

MAGNITUDE OF DOMESTIC VIOLENCE AGAINST WOMEN IN INDIA- A REVIEW OF WEST BENGAL SCENARIO

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Abstract:

It is a well accepted fact that women have been and are being subjected to various forms of violence within domestic sphere in both developed as well as developing countries. It is desirable to estimate the problems of domestic violence against women by following the statistical magnitude of the issue. But domestic violence in developing countries, where women hardly report these cases, is also becoming serious concern. The present article is based on the statistical figures of reportedness of domestic violence against women and its severity is analysed based on the reported incidents.

Introduction:

“Domestic Violence is the most ubiquitous constant in Women`s lives around world. There is virtually no place where it is not a significant problem, and women of no race, class or age are exempt from its reach” -----Joni Seager.

Domestic Violence against women is a wide spread problem. However, its actual extent is difficult to measure. It may be higher than that the reports indicate because many instances of domestic violence against women are not reported. According the India`s National Family Health Survey Report, most of the married women facing marital violence tolerate it silently, devoid of reporting the incidence and wait for the transformation of hell to heaven. According to UN Population Fund Report, 2/3rd of every married woman is sufferers of domestic violence.

Discussion based on magnitude of the problem in India & West Bengal:

There are several organizations that are analysing the problem of Domestic violence faced by married women based on the study conducted by them. For the purpose of the present paper, the author tried to figure out the issue based on the survey reports of two authorised and assured

agencies. They are India's National Family Health Survey-III and National Crime Records Bureau. The findings of the study are based on the data available from these two reports on Domestic Violence against women.

The National Crime Records Bureau (NCRB) Report for the year 2011 further highlights some staggering statistics about the domestic violence against women. The percentage share of domestic violence against women in the cognizable crime has grown from 3.8% in 2007 to 4.3% in 2011. The cruelty by husband and relatives under IPC 498A comes at number four in the maximum incidences of cognizable crimes.

A total number of 3,37,922 cases of crime against women were reported in the country during the year 2014 as compared to 3,09,546 in the year 2013, thus showing an increase of 9.2% during the year 2014.

Uttar Pradesh with 16.8% share of country's women population has reported nearly 11.4% of total crimes committed against women at all India level, by reporting 38,467 cases and West Bengal accounting for nearly 7.5% of the country's women population has accounted for 11.3% of total cases of crimes.

Crime head-wise incidents of Crime against Women during 2010-2014

Serial Number	Crime Head	Year				
		2010	2011	2012	2013	2014
1.	Dowry Death	8391	8618	8233	8083	8455
2.	Cruelty by husband and relatives	94041	99135	106527	118866	122877
3.	Dowry Prohibition Act, 1961	5182	6619	9038	10079	10050
4.	Protection of Women from Domestic Violence Act, 2005					426

Source: NCRB, 2014.

The cases of Cruelty by husbands and relatives in the country have increased by 3.4% during 2014 over the previous year (1, 18,866 cases). Most of the cases were reported in West Bengal

(23,278 cases) followed by Rajasthan (15,905 cases), Uttar Pradesh (10,471 cases) and Assam (9626 cases). These four states together accounted for 48.2% of total cases (59,280 out of 1, 22,877).

As the National Crime Records Bureau (NCRB) released figures showing West Bengal recorded the highest number of crimes against women in the year 2012. A total of 30,942 cases of crimes against women were registered in the state in 2012 which accounted for 12.67 percent of total crime against women in the country.

West Bengal with 30,942 cases is followed by Andhra Pradesh with 28,171 incidents of violence against women. Uttar Pradesh stood third with 23,569 cases of crime against women. The fresh NCRB statistics said West Bengal recorded 30,942 cases of crime against women in 2012 - of which 2,046 were rape cases, 4,168 kidnapping, 593 related to dowry deaths, and 19,865 cases of cruelty by husband or relatives.

India's National Family Health Survey-III, carried out in 29 states during 2005-2006, has found that a substantial proportion of married women have been physically or sexually abused by their husbands at some time in their lives. The survey indicated that, nationwide, 37.2% of women "experienced violence" after marriage.

