

Impact of Legal Awareness and Economic Conditions on the Incidents of Domestic Violence on Women and Children in India

Sarisha Jaggi

The Shri Ram Millennium School Noida

DOI: 10.46609/IJSSER.2024.v09i10.033 URL: <https://doi.org/10.46609/IJSSER.2024.v09i10.033>

Received: 5 October 2024 / Accepted: 20 October 2024 / Published: 25 October 2024

ABSTRACT

Domestic violence against women and children is a pervasive issue in India, with deep-rooted social, economic, and psychological implications. This research paper explores the intersection of legal awareness and economic conditions in shaping the incidence and reporting of domestic violence in India. It focuses on understanding how a lack of knowledge regarding legal rights, coupled with adverse economic circumstances, contributes to the perpetuation of violence in homes. Additionally, it employs the biopsychosocial model to analyze the multifaceted impacts of domestic violence on victims, encompassing biological, psychological, and social dimensions. Through an examination of the current legal framework, economic disparities, and social stigma surrounding domestic abuse, the paper aims to provide insights into how enhancing legal awareness and improving economic conditions could mitigate the occurrence and effects of domestic violence on women and children in India.

Keywords: Domestic violence, Divorce, Domestic Violence laws, Divorce, Biopsychosocial Model

Research Question: How do legal awareness and economic conditions influence the incidence and reporting of domestic violence against women and children in India, and how can the biopsychosocial model be applied to understand the broader impacts of domestic violence on their physical, psychological, and social well-being?

1. Introduction

Domestic violence remains a pervasive issue affecting millions of women and children worldwide. This paper examines the impact of legal awareness on the prevalence, reporting, and inhibition of domestic violence. By analysing data from various socio-economic backgrounds, this study explores how understanding the legal rights and available protection possibilities

influences the behaviour and outcomes of the victims. The findings suggest that enhanced legal awareness can lead to increased reporting, better support mechanisms, and ultimately, a reduction in the instances of domestic violence.

2. Definition

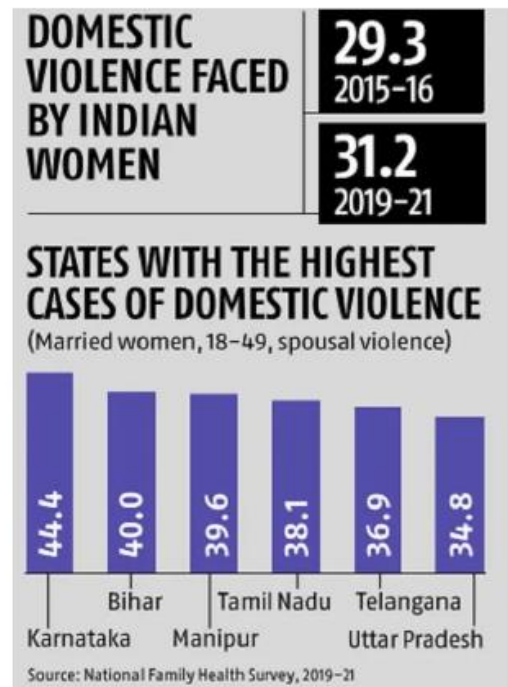
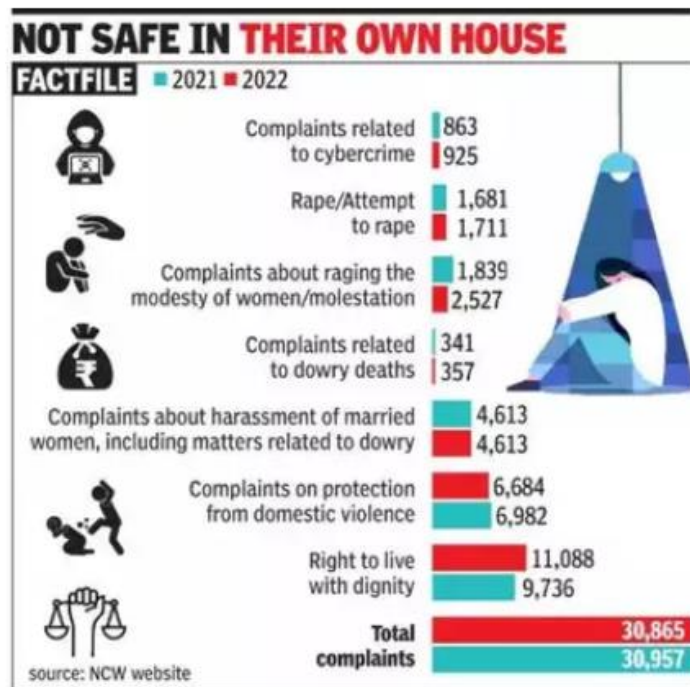
Domestic violence, also called "domestic abuse" or "intimate partner violence (IPV)", can be defined as a pattern of behaviours in any relationship that is used to gain or maintain power and control over an intimate partner. Abuse can include physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviours that frighten, intimidate, terrorise, manipulate, hurt, humiliate, blame, injure, or kill someone.

