and feelings of unhappiness; these might have been prevented if violence had not occurred (Tanis, Katherine & Audra, 2005).

7.3 Social Cost

Due to the rise in domestic violence cases, increased government spending to prevent domestic violence may result in reduced spending on other socially important factors such as education, healthcare, infrastructure etc., thus decreasing the quality of life for many. The time the batterer invests in committing the crime is a cost to society. Instead, he could have engaged himself in some revenue-generating activity. The most significant cost to society is largely moral in nature. Since the persistence of domestic violence causes many individuals to live with a form of domestic terrorism within their own homes and communities. Even those who do not physically encounter it may suffer from psychological trauma known as "fear of crime." This fear is exceptionally strong in women, and it may lead to decreased social contact and faith in society, threatening the community's and maybe the nation's social order. This may exacerbate existing racial and ethnic biases, reducing the benefits and information provided by cultural variety and possibly prompting more domestic violence and social isolation. This might lead to mistrust and a lack of inclination to connect with others, which could lead to the public losing faith in the government's legitimacy as a result of public dissatisfaction with the criminal justice system (*The Costs of Domestic Violence*, 2015).

8.0 Comparative Analysis

Domestic violence roots deep in Indian structure, from patriarchal mindset to alcohol consumption and economic constraints. A diverse set of factors are studied to know why women are abused. This comparative study analyzes domestic violence in Gujarat which is considered as a developed state and Madhya Pradesh which is an underdeveloped state with high levels of poverty.

Two-thirds of the women in Gujarat suffer from some kind of psychological, sexual or physical abuse. According to a study by Gujarat Institute of Development Studies, 42 per cent experience physical beatings or sexual assault and adding more to this 23 per cent suffer abusive language, belittlement, and threats. During interviews with the victims of domestic abuse it is usually noted that after the initial hesitancy was snapped, physical and sexual become very common. It is reported that even after having children, the violence does not decrease but the wives become habitual to the abuse. More widespread abuse is reported among scheduled castes and lower castes (74 per cent) in comparison to high caste women (45 per cent). A declined pattern is noted as moving from illiterate to literate people. Reportedly abusive relationships are more common among illiterate men (81 per cent) and illiterate women (76 per cent) than among the educated public (53 per cent and 42 per cent respectively). Violence also varies with living arrangements in domestic households: 53 per cent of women in joint families reported abuse compared to 73 per cent of women in nuclear families (“Domestic Violence in India A Summary Report of Three Studies,” 1999).

Madhya Pradesh has topped the domestic violence cases in India in the year 2020. 41 per cent of the total cases registered in the country were from Madhya Pradesh (Smita, 2021c). With 550 cases of dowry deaths and 607 cases of abetment to Suicide of Women, MP has definitely turned out the worst place for women. Madhya Pradesh is not a developed state and the feminism movement is still taking roots there and therefore a wide under-reporting is observed in the state. The literacy rate is 69.32 per cent, often considered as the root cause of the widespread violence against women (*Home*, n.d.).

As per the analysis, it can be concluded that violence against women is prevalent all over India irrespective of its development and growth rate. The numbers increase as we move from high caste to lower caste and tribes. Education is also an affecting factor, violence is more common among the illiterate public. Under-reporting is also more evident among illiterate women as they are not well aware of their legal rights and accept abusive treatment as a part of their daily life.

9.0 Effects of Domestic Violence

Domestic abuse affects not just women but the entire economy and everyone who is a part of that economy. Domestic violence has serious mental, physical and economic repercussions and hampers the growth of the victim, the society as well as the country by reducing its GNP.

9.1 Effects of Violence against Women on Children

Domestic violence creates negative social and health consequences for children. It may lead to anxiety, depression, poor school performance, bad health, sleep disturbances, aggressiveness, low self-esteem that may hamper their overall development. It may instill a fear of marriage, a relationship that can have a long-lasting effect; the trauma of childhood may reflect when they grow old. It may also affect their behaviour towards people, especially women. It can also affect unborn children; domestic violence can lead to the consumption of alcohol and drugs which may hamper the health of the unborn child. It leads to an increase in stress levels, an increase in the level of cortisol hormone that can have damaging effects on the brain. There is increased chances of miscarriage too (*The Effects of Domestic and Family Violence on Children and Young People*, n.d.).

9.2 Effects of Violence against Women on a Country's Economic Health

Violence against women has an impact not only on the victim and their family but also on the country's economic health. Every year, hundreds of dollars are spent on treating domestic

violence against women, money that could have been spent on building a peaceful economy. Violence against women hinders a country's capacity to achieve its full economic potential because there is an increase in costs of health services, policing etc. It also reduces the productivity and wages of both the victim and the perpetrator. Aggregate demand, i.e. the demand for products and services, that is connected to the impacts of violence is distorted, diverting resources away from their most efficient use. This results in a lower standard of living. Lower productivity, reduction in output and exports, reduced savings and investments, reduces aggregate supply. A dollar lost symbolizes more than just \$1 because of the economic multiplier, thus the reduction in productivity is even larger. Not only does this represent missed opportunity costs, but it also represents lost tax revenue and benefits that are passed on to others to save and spend. As a result, violence against women has a considerable negative impact on GNP and national economic prosperity (2005).

10.0 Recommendations

With an alarming rate of violence against women in India, rigorous steps to combat this crisis is the need of the hour. If the situation is not controlled within a few years, the catastrophic after-effects are not far to seek. Only a change in social mindset can change the current plight of women in our country. Many women in India are not aware of their legal rights and this is a potential area for the government to work upon. Only when women have the freedom to get an education, to choose a profession and have control over their income can they be expected to be treated with respect and dignity. While education and employment help them to be financially independent, with economic empowerment comes social recognition. Proper implementation of already existing laws and new laws in areas of education and employment for women is necessary to improve the current situation. Financial help to illiterate women is crucial because with financial independence, comes the confidence to stand up for one's rights. Arranging uneducated women into cooperatives can be one of the ways to provide financial independence. NGOs also play an essential role in countering social issues. Promotion of NGOs and shelter homes for women with ground level working in backward areas is fundamentally necessary.

11.0 Conclusion

The conclusion emerging after analyzing the history, factors, causes, comparative analysis and economics is that domestic violence is a pervasive phenomenon in India. It's worth noting that a variety of factors, including women's age, education, age at first marriage, ethnic and religious groups, women's autonomy, media exposure, employment status, and level of living, in addition to where they live, all have a role in the incidence of domestic violence. It is definitely a barrier to the socio-economic and demographic development of the country. To address the issue, social norms and attitudes about gender roles must be changed in order to facilitate the implementation of appropriate and successful solutions to domestic violence and, ultimately, to prevent it from occurring at all. For proper implementation of the already existing laws, it is mandatory that each and every woman should know about her rights. Therefore, creating awareness about the same is something that should be worked upon. Amends should be made to bridge the gap between the victim and the justice system.

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