Bihar was found to be the most violent, with the abuse rate against married women being as high as 59%. Strangely, 63% of these incidents were reported from urban families rather than the state's most backward villages. It was followed by Madhya Pradesh (45.8%), Rajasthan (46.3%), Manipur (43.9%), Uttar Pradesh (42.4%), Tamil Nadu (41.9%) & West Bengal (40.3%).

Statistics reveal that a total number of 203804 incidents of crime against women both under Indian Penal Code (IPC) were reported in the country during 2009 as compared to 186617 during 2008. Again in 2010, the figure is 213585 which increased to 244270 in 2012. Over the years, the percentage of crime against women in total crimes under the Indian Penal Code has risen. In the year 2007, cruelty by husband and relatives accounted for more than one third of the total crimes against women, the highest share among all the crimes against women in India followed by molestation which formed about 20.43%. Apparently, women who consider it unsafe to venture out for employment or education are often unaware that they might not be completely safe in their homes as well.

Cases Registered & Persons arrested under IPC Sec. 498A & Dowry prohibition Act, 1961 in West Bengal

Year	Cases registered under Sec. 498A	Persons arrested under Sec. 498A	Cases registered under Dowry Prohibition Act, 1961	Persons arrested under Dowry Prohibition Act, 1961
2006	7414	15354	25	27
2007	9900	14700	40	145
2008	13663	17521	68	97
2009	16112	13884	46	74
2010	17796	18387	53	142
2011	19772	17583	116	196
2012	19865	22911	241	466

In the year 2011, according to the recent statistics of National Crime Record Bureau (NCRB), West Bengal has occupied the 2nd position in India for domestic violence offences after Andhra Pradesh and accounted for the 4th highest dowry deaths after Uttar Pradesh, Bihar and Madhya Pradesh. In the year 2012 surprisingly it was reported that with 7.5% share of the country's population, West Bengal accounted for nearly 12.7% of total crime against women by reporting 29133 cases. The NCRB figures also show that Andhra Pradesh accounting for nearly 7% of the country's population recorded 12.4% of the total crime against women with 28246 cases (The Hindu, 2012).

From 2001 to 2011, the domestic violence rate is increased to 80%. In 2001, the number of domestic violence cases in West Bengal was 3859 which is 6936 in 2006. In 2007, it is 9900 and in 2011 it is 17796. Dowry death rate is increased to 68%. In 2001, Dowry Death cases were 265 which increased to 446 in 2006 and it is 507 in 2011.

There has been a steady rise in the number of cases of violence against women by their husband and relatives in West Bengal from 2005 to 2008. The rise in the number of cases from 2005-2006 was a 6.5% but 2006-2007 saw a rise of 33% followed by a gigantic increase in 2007-2008 reaching at around 41.4% and it get increased to 68.1% from 2010-2011(State Crime Records Bureau, West Bengal) (Pathak,2010; Sarkar, 2010) .

According to the latest data of National Crime Record Bureau (NCRB), 2011, in West Bengal, the total number of incidence of offenses against women committed in the year 2010 is 26,125, cruelty by husband and relatives accounted for more than two third of the total crimes against women (17796) which is the highest share among all the crimes against women in India.

In a recent report it has been pointed out that West Bengal recorded 30942 crime cases in 2012. They include 2046 cases of rape, 4168 cases of kidnapping, 593 cases of dowry deaths and 19865 cases of domestic cruelty. Expressing concern over the rise in Crime against women, Chairperson of the State's Women Commission Sunanda Mukherjee, however, said that the statistics reflected a positive side. "Women are coming out in greater number to register complaints of atrocities committed against them" (The Hindu, 2013).

The Supreme Court has interpreted the rights under the DVA, 2005 as the rights which may be available prior to the coming into force of the PWD Act on 26th October, 2006. After considering the constitutional safeguards under Article 21 of the Constitution, vis- vis, the provisions of Sections 31 and 33 of the PWD Act, 2005, and after examining the statement of objects and reasons for the enactment of the PWD Act, 2005, the Supreme Court held in *V.D. Bhanot vs. Savita Bhanot* (Special Leave petition(Crl.) No. 3916 of 2010, decided on 7.2.2012,)that it was with the view of protecting the rights of women under Articles 14, 15 and 21 of the Constitution that the Parliament enacted the PWD Act, 2005, in order to provide for some effective protection of rights guaranteed under the Constitution to women, who are victims of any kind of violence occurring within the family and matters connected therewith and incidental thereto, and to provide an efficient and expeditious civil remedy to them and therefore the rights are available even prior to the enactment.

