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Protection of Women from  
'Domestic Violence' Act 2005:  
Statistics Reveal what Society Conceals

by

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**Abstract:** Domestic Violence' is a term recognized and defined by the Indian legislature recently, though its existence is a reality down the ages, cutting across all religious and cultural boundaries as well as economic classes. India, as a country with much diversity in religions, economic classes, social caste system, is no exception so far 'Domestic Violence' is concerned. In 2005, Protection of Women from Domestic Violence Act was passed to curb the menace of 'Domestic Violence' and empowering women with a legal weapon to fight against it. In this article, based on the district wise 14 years' (2001 to 2014) data by The National Crime Records Bureau on crime against women, we make an attempt to understand whether the decade old act could curb or even control the domestic atrocities on women. The indication of our analysis is that the statute is not successful in achieving its desired goal.

**Keywords:** Women protection, Domestic Violence Act.



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## Protection of Women from ‘Domestic Violence’ Act 2005: Statistics Reveal What Society Conceals

### 1. Introduction:

‘Domestic Violence’ is a relatively new term in legal lexicon , although its definition varies over countries and yet the various types of abuse on the women of the house have been a sad reality down the ages, cutting across all religious, cultural , economic and national boundaries (Iyengar,2009). Domestic violence can be defined as an act, or series of acts, that leads to physical, emotional, or other injury to another individual; these acts may be overt, covert, or threats of harm. They include acts of physical, sexual, and emotional abuse, incest, and neglect. The intent of the person causing harm or injury should be evaluated as one of many risk factors for domestic violence (Rockville, 1997). For the purpose of general understanding , domestic violence is a broad term meant to include interpersonal abuse among family members who: (1) have a structured social or familial relationship, which includes elder abuse, sibling abuse, child abuse, incest, and spouse abuse, or (2) have an intimate relationship.<sup>1</sup> According to the report of World Health Organization 2013, globally, the most common form of violence women experience is from an intimate partner. Almost one-third of all women who have been in an intimate relationship have experienced physical or sexual violence. Indeed, intimate partners commit as many as 38% of all murders of women. It only confirms Duvury (1999) who found that one out of every three women has experienced violence in an intimate relationship at some point of her life. According to the author, a study of domestic violence used to generate diverse ethical issues. A household survey asking women if they have been beaten was often considered inappropriate to implement given the widespread acknowledgement of the ethical and safety concerns involved. Dan Jones & Associates (2005) study in the state of Utah (U.S.A.) tried to differentiate between ‘Domestic Violence’ and ‘Domestic Abuse’. Dan Jones and Associates believed that the general populous equates domestic violence specifically with forceful physical or sexual abuse, whereas the various forms of psychological abuse come under domestic abuse. The study revealed that a significant number of women believed that the violence against women was remaining steady, perhaps indicating recognition of community leaders’ efforts to curb the problem. The other major observations from the study were (i) More than one in three women in Utah reported having been victim of some form of

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<sup>1</sup> Position paper 9211 ,**American Journal of Public Health**. Mar1993, Vol. 83 Issue 3, p458-463. 6p

domestic violence at some point (37%), and (ii) most victims knew there was help available to them, but many were not seeking it for various reasons, including fear of the perpetrator, lack of financial resources/housing etc. In this context, Chhikara et al. (2013) suggested that domestic violence can be managed via 1. Medical response, 2. Counselling for person affected, 3. Counselling for offenders and by 4. Law Enforcement. So far law enforcement is concerned, in India, in 2005, Protection of Women from Domestic Violence Act was passed and implemented in 2006, to curb the menace of 'Domestic Violence' and empowering women with a legal weapon to fight against it. Since the effects of law enforcement in social science literature are however inconclusive in nature (Black and Nagin, 1997; Dezhbakhsh et al, 1998; Bartel et al, 1985; Hasimoto, 1989; Japsen and Japsen, 2006; Dezhbakhsh et al, 2003,) we find a motivation to examine, using both pre-2006 and post 2007, National Crime Record Bureau data, to what extent this act has been successful in curbing the incidence of domestic violence.

## **2. Literature Review and Gap Identification:**

Strauss (2007) opines that domestic violence remains a relatively new field of study among social scientists. Only within the past 6 decades, scholars have recognized domestic violence as a social as well as economic problem. Researchers have identified a number of contributing factors, including a cycle of violence, gender role typing, discrimination, stress and social isolation, a cultural acceptance of violence, and alcohol and drug dependence. Spousal violence, in particular, is often carried out with the intention of causing pain and/or emotional distress. Domestic violence and substance abuse are often related; however, counsellors of both groups are reluctant to integrate services because of knowledge, attitude, and behavioral gaps. These differences often lead to no coordinated or competing treatment services. (Position paper 9211, 1993). Domestic violence has significant economic costs as well-and this economic aspect also has been researched thoroughly. These include the loss of women's labour hours, as well as an increased need for health-care investments at both the household and societal levels (Tauchen et al, 1991). Another strand of research points to both short and long-term detrimental effects of domestic violence on the welfare of women and their children (Garcia-Moreno et al., 2006; Hindin, Kishor, and Ansara, 2007; Kishor and Johnson, 2006. In addition to other costs, researchers opine experiencing and living with the constant threat of domestic violence is a source of disempowerment for women.