Domestic abuse can impact people irrespective of their race, age, sexual orientation, religion, or gender, although the stats are skewed towards women, making them the most impacted group. Domestic abuse, as the name suggests, always involves closely related members, often living together, and involved in a range of relationships including couples who are married, engaged, or living together, or children living with their parents or relatives.. Domestic violence affects people of all socioeconomic backgrounds and education levels, and in most cases, the victim is a woman who is married or has never been. Some stats on the type and extent of violence borne by married women are tabulated below.

Figures 1.1, 1.2, 1.3-Statistics of Domestic Violence Cases against Women in India

Prevalence of IPV among ever married women in India, NFHS-5 (2019-21)

Type of violence experienced by ever-married woman	No. of ever-married women who have experienced IPV (out of 46488)	%age of ever-married women who have experienced IPV (out of 46488)	%age of different types of violence among IPV experiencing women (out of 13922)
Physical Violence	12,304	26.47	88.38
Pushed/Shook/ had something thrown at	5042	10.84	36.21
Slapped	10,813	23.26	77.67
Punched with a fist or hit by something	2,855	6.14	20.50
Kicked or dragged	3,046	6.55	21.88
Been strangled or burnt	750	1.61	5.38
Been threatened with knife/gun or other weapon	469	1.01	3.37
Had arm twisted or hair pulled	4,084	8.79	29.33
<i>Less severe physical violence</i>	<i>12,066</i>	<i>25.96</i>	<i>86.67</i>
<i>Severe physical violence</i>	<i>3,247</i>	<i>6.98</i>	<i>23.32</i>
Emotional Violence	5,508	11.85	39.56
Humiliated	3,569	7.68	25.61
Threatened with harm	2,232	4.80	16.03
Insulted or made to feel bad	3,168	6.81	22.75
Sexual Violence	2,396	5.15	17.21
Physically forced into unwanted sex	1,787	3.84	12.83
Forced into other unwanted sexual acts	981	2.11	7.05
Physically forced to perform sexual acts respondent didn't want to	1,372	2.95	9.85
Overall experience of IPV	13,922	29.95	



Source-Google Image

(3). Domestic Violence as in the Indian Penal Code

The Indian Penal Code defines Domestic Violence as,

For this Act, any act, omission commission or conduct of the respondent shall constitute domestic violence in case it--

- (a). harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; 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 mentioned in clause (a) or clause (b); or
- (d). otherwise injures or causes harm, whether physical or mental, to the aggrieved person.

For the purpose of this research, below is the explanation of some relevant terms as per the Indian Penal Code (IPC):-

(i). Physical abuse means any act or conduct that is of such nature as to cause bodily pain, harm, or danger to life, limb, or health, or impair the health or development of the aggrieved person and includes assault, criminal intimidation, and criminal force.