The DV Act, 2005 ensures the reporting of cases of domestic violence against women to a 'Protection Officer' who then prepares a Domestic Incident Report to the Magistrate and forward

copies thereof to the police officer in charge of the police station within the local limits of jurisdiction.

But efficacy of the domestic violence Act has not yet been documented. Initial trends suggest significant rise in the cases of domestic violence registered under Protection of Women from Domestic Violence Act 2005.

All India figure for status of cases under Protection of Women from Domestic Violence Act, 2005

Year	Cases registered	Cases charge sheeted	Cases Convicted	Persons arrested	Persons charge sheeted	Persons convicted
2009	7803	1641	236	641	695	9
2010	11718	4330	182	323	323	5
2011	9431	4499	695	713	713	3

Source: MHA, Lok Sabha, Unstarred Question no. 283, 26th February, 2013.

The Union Home Ministry had issued advisory to the State Governments/UT Administrations to explore the possibility of associating NGOs working in the area of combating crimes against women and also advises that all Police stations may be advised to display the names and other details of Protection Officers of the area appointed under the Domestic Violence Act, 2005. The conviction rate is still insignificant and that makes it an ineffective tool to handle the menace of growing domestic violence.

Conclusion:

The varying causes which can spark the violence within the four walls of homes need to be analysed carefully and a wise study of the factors causing the violence may prevent a family to suffer from the menace of domestic violence. Though the present study is based on the magnitude of domestic violence against women, but the most important part is to bring about a change in the thinking and behaviour of the intimate partner, family and society at large and this can be done only at the ground level. In spite of the fact, that there are existence of several criminal as well as civil remedy for the victims of domestic violence, but the issue of domestic violence is very complicated in nature so the women are not at ease to access the remedy available for them; the domestic violence



have a wider and deeper impact in life of the victims. A proper societal-legal environment has to be built to make the houses safe and secure for the woman.

Bibliography:

1. Bhattacharya, R. (2004). *Behind Closed Doors*. New Delhi: Sage Publications.
2. Bhatti, R., & Beigh, M. (1985). Family Violence: A Systemic Model. *Indian Journal of Social Psychiatry*, 1 (20).
3. Das, P. (2009). *Universal Handbook on Protection of Women from Domestic Violence Act & Rules*. Delhi: Universal Law Publishing Co.
4. Ghosh, B. (2013). How does the legal framework protect victims of dowry and domestic violence in India? A critical review. *Aggression and Violent Behaviour- A review journal* (18), 409-416.
5. Ghosh, B., & Choudhuri, T. (2011). Legal Protection against Domestic Violence in India: Scope and Intervention. *Journal of Family Violence*, 26 (4), 319-323.
6. International Centre for Research on Women (ICRW). (1999). *Domestic Violence in India: A Summary Report of Three Studies*. New York: Washington DC.
7. Jaising, I. (Ed.). (2001). *Law of Domestic Violence: A User's Manual for Women*. New Delhi: The Lawyers Collective, Universal Law Publishing Co. Pvt. Ltd.
8. Kannabiran, K. (2012). *Tools of justice: Non-discrimination and the Indian Constitution*. New Delhi: Routledge.
9. Karlekar, M. (1991). *Voices from Within: Early Personal Narratives of Bengali Women*. New Delhi: Oxford University Press.
10. Mitra, N. (2000). *Domestic Violence as a public issue: A review of responses*. Mumbai: Unit for Women's Studies, TISS.
11. Sarkar, K. (2015). *Domestic Violence against Women in West Bengal*. New Delhi: Bharti Publications.
12. *Strategies for Confronting Domestic Violence: A Resource Manual*. (1994). New York: United Nations.

Web-links:

www.rchiips.org

www.ncrb.nic.in