Historically, domestic violence was treated as a private affair, an extension of the husband's or other family members' right to control the behaviour of his wife, to be handled within the

confines of the home. Only in the last 60 years or so have American and European society—pushed by the feminists, activists, and women subjected to abuse who made up the early battered women’s movement—acknowledged that public systems and institutions have a responsibility to address this abuse, and chosen the legal system as the primary vehicle for doing so. Chitashvili et al. (2010) made a detailed study on various parameters pertaining to the domestic violence in Georgia. The study revealed that 35.9% of women had experienced acts intended to control their behavior by their husbands or partners and 78.3% of the women used to think that domestic violence should remain within the family. According to the authors, fighting against domestic violence used to get a woman closer to her biological family. An important revelation from the study was that women who had an experience of domestic violence since childhood, were more likely to become the victims of violence as adults. Around the world, increased awareness and a rising outcry surrounding cases of domestic violence call for the enactment of more and better laws. Legal protection against domestic violence in its various forms is crucial to reduce impunity and to open avenues for redress (Burton, 2008). However the research with respect to legislation and ‘Domestic Violence’ is scanty in spite of domestic violence being a sad reality all over the different countries. The World Bank Group’s ‘*Women, Business and the Law* project’ is perhaps the only comprehensive attempt to fill in the gap. The project is designed to examine laws and regulations affecting women’s prospects as entrepreneurs and employees across 173 economies. The report’s quantitative indicators are intended to help making policy discussions on how to impose/remove legal restrictions to improve women’s economic inclusion in the society. According to the fourth and the latest report in the series, ‘*Women, Business and the Law 2016*’, more than [1 out of 4 countries covered around the world have not yet adopted any legislation](#) to prevent any form of domestic violence. In other words 46 of the economies covered have no laws specifically protecting women from any form of domestic violence. The same report finds that lower legal gender equality is associated with fewer girls attending secondary school relative to boys, fewer women working or running businesses, and a wider gender wage gap. Countries where laws do not provide protection from domestic violence, women are likely to have shorter life spans. Where governments support childcare, women are more likely to receive higher wages.

Given the understanding that legal protection against domestic violence is crucial to reduce impunity and open avenues for redress, domestic violence legislation varies greatly in scope and applicability from one country to another. Of the 173 countries covered, 127 have laws on domestic violence, of which only 95 cover both physical, sexual and psychological violence.

Economic violence, which can result in women being deprived of the economic means to leave an abusive relationship, is rarely covered. Laws covering all four types of violence on women are prevalent in Europe, and in South Asia, where about 74% of countries examined cover physical, sexual, emotional, and economic abuse. India is one such country.

The situation with respect to atrocities on women in general and “Domestic Violence’ in particular is not very different in India. According to the National Family and Health Survey<sup>2</sup> in 2005, total lifetime prevalence of domestic violence was 33.5% and 8.5% for sexual violence among women aged 15–49. Just to cite an example, the 2014 [National Crime Records Bureau](#) report of India states a reported crime rate of 46 per 100,000, rape rate of 2 per 100,000, dowry homicide rate of 0.7 per 100,000 and the rate of domestic cruelty by husband or his relatives as 5.9 per 100,000. Though this reported sexual violence rate in India is among the lowest in the world, the large population of India implies that the violence affects over 27.5 million women in their lifetime. Kausar et al. (2016) performed institutional based cross sectional study in Chalmeda Anand Rao Institute of Medical Sciences and Hospital for a period of one year. The sample consisted of 300 women including all professors and working class women including doctors, nurses, and administrative staff sweepers. The results of the study revealed that the prevalence of violence was 15%. Psychological form of violence was more common (44.44%) and most (55.6%) of women had domestic violence occasionally. In 82% of the cases, husband was perpetrator for violence and in 57.55% women’s husband were intoxicated during the act of violence. As per the study, among the reasons for violence, most common reason was not obeying or arguing back (35.55%) and least (8.88%) had this for refusing the sex. Domestic violence was more among sweepers 26.33% followed by administrative staff (10.66%).

Sarkar (2010) undertook a cross-sectional observational study by interviewing 141 adult and adolescent females residing in a village of West Bengal (a state in India) to gather knowledge on the prevalence of domestic violence and to determine the characteristics, reasons and the socio-demographic correlates of domestic violence and to find out the perceptions of the

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<sup>2</sup> The National Family Health Survey (NFHS) is a large-scale, multi-round survey conducted in a representative sample of households throughout India. Three rounds of the survey have been conducted since the first survey in 1992-93. The survey provides state and national information for India on fertility, infant and child mortality, the practice of family planning, maternal and child health, reproductive health, nutrition, anaemia, utilization and quality of health and family planning services. Each successive round of the NFHS has had two specific goals: a) to provide essential data on health and family welfare needed by the Ministry of Health and Family Welfare and other agencies for policy and programme purposes, and b) to provide information on important emerging health and family welfare issues.