(ii). Sexual abuse includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of a woman.

(iii). Verbal and emotional abuse includes—

(a). insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and

(b). repeated threats to cause physical pain to any person in whom the aggrieved person is interested;

(iv). Economic abuse includes—

a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, *stridhan*, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance;

b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her *stridhan* or any other property jointly or separately held by the aggrieved person; and

c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household.

Indian Penal Code (IPC) Provisions:

1. Section 498A:

- Deals with cruelty by a husband or his relatives towards a woman, including physical or

mental harassment.

2. Section 304B:

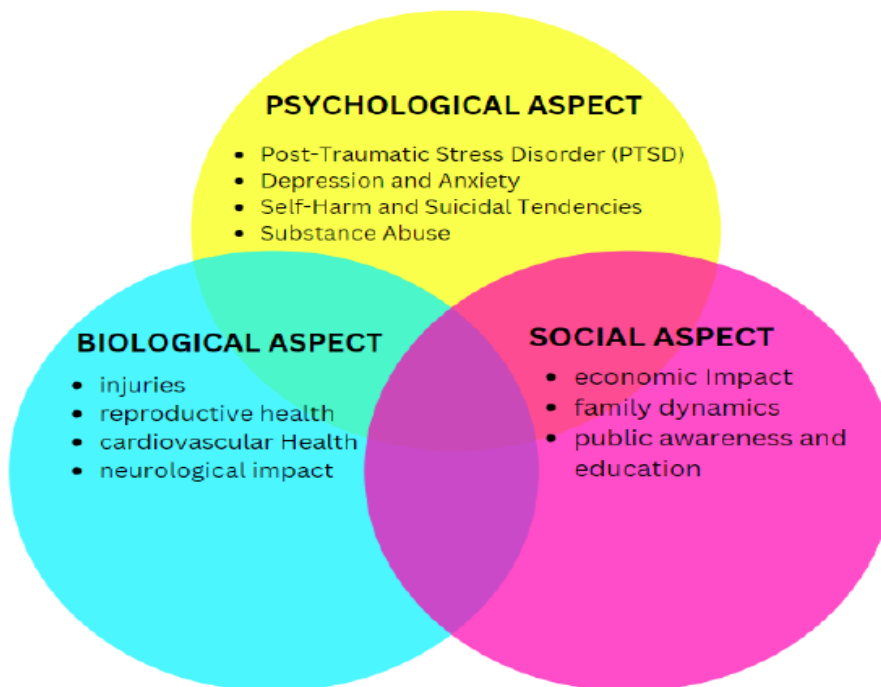
- Addresses dowry deaths, where the death of a woman occurs under suspicious circumstances within seven years of marriage, and it is shown that she was subjected to cruelty or harassment for dowry.

3. Section 306:

- Covers the abetment of suicide, where a woman is driven to commit suicide due to domestic violence or harassment.



Source-Google Image



(4). BioPsychoSocial Model

(4.1) Biological Impacts

Injuries:

- **Acute Injuries:** Victims often suffer from cuts, bruises, fractures, and internal injuries due to physical assaults.
- **Chronic Pain:** Persistent pain conditions, such as headaches, back pain, and musculoskeletal pain, are common among survivors of domestic violence.

Reproductive Health:

- **Sexual and Reproductive Coercion:** Forced sexual intercourse, unwanted pregnancies, and sexually transmitted infections (STIs) are frequent among victims.
- **Pregnancy Complications:** Domestic violence during pregnancy can lead to miscarriage, preterm labour, low birth weight, and other complications.

Cardiovascular Health:

- Increased risk of hypertension, heart disease, and stroke due to chronic stress and trauma.

Neurological Impact:

- Traumatic brain injuries (TBI) result from blows to the head.
- Chronic headaches and migraines.