females to cope with the act of violence and to overcome the situation. The study found that 23.4% adult and adolescent females in this village were exposed to domestic violence in the past year. Another observation was that among different demographic characteristics, statistical significant maximum prevalence was observed among 30-39 years age-group, illiterate and unmarried females. For most of the females who were exposed to the domestic violence, their husbands acted as the perpetrators (72.73%). Majority of the respondents reported that opportunity of education (31.9%), being economically productive (31.9) and better family income (23.4%) would help them to overcome the situation. The author opined that the study emphasized the need for justified female empowerment and it would call for multidisciplinary approach to develop public health measures, which would most effectively address the problem of domestic violence. Visaria (1999) 's study on five villages in Kheda district in Gujarat state of India was a preliminary exploration of the prevalence of domestic violence against women, the correlates of violence, the forms of abuse and reasons given for the abuse. The findings from this study underscored the universality of the experience within the home across age, community and education. The study also pointed to several interesting dimensions. It revealed the lower incidence of violence among joint families. It also revealed that reducing difference in higher education status of men and women result in less incidence of domestic violence. Her study also indicated some of the possible links between gender division of labor within household and incidents of violence. The study also highlighted the lack of options for women in rural communities to address domestic violence. Her analysis made evident the possible points of entry for intervention strategies that would strengthen family and community responses.

Mitra (1999) focused specifically on the governmental and non-governmental interventions and responses being implemented in the states of Maharashtra and Madhya Pradesh. The study undertook a non-random, cross-sectional survey of various actors involved in interventions and a qualitative analysis of purposively selected samples of state and NGO responses. The author opined that counselling oriented towards preserving family inviolability was found to be a predominant response in the state sector. An issue that Mitra (1999) probed was the extent to which the government interventions were contradictory in nature, and in particular whether the efforts at family counselling undermine legal and judicial responses. The studies Rao (1997) and Mahajan (1990) indicated that physical abuse of Indian women was quite high, ranging from 22 percent to 60 percent of women surveyed. Chhikara et al. (2013) categorized domestic violence as 1. Physical Abuse, 2. Sexual Abuse and Marital Abuse, 3. Emotional Abuse, 4.

Economic Abuse. The authors categorized the effects of domestic violence as 1. Physical, 2. Psychological, 3. Financial. The authors opined that the causes behind domestic violence can be categorized as 1. Psychological, 2. Jealousy, 3. Behavioral, 4. Social Stress, 5. Mental Illness, 6. Marital Conflict Disorder. The authors opined that domestic violence can be managed via 1. Medical response, 2. Counselling for person affected, 3. Counselling for offenders and 4. Law Enforcement.

So far law enforcement is concerned, domestic violence was recognized in India as a criminal offence in India in 1983. The offence chargeable under section 498-A of the Indian Penal Code that relates to domestic violence is any act of cruelty by a husband (or his family) towards his wife. However, until 2005, there was no separate civil law addressing the specific complexities associated with domestic violence, including the embedded nature of violence within familial networks, the need for protection and maintenance of abused women, and the fact that punishment and imprisonment for the husband may not be the best resolution in every case. Accordingly, after a decade-long process of consultations and revisions, a comprehensive domestic violence law, known as the Protection of Women from Domestic Violence Act 2005<sup>3</sup> (PWDVA) was enacted and **took** effect in 2006.

The law that came into effect since October 2006, provided relief to women in the form of Protection orders (civil injunctive orders to stop and prevent acts of domestic violence), Residence orders (to prevent the woman's illegal dispossession and protect her right to the shared household), Monetary relief (maintenance as well as reimbursement of expenses), Orders granting temporary custody of children and Compensation orders. The enactment of the Act itself speaks about the presence and gravity of the problem of 'Domestic Violence' that prompted the lawmakers to enter into the private space of an individual, i.e. The home, something the law has always shied from interfering with. The law is broad in its definition—"domestic relationship" includes married women, mothers, daughters and sisters living in a household so as to be inclusive towards the various vulnerable groups. The right to reside in a shared household, provided by the law, was considered a bold step towards empowering women, especially in a society where women often do not own property. One of the main objectives of PWDV Act was to secure residence for a woman; it was immaterial that she didn't

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<sup>3</sup> <http://ncw.nic.in/acts/TheProtectionofWomenfromDomesticViolenceAct2005.pdf>

have title or ownership of such a shared household. A magistrate can pass orders for residence so that she cannot be just thrown out.<sup>4</sup>

Perhaps there cannot be any denial that PWDV Act was a progressive piece of legislation aiming to curb the menace of domestic violence in our country. However, to the best of our knowledge, the social science or legal research in India is conspicuously absent on to what extent these noble intentions have actually been achieved. Though researches are plenty on in the context of western and developed countries whether a particular legislation has helped reduced the crime rate (e.g. gun control(Black and Nagin ,1997; Dezhbakhsh et al ,1998); Occupational Safety and Health Administration (Bartel et al,1985); Minimum wage law and teenage crime (Hasimoto,1989); Rape Law and Abortion(Japsen and Japsen(2006); Capital punishment (Dezhbakhsh et al , 2003)) and the results are varied in their conclusions. For the specific issue of impact of legislation on domestic violence we find that in the context of US regulation there are mainly three factors which contribute to the decline of domestic violence viz. the increased provision of legal services for the victims, improvements in the economic status of women and ageing of the population (Farmer and Tiefenthaler, 2003).However, Iyenger(2009) finds that to eliminate police inaction in response to domestic violence, when mandatory arrest laws are passed , these laws actually result in increasing intimate partner homicides. For family homicides, however, mandatory arrest laws appear to reduce the number of homicides. In short we find the research results do not really confirm each other.

In the context of developing countries like India, the research on the effect of legislation on the crime rates are scanty. Most of the available researches consist of qualitative studies of very small sample size, neither of which directly addresses the issue we are interested in, though the importance of the issue has captured the attention of popular press.<sup>5</sup>Recently state level data on 'Domestic Violence' for 2015 released in September by the National Crime Records Bureau shows a drop from 122,877... total cases in 2014 to 113,403 total cases reported in 2015.

Given the paucity of research and the fact that the only largescale indicator of violence against women is the data relating to crimes against women published by the National Crimes Record Bureau, Ministry of Home Affairs, Government of India, we plan to employ that data to find

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<sup>4</sup> For details about PWDVA refer to endnote1

<sup>5</sup> <http://www.livemint.com/Politics/oin3GVsX0EJkR8uccpnllj/Ten-years-on-where-does-the-Domestic-Violence-Act-stand.html>

an answer to the research question that whether PWDV Act, which is believed to have a strong deterrent value against domestic violence because of its unique provisions, is actually an effective piece of legislation. It is to be noted that by 'effectiveness' we mean 'reduction in the reported crime rate' though various other different dimensions can be associated with it. In other words, the question that we make an attempt to answer is: to what extent the PWDV Act has become effective in curbing the menace of Domestic Violence?

The rest of the article is arranged as follows: section 2 describes data and methodology, section 3 presents analysis and findings and the 4<sup>th</sup> section concludes with limitations and future scope of research.

### 3. Data and Methodology:

We have obtained data from the archive of National Crime Record bureau ([www.ncrb.nic.in](http://www.ncrb.nic.in)) on crimes against women starting from 2001 to 2014.<sup>6</sup> It has District wise breakup of the data in six heads, viz. Rape, Kidnapping and Abduction of women, Dowry Deaths, Assault on Women with intent to outrage her modesty (Henceforth Assault), Insult to the modesty of women (Henceforth Modesty) and Cruelty by husband or his relatives. We consider 'Cruelty by husband or his relatives as the closest proxy of 'Domestic Violence' and hence refer by the same. Collectively we would refer them as 'Atrocities'.

However there are issues working with this data directly, as the figures for different years are not comparable because of change in the population both at district and state level. We first obtain the census data for the year 2001 and 2011 (<http://censusindia.gov.in/>). Next, on the basis of growth rate in population data, we interpolate the population for the years 2002 to 2010 and extrapolate for the years 2012-2014 and express the population in units of Lakhs. Next we normalized the data by dividing the crime figures by the respective estimated /calculated population figures.

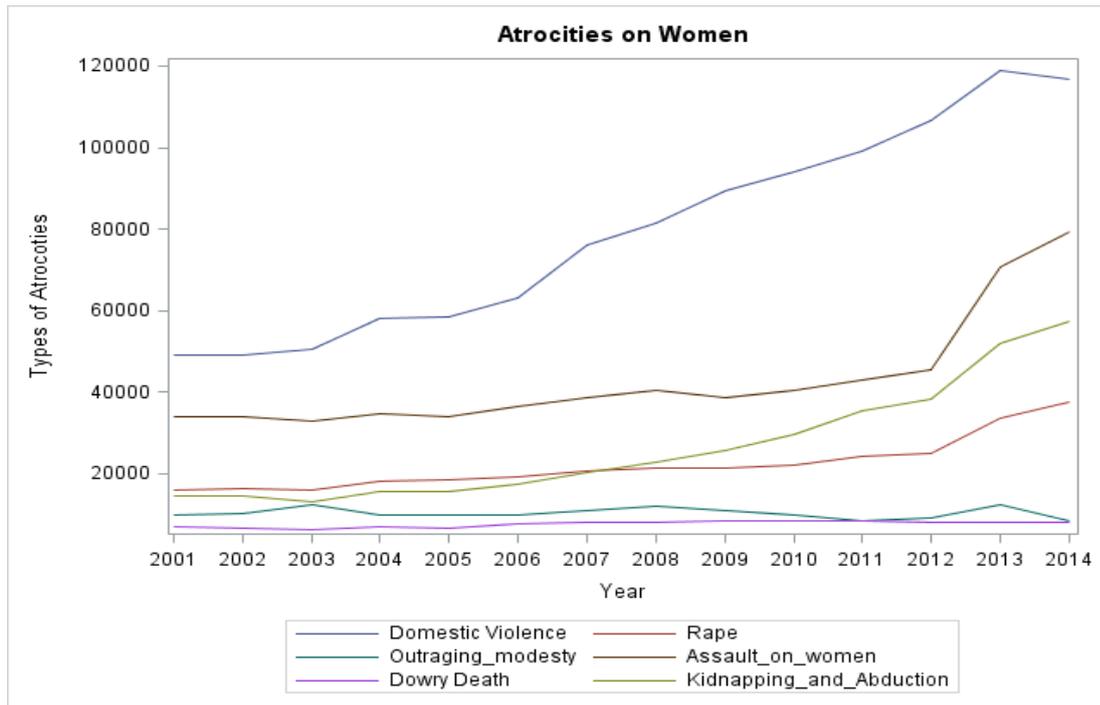
#### 3.1. Analysis and Findings: Predominance of Domestic Violence:

In the figure 3.1.1., we have plotted the all-India total of different atrocities on women as a time series and from this graph it is clear that at the national level, out of all the six types of the atrocities, 'Domestic Violence' and 'Assault' remain consistently above than the others from 2001 to 2014.