Domestic violence inflicts severe biological impacts on women and children, often resulting in both acute and long-term health complications. Victims frequently endure acute injuries such as cuts, bruises, fractures, and internal trauma. Chronic pain conditions, including persistent headaches, back pain, and musculoskeletal discomfort, are common among survivors due to continuous physical and emotional abuse. Reproductive health is also significantly affected, with victims often facing sexual coercion, unwanted pregnancies, and an increased risk of sexually transmitted infections (STIs). For pregnant women, domestic violence can lead to serious complications such as miscarriage, preterm labour, and low birth weight. Additionally, chronic stress from ongoing abuse raises the risk of cardiovascular problems like hypertension, heart disease, and stroke. Neurological impacts are also prevalent, with victims often suffering from traumatic brain injuries (TBI) and chronic headaches or migraines due to repeated blows to the head.

(4.2) Psychological Impacts

Post-Traumatic Stress Disorder (PTSD):

- Victims of domestic violence often exhibit symptoms of PTSD, including flashbacks, severe anxiety, and uncontrollable thoughts about the traumatic event.

Depression and Anxiety:

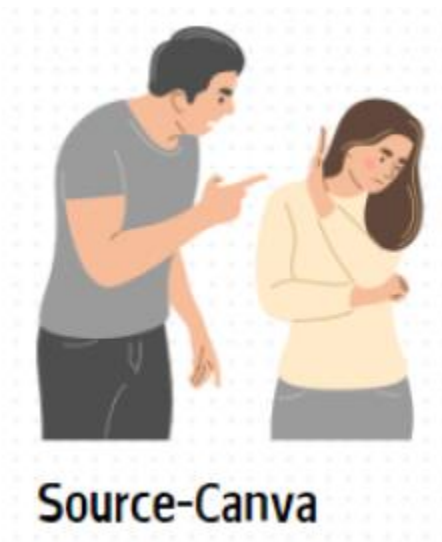
- High prevalence of depression and anxiety disorders among survivors.
- Persistent feelings of sadness,

hopelessness, and fear. Substance Abuse:

- Increased likelihood of using drugs or alcohol as a coping mechanism to deal with the trauma.

Self-Harm and Suicidal Tendencies:

- Higher rates of self-harm and suicidal ideation among victims of domestic violence.



Victims of domestic violence, both women and children, frequently suffer from significant psychological impacts, with Post-Traumatic Stress Disorder (PTSD) being a common consequence. Symptoms such as flashbacks, severe anxiety, and intrusive thoughts about the abuse are prevalent. Additionally, survivors often experience depression and anxiety, characterised by persistent feelings of sadness, hopelessness, and fear, which can severely impact their mental health and daily functioning. Substance abuse is also a coping mechanism used by

many victims, as drugs or alcohol offer temporary relief from emotional pain. Furthermore, domestic violence increases the likelihood of self-harm and suicidal ideation, with victims experiencing higher rates of both as they struggle to cope with the overwhelming trauma and emotional turmoil caused by the abuse.

(4.3) Social Impact

Family Dynamics:

- **Disruption of Family Structure:** Domestic violence can lead to separation or divorce, disrupting family unity.
- **Intergenerational Transmission:** Children who witness domestic violence are more likely to perpetuate or become victims of violence in their adult relationships.

Economic Impact:

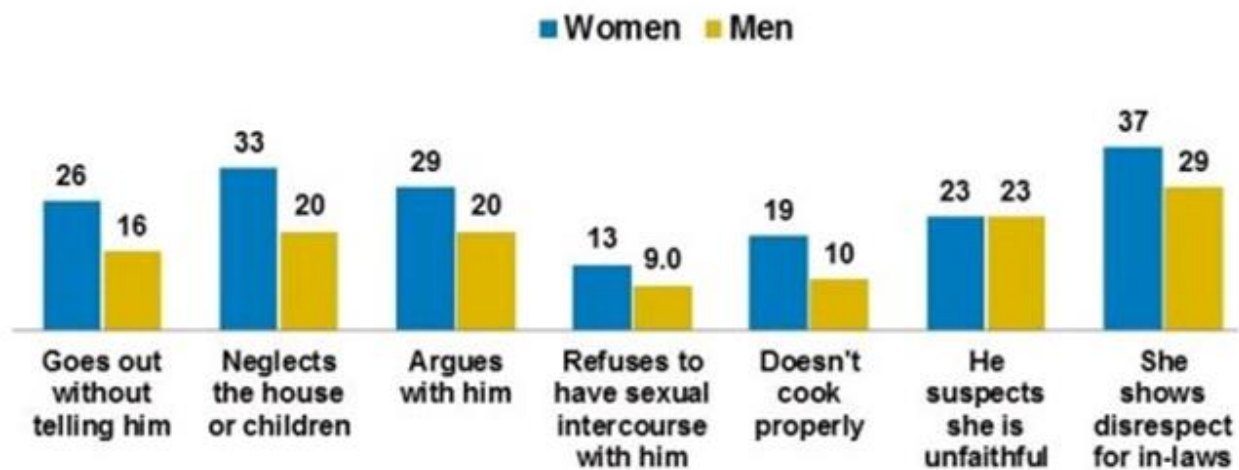
- **Financial Strain:** The financial burden of medical bills, legal fees, and loss of income due to domestic violence can impoverish families.
- **Housing Instability:** Victims often face housing instability, moving frequently to escape abusers, which can disrupt children's education and family routines.

Public Awareness and Education:

- **Awareness Campaigns:** Increasing public awareness through campaigns can challenge cultural norms and reduce the incidence of domestic violence.
- **Education Programs:** Schools and community organisations can play a vital role in educating individuals about healthy relationships and the consequences of domestic violence.

Domestic violence has severe social impacts on both women and children, particularly in family dynamics, economic stability, and public awareness. It disrupts family structure, often leading to separation or divorce, which fractures family unity. Children exposed to domestic violence are at higher risk of perpetuating or becoming victims of violence in their adult relationships, reinforcing an intergenerational cycle of abuse. Economically, domestic violence imposes significant financial strain due to medical bills, legal fees, and loss of income, which can impoverish families. Victims frequently experience housing instability, moving to escape abuse, and disrupting children's education and routines. On a broader scale, public awareness campaigns challenge cultural norms and help reduce domestic violence. At the same time, education programs in schools and communities teach the importance of healthy relationships and highlight the long-term consequences of domestic violence, fostering prevention and support.

Percentage of women and men age 15-49 who agree that a husband is justified in beating his wife for specific reasons



Source-Google Image

(4.3a) Economic Impact

The impact of domestic violence on financially dependent and uneducated women is particularly severe, exacerbating their vulnerability and limiting their options for escape. Here's a detailed look at these impacts and the reforms needed to address domestic violence effectively:

1. Increased Vulnerability:

- **Economic Dependency:** Women who are financially dependent on their partners often feel trapped in abusive relationships, fearing they cannot support themselves or their children if they leave.
- **Limited Access to Resources:** Lack of education and financial independence restricts access to vital resources such as legal assistance, housing, and support services.

2. Emotional and Psychological Effects:

- **Low Self-Esteem:** Continuous abuse can lead to feelings of worthlessness and hopelessness, making it difficult for these women to envision a life beyond the violence.
- **Mental Health Issues:** Many experience anxiety, depression, and PTSD, which can further hinder their ability to seek help or make decisions about their future.

3. Impact on Children:

- **Intergenerational Trauma:** Children who witness domestic violence may internalise the behaviour and feel helpless, leading to a cycle of abuse in future relationships.
- **Educational Disruption:** Children may face difficulties in school, limiting their opportunities and perpetuating the cycle of poverty and violence.

3. Social Isolation:

- **Isolation from Support Networks:** Abusers often isolate their partners from friends and family, reducing their social support and making it harder to seek help.