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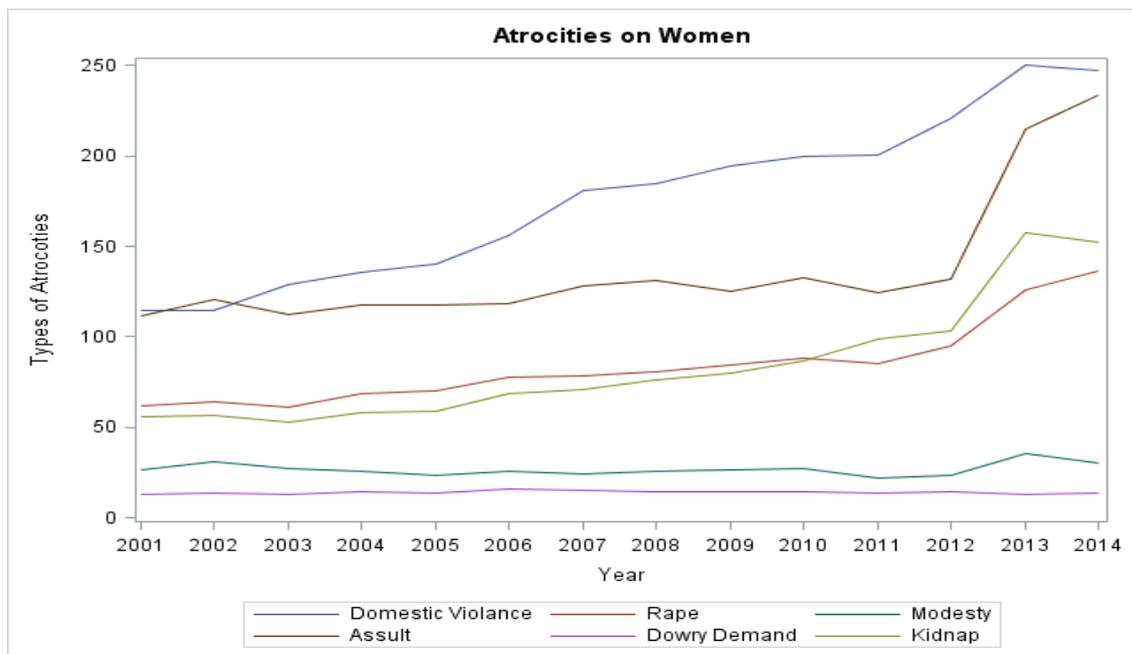
<sup>6</sup> 2015 district wise data is not available till 26<sup>th</sup> January 2017

Figure 3.1.1. All India Totals of Different Atrocities on Women: 2001-2014



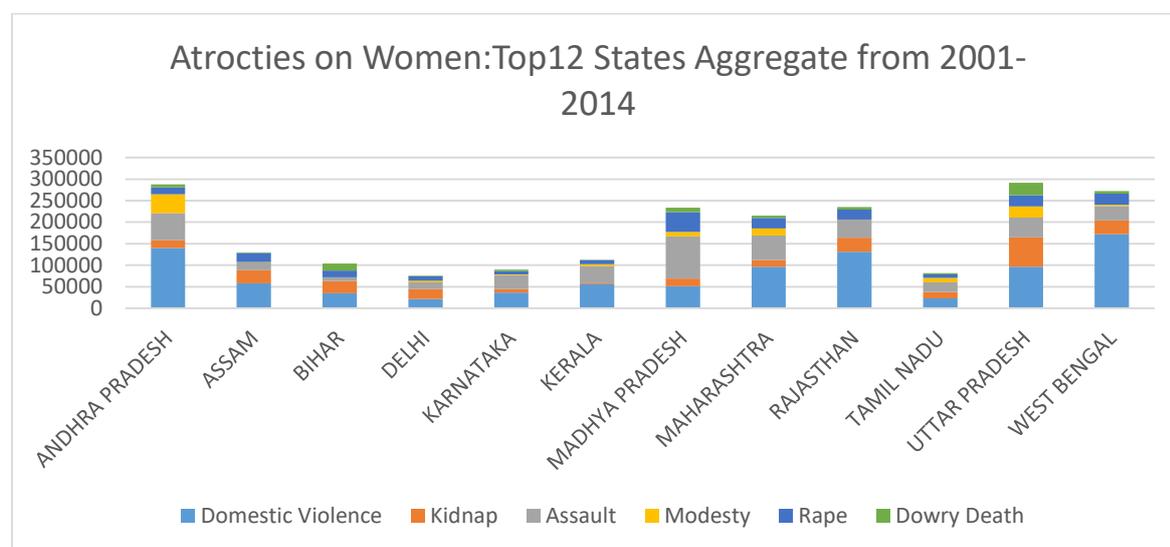
We obtain exactly the same findings when we plot the all-India averages of different atrocities on women as a time series (after adjusting for population sizes). It is shown in Figure 3.1.2.