(5). Reforms to Lower Domestic Violence

1. Education and Empowerment Programs:

- **Access to Education:** Providing educational opportunities for women can increase their economic independence and self-sufficiency.
- **Skill Development:** Vocational training and financial literacy programs can equip women with the skills needed to secure stable employment.

2. Economic Support Initiatives:

- **Financial Assistance:** Implementing programs that provide financial support to victims of domestic violence can help them leave abusive situations.
- **Job Placement Services:** Connecting women to job opportunities can facilitate their economic independence and reduce reliance on abusive partners.

3. Legal Reforms:

- **Strengthening Laws:** Ensuring that laws against domestic violence are robust, clear, and enforced can deter abusers and protect victims.
- **Access to Legal Aid:** Providing free or affordable legal assistance to victims can help them navigate the legal system and secure protective orders.

4. Community Awareness and Prevention Programs:

- **Public Awareness Campaigns:** Educating the community about domestic violence and its impact can help break the stigma and encourage victims to seek help.
- **Support Networks:** Building community support systems, such as counselling centres and shelters, can offer refuge and assistance to victims.

5. Integrated Support Services:

- **Collaboration among Agencies:** Encouraging collaboration between healthcare, legal, and social service agencies can provide comprehensive support to victims.
- **Crisis Intervention Services:** Establishing hotlines and emergency response services can provide immediate assistance to victims in crisis.

6. Cultural and Societal Change:

- **Challenging Gender Norms:** Promoting gender equality and challenging harmful stereotypes can help change societal attitudes toward domestic violence.
- **Engaging Men and Boys:** Involving men and boys in prevention efforts can help create a culture of respect and non-violence.

These findings highlight the importance of empowering women through education and economic independence to mitigate the risks of domestic violence. Research shows that women with higher education are 30% less likely to experience intimate partner violence compared to those with minimal schooling. Wealthier families provide greater stability, reducing the likelihood of conflict, as studies suggest that households with higher incomes report significantly lower rates of domestic violence. However, younger women, especially those between 18 and 24, are 20% more likely to suffer spousal abuse due to their limited financial resources and life experience. Nuclear family structures, which may limit access to extended support networks, further exacerbate vulnerability, with data showing that women in nuclear families are more likely to feel isolated and dependent on their abusers.

Addressing these disparities through targeted interventions, such as education, financial literacy,

and support networks, can significantly reduce the incidence of spousal violence.