Figure 3.1.2. All India Averages of Different Atrocities on Women: 2001-2014(Adjusted for Population Size)



In figure 3.1.3 we plot the break-up of number of different atrocities on women for a sample of 12 states. The choice of the states are somewhat arbitrary. However, there is a commonality running through all of them: all of them consistently belong to the top states wrt one or some of the six atrocities on women we are dealing with. Figure 3.1.3 also supports the conclusion that ‘Domestic Violence’ and ‘Assault’ dominates for almost all the 12 states. Though different states have different numbers for each type of atrocities, yet the proportion of ‘Domestic Violence’ and ‘Assault’ is considerably higher than the remaining four types.<sup>7</sup>

Figure 3.1.3.Statewise Breakup of Aggregate Number of Six Different Atrocities on Women



Between the two, further data analysis<sup>8</sup> show that for most of the states and years, on the average, occurrence of ‘Domestic Violence’ is more than ‘Assault’.

### 3.2. Upward trend in Domestic Violence:

The figure 3.1.1 also indicates that there is a clear upward trend in the occurrence in ‘Domestic Violence’ even after adjusting for the increasing population. Statistical analysis also supports this observation. Table 3.2.1, which shows the result of a linear regression of each type of atrocity on time (represented by year) shows that it is true for all the atrocities excepting Modesty.

<sup>7</sup> This is also true for most of the 28 states considered here and also for overall aggregate of INDIA. The figure becomes too congested and hence we have chosen 12 states instead.

<sup>8</sup> Not shown here, available upon request.

Table 3.2.1. Coeficinet of Regressions of Different Types of Atrocities on Time<sup>9</sup>

Type of Atrocity	Intercept	Time
Domestic Violence	2.916	0.322***
Assault	2.275	0.272***
Modesty	0.834	-0.007
Dowry Death	0.391	0.007*
Kidnap	0.911	0.218***
Rape	1.464	0.145***

Next we perform a simple forecasting analysis by fitting a linear trend equation and find that the actual value of Domestic Violence in 2015 (as reported by NCRB) is less than the 95% prediction lower band. Table 3.2.1.A summarizes the findings

Table 3.2.1 A.Forecasting of Domestic Violence for the year 2014 and 2015

Year	Actual	Forecast
2014	116787	117882
2015 : Upper 95% Prediction	-----	133567
2015	113403	123811
2015: lower 95% Prediction	-----	114056

Hence we find the motivation of deeper investigation in the issue.

### 3.3. Whether Ranking has Changed Over Time?

In order to assess whether the relative standing of the states with respect to atrocities on women in general and 'Domestic Violence' in particular, we first find the ranks of the top 5 and bottom 5 states for 3 different periods viz Period I (2002-2004), Period II (2007-2009), and Period III (2012-2014). The justification of choosing the periods are as: Period I is the period before the enactment of PWDVA, Period II id the period immediately after the act and Period III is long after the enactment. Next we calculate the average (in order to iron out any abnormal observation of any particular year) of each type of atrocities of these periods and based on the

<sup>9</sup> \*, \*\*, \*\*\* indicates significance at 10%, 5% and 1% levels respectively.

average values arrive and the ranking for each of the three periods .The rankings are displayed in Table 3.3.1

Table 3.3.1. Relative Ranking of Top5 and Bottom5 States on Domestic Violence for Different Years

	Period I(2002-04)	PERIODII(2007-09)	Period III ( 2012-14)
To5 States	1 RAJASTHAN	TRIPURA	ASSAM
	2 ANDHRA PRADESH	WEST BENGAL	WEST BENGAL
	3 KERALA	RAJASTHAN	TRIPURA
	4 CHANDIGARH	ANDHRA PRADESH	RAJASTHAN
	5 TRIPURA	KERALA	DELHI
Bottom5 States	1 SIKKIM	SIKKIM	SIKKIM
	2 MANIPUR	MEGHALAYA	MIZORAM
	3 MIZORAM	MANIPUR	D & N HAVELI
	4 MEGHALAYA	MIZORAM	PUDUCHERRY
	5 NAGALAND	NAGALAND	NAGALAND

Qualitatively we find that both at the top and at the bottom not much change over the span of this three periods 14 (2001-2014) years. However in order to arrive at a conclusion with comprehensive analysis, we calculate Period to Period rank correlation for different years with respect to ‘Domestic Violence’.

We calculate the (Spearman) rank correlation between states for the following pairs of periods: I&II; I&III; II&III; Table 3.3.2 shows the values:

Table 3.3.2.Rank correlation of the States for 4 different pairs of years with Respect to their Ranking Based on Domestic Violence

Period Pairs	I,II	I,III	II,III
Rank Correlation <sup>10</sup>	<b>0.893</b>	<b>0.842</b>	<b>0.930</b>

Next we calculate the average yearly rank correlations starting from 2001, 2002 to 2013, 2014. We find the value to be 0.936.The ranking of the states with respect to ‘Domestic Violence’ is very similar starting for the years 2001 till 2013. (Figures not shown here)We find there is a

<sup>10</sup> All correlations are significant at 1% level

change in the relative positions of the state for the year 2014, however due inadequate data it cannot be ascertained whether this is a trend reversal or just a one time phenomenon. As an implication we may say that even after 5 years of implementation, not much changes have happened with respect to the relative status of the states so far as ‘Domestic Violence’ is concerned.