(6). Legal Awareness

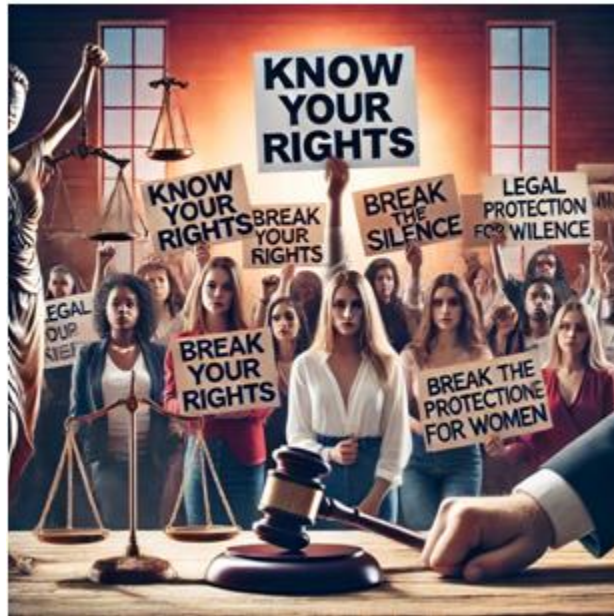


Image Source-OpenAI

Legal awareness is crucial in combating domestic violence, empowering women, and fostering societal change. Women who understand their legal rights are more likely to report abuse, increasing transparency and prompting law enforcement action. According to **NFHS-5 (2019-21)**, only **14% of domestic violence victims** in India sought help, underscoring the need for better awareness. By knowing their rights under laws like the **Protection of Women from Domestic Violence Act (PWDVA), 2005**, victims can take early action, such as obtaining restraining orders, preventing abuse from escalating. Legal knowledge empowers women to pursue justice, break free from abusive relationships, and rebuild their lives, with increased access to legal aid and active participation in court proceedings ensuring better outcomes. Legal awareness also acts as a deterrent, holding abusers accountable and creating a culture of zero tolerance, as knowledge of penalties under **Section 498A of the IPC** discourages violent behavior. Public awareness campaigns play a vital role in breaking the stigma surrounding domestic violence, with a **2019 UN Women survey** revealing that **79% of Indian women** who experienced domestic violence did not report it due to societal shame. Such campaigns help shift social attitudes, promoting prevention and early intervention. Moreover, legal education fosters collective responsibility within communities, making them more responsive to victims and committed to reducing domestic violence. Thus, legal awareness is not only essential in preventing abuse but also in

supporting victims as they seek justice and recovery.

(7). Legal Reforms to Reduce Domestic Violence Cases

a. Strengthening Domestic Violence Legislation

India's Protection of Women from Domestic Violence Act (PWDVA), 2005, has been pivotal in addressing domestic violence. However, reforms are necessary to increase its efficacy. **According to the National Family Health Survey (NFHS-5,2019-21)**, approximately **30% of women aged 15-49** in India have experienced domestic violence. To address this alarming statistic:

- Amend the PWDVA to include **stricter penalties** for offenders, ensuring that habitual offenders or those committing extreme violence receive higher sentences.
- Broaden the scope to cover **all forms of abuse** (physical, emotional, economic, psychological), as currently many cases of non-physical abuse are not adequately addressed.
- Incorporate **Section 498A of the IPC** (Indian Penal Code), which deals with cruelty to women, to ensure more robust prosecution.

b. Mandatory Arrest Policies

- Mandatory arrest policies can ensure that law enforcement responds decisively. **Section 41 of the Code of Criminal Procedure, 1973**, allows the arrest of offenders without a warrant, but in practice, officers often hesitate due to fear of legal repercussions.
- Implementing **mandatory arrest policies** for perpetrators of domestic violence would result in **immediate action** upon receiving complaints, ensuring better protection for victims and reducing incidents of continued abuse.

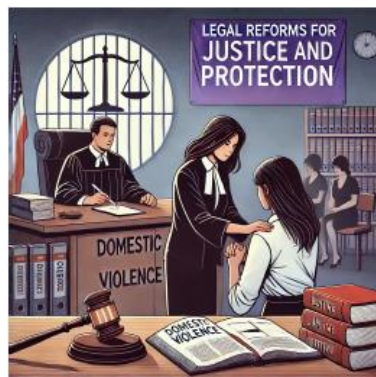


Image Source-OpenAI

c. Fast-Track Courts

India faces a backlog of over **50 million cases** in its judicial system, with domestic violence cases often delayed for years. Establishing **specialized fast-track courts** for domestic violence could significantly reduce these delays.

- As seen in the **2018 amendment** to the PWDVA, which mandates timely disposal of cases within 60 days, further reforms are needed to ensure **timely adjudication** through these fast-track courts, prioritizing justice for survivors and reducing their emotional and psychological burden.

d. Comprehensive Victim Protection Orders

Victim protection is critical. Existing provisions under **Section 18 of the PWDVA** allow for restraining orders but are often not enforced promptly.

- Strengthen protection orders by allowing for **eviction orders** against the perpetrator and ensuring these orders are enforceable within 24 hours of the complaint.
- Ensure **accountability mechanisms** are in place for law enforcement officers tasked with enforcing these orders, holding them responsible for failure to comply.

e. Legal Aid and Support Services

According to the **National Legal Services Authority (NALSA)**, only **5% of rural women** have access to legal aid, while many domestic violence survivors lack awareness of their rights.