### 3.4. Prima Facie Visible Effectiveness of PWDVA, 2005

PWDV Act, 2005, was implemented in 2006. So far the overall trend of ‘Domestic Violence’ (measured for per lakh population) is concerned, apparently there is no sign of abatement or slowing down. On the contrary it has increased as observed from the figure 3.1.1.

However to ascertain this observation we made the analysis at amore granular level i.e. state wise .We plotted the time series of average per lakh ‘Domestic Violence’ incidence and found almost in all states there is no indication that the incidence /occurrence has come down after 2006.<sup>11</sup>

In addition to that, we have tested this observation/conjecture (that PWDVA has not been effective at all) statistically using paired t- test using the district level data. Table 3.4.1. summarizes the results

**Table3.4.1. Summary of Acceptance and Rejection of Null Hypotheses of Paired t-test for 25 States<sup>12</sup>**

A.H <sub>1</sub> : Mean level of ‘Domestic Violence’ is different pre and post implementation periods of PWDVAct2005	
Could not be rejected at 1% or 5% level (number of states)	Rejected at 1% or 5% level (number of states)
9	16
B.H <sub>1</sub> : Mean level of ‘Domestic Violence’ in post- implementation period of PWDVAct2005 is more than pre-implementation period of PWDVAct2005	
Could not be rejected at 1% or 5% level(number of states)	Rejected at 1% or 5% level(number of states)
16	9

<sup>11</sup> The graphs are not shown due to space constraint. They are, however, available upon request.

<sup>12</sup> Data for rest 9 states/UTs are inadequate for the test. For both the tests A&B the null is same i.e. H<sub>0</sub>: Mean level of ‘Domestic Violence’ is same pre and post implementation of PWDVAct2005

It is clear from the above table that the mean rate /number of occurrence of ‘Domestic Violence’ has either increased or remained more or less at a same level .Not in a single case has it decreased.

### 3.5. Relation of ‘Domestic Violence’ with other atrocities:

Next we calculated the correlation of ‘Domestic Violence’ with other atrocities .We find that the correlation is positive and significant in all the cases. However the extent varies from year to year and we observe different correlation levels for different atrocities.

Table3.5.1.Correlation of ‘Domestic Violence’ with Other Atrocities on Women over 14 Years (2001-2014)

Year	Rape	Kidnap	Dowry Death	Assault	Modesty
2001	0.676	0.773	0.678	0.656	0.727
2002	0.647	0.731	0.605	0.682	0.585
2003	0.600	0.693	0.495	0.679	0.386
2004	0.660	0.740	0.569	0.687	0.600
2005	0.632	0.692	0.508	0.675	0.603
2006	0.628	0.734	0.483	0.697	0.594
2007	0.628	0.759	0.537	0.658	0.657
2008	0.716	0.702	0.510	0.660	0.558
2009	0.746	0.683	0.500	0.637	0.535
2010	0.726	0.663	0.467	0.616	0.447
2011	0.705	0.602	0.410	0.592	0.465
2012	0.685	0.618	0.451	0.618	0.506
2013	0.669	0.617	0.457	0.710	0.513
2014	0.762	0.714	0.451	0.667	0.277
<b>Average</b>	<b>0.677</b>	<b>0.694</b>	<b>0.509</b>	<b>0.660</b>	<b>0.532</b>

We find that the correlations are consistently high and significant (not shown here) across years and types of crimes .So one clear implication is that cases partnering to ‘Domestic Violence’ should not be seen in isolation and should be considered in relation to other atrocities as well for future analysis.

## 4. Conclusion

PWDV Act was enacted on 2005 and implemented in 2006 with all noble intentions and lofty aspirations to empower the second sex. However, by analyzing from various angles the data of NCBR for 14 (2001-2014) years, we find that ‘Domestic Violence’ on women has not undergone any radical change. It still continue to dominate all the different types of atrocities

and even after adjusting for population sizes of different states we find that there is trend in occurrence of domestic violence which is increasing. Going deeper at a district level granularity we find post 2006 , out of 25 states in 16 states, the occurrence of ‘Domestic Violence/ has actually significantly increased whereas for the other 9 it remained more or less at same level. Therefore the question about the successful implementation and efficacy of PWDV Act remains valid in spite of NCBR data claiming that in 2015 there is a decrease in ‘Domestic Violence’. However, we must mention that, the incidence of higher reporting rate does not necessarily signify actually the occurrence domestic violence rate has gone up. It might be possible, because of PWDV Act2005, the environment has actually become conducive for protesting and complaining and reporting is actually increased over time. Overall , we may suggest that either ‘the reporting of domestic violence on women’ or ‘the incidence of domestic violence itself ‘ have increased in India over the past 14 years . However our research can be used as an example that mere enactment of legislation and simply implementation of a statute, do not necessarily serve the purpose of enactment. Therefore the implication of our study is twofold: first, it is a message to our lawmakers and policy makers that somehow there might be loopholes in the implementation of PWDV Act and hence it is not able achieve its desired objective; second , it shows the need to go for further research with data at a more granular level (say district level) and identify which are the other social and political factors that are affecting this non-abatement of rate of domestic violence( in fact all the types of atrocities on women except rape and dowry death ), and relate the district specific variables with domestic violence data.

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## Endnote-1

### A Brief Introduction to PVWDV Act, 2005

It is to address this concern of ‘Domestic Violence’ and give some legal recourse to the injustice meted out to women in her natal or matrimonial home, that the Protection of Women from ‘Domestic Violence’ Act (henceforth PWDVA) was passed in the parliament in 2005. Section 3 of the Act defines ‘Domestic Violence’ as any act that injures, harms, threatens and endangers the health, safety, life, limb or well-being of the aggrieved person. Harassment by way of unlawful dowry demands, to the woman or her relatives would also be covered under this definition. The Act makes an effort to encompass a wide variety of monstrosity on women and thus in keeping with the international schools of thought included emotional, verbal, economic and sexual abuse as well. PWDVA recognizes sexual violence within the confines of marriage. Marital rape, or sexual intercourse by a husband without the wife’s express consent, is an exception to rape under IPC. But PWDVA can come to the rescue of these women through protection orders to stop the violence.

The law that came into effect since October 2006, provided relief to women in the form of Protection orders (civil injunctive orders to stop and prevent acts of domestic violence), residence orders (to prevent the woman’s illegal dispossession and protect her right to the shared household), Monetary relief (maintenance as well as reimbursement of expenses), Orders granting temporary custody of children and Compensation orders.

The enactment of the Act itself speaks about the presence and gravity of the problem of ‘Domestic Violence’ that prompted the lawmakers to enter into the private space of an individual, i.e. the home, something the law has always shied from interfering with. The law is broad in its definition— “domestic relationship” includes married women, mothers, daughters and sisters living in a household so as to be inclusive towards the various vulnerable groups. The right to reside in a shared household, provided by the law, was considered a bold step towards empowering women, especially in a society where women often do not own property. One of the main objectives of PWDVA was to secure residence for a woman; it was immaterial that she didn’t have title or ownership of such a shared household. A magistrate can pass orders for residence so that she cannot be just thrown out.

Prior to the enactment to this Act, there were almost similar provisions under civil law where a woman could seek divorce and judicial separation on grounds of cruelty, and under criminal law (Section 498A, the ‘ anti-cruelty act’) and Section 304B (Dowry Death Act) of the IPC. However, owing to their inherent defects in ensuring complete justice and upholding the aggrieved woman’s basic right to reside in her matrimonial or shared home, there was an urgent need of this more comprehensive ‘Domestic Violence’ Law that would provide a grievance

mechanism to a deprived woman to file a case against a person with whom she is having a 'domestic relationship' in a 'shared household', and who has subjected her to 'domestic violence'.

This is a progressive piece of legislation owing to its wide ambit that provides protective orders to women within the household from actual abuse or threat of abuse, whether physical, sexual, verbal, economic or mental, as well as harassment by way of dowry demand. Deprivation of food, money and other necessary resources, degradation, humiliation, intimidation all comes within the definition of abuse as they have a long term effect on the woman resulting in depression, isolation, alienation and low self esteem which ultimately affects her mental and physical well being in a slow corroding manner.

As an answer to the changing times and nature of evolving relationships in India, the Act recognizes not only married women but also those who are in a live-in relationship thus extending protection to relations of consanguinity, marriage, relationships in the nature of marriage, adoption, foster or joint family within its fold and provides punishment for child sexual abuse as well. This is a gender specific law that draws inspiration and rationale from Article 15(3) of the Constitution of India that allows the State to take special measures for women to remedy historical disadvantages faced by women due to their socially ordained position of inequality and vulnerability.

PWDVA also enshrines principles of the Convention on the Elimination of All forms of Discrimination against Women (CEDAW), which India ratified in 1993. CEDAW's 12th general recommendation required "the States parties to act to protect women against violence of any kind occurring within the family, at the work place or in any other area of social life". Thus the Act is quite contemporary in its outlook and the sincerity of its framers was no doubt noble and humane.

However, the distressing fact is that though this civil law was passed with all benevolent intention of arming a victim with a protective order restraining abuse, it lacks sufficient teeth to stop something innately gross and criminal in nature as domestic violence. Though the court can pass ex parte order of giving protection, residential, maintenance and custodial rights to a woman, in effect, it actually sends the woman back to the source of violence which can erupt more bitterly and ultimately end the marriage, not to mention the awaiting vindictive backlash that might endanger her physical wellbeing and life as well.

This is a prime reason why many cases still go unreported given the social stigma and economic uncertainty attached to a broken marriage. Also the residential order merely gives her a right against being thrown out of the shared household and overlooks the need of giving a substantial property right over it, thus making her dependency on her tormentor more pronounced. . The complainer often prefers to dismiss cases of domestic violence after learning it the hard way that the protective orders do not really ensure her safety, rather it is only a tool that holds the batterer responsible if the abuse reoccurs, which invariably does, as there is hardly any behavioral change of the assaulter with court orders

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