- Expand access to **free legal aid**, legal counselling, and court representation for domestic violence survivors, particularly for economically disadvantaged women, to reduce barriers to justice.
- Ensure **Section 12 of the PWDVA**, which provides for legal aid to the aggrieved woman, is implemented rigorously with additional funding for legal aid clinics.

f. Compulsory Counseling and Rehabilitation for Offenders

Studies show that **40% of offenders** return to abusive behaviour without any intervention. Mandating **rehabilitation programs, counselling, and anger management** for convicted offenders can address the root causes of abusive behaviour.

- Amend the PWDVA to include **compulsory counselling** for perpetrators as part of their sentencing, emphasizing reform over punishment.

8. Conclusion

The research highlights the critical role of legal reforms and awareness in reducing domestic violence cases against women and children in India. Despite the enactment of laws such as the Protection of Women from Domestic Violence Act, of 2005, domestic violence remains a pervasive issue, with the National Family Health Survey (NFHS-5) indicating that nearly 30% of women in India aged 18-49 have experienced physical violence, and 6% have faced sexual violence at least once. Legal awareness is instrumental in empowering women to understand and exercise their rights, report abuse, and seek justice without fear of retaliation.

Increased awareness can also prevent the escalation of violence by encouraging early intervention and access to legal protections, such as restraining orders and legal aid.

Economic conditions play a vital role, as financial independence for women significantly reduces their dependence on abusive partners, thus lowering the risk of prolonged exposure to violence. Financial strain, often exacerbated by domestic violence, also affects children, disrupting their education and overall development. Strengthening economic support mechanisms and providing employment opportunities can help break the cycle of abuse by enabling women to make autonomous decisions and secure safe environments for themselves and their children.

The findings suggest that reforms such as the establishment of fast-track courts, mandatory reporting by professionals, and expanded victim support services can drastically improve outcomes for survivors. Increased legal awareness, combined with economic empowerment, has the potential to not only reduce the number of domestic violence cases but also foster a culture of accountability and social change. Studies from countries with comprehensive legal reforms show a significant reduction in violence; similar reforms in India could lead to a substantial decline in domestic violence cases, thereby improving the well-being of women and children across the country.

References

1. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10513418/>
2. https://www.indiacode.nic.in/show-data?actid=AC_CEN_5_23_00037_1860_45_1523266765688&orderno=562#:~:text=%5BWhoever%2C%20being%20the%20husband%20or,also%20be%20liable%20to%20fine
3. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10403108/>
4. <https://www.un.org/en/coronavirus/what-is-domestic-abuse>

5. [https://www.indiacode.nic.in/show-data?actid=AC_CEN_13_14_00008_200_543_1517807325788§ionId=12899§ionno=3&orderno=3#:~:text=\(%20harms%20or%20injures%20or,abuse%20and%20economic%20abuse%3B%20or](https://www.indiacode.nic.in/show-data?actid=AC_CEN_13_14_00008_200_543_1517807325788§ionId=12899§ionno=3&orderno=3#:~:text=(%20harms%20or%20injures%20or,abuse%20and%20economic%20abuse%3B%20or)
6. <https://link.springer.com/article/10.1007/s10896-011-9369-1>
7. <https://www.taylorfrancis.com/books/mono/10.4324/9780429343575/women-domestic-violence-law-india-shalu-nigam>
8. <https://www.taylorfrancis.com/books/mono/10.4324/9780429326974/domestic-violence-law-india-shalu-nigam>
9. <https://www.sciencedirect.com/science/article/abs/pii/S0277539511001087>
10. <https://www.emerald.com/insight/content/doi/10.1108/ijhrh-12-2021-0208/full/html>
11. <https://journalppw.com/index.php/jpsp/article/view/4480>