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18 June 2020

IND200255.E

India: Domestic violence against women; legislation, state protection and services available; whether victims have recourse to the law; support services available to victims of domestic violence (2017-June 2020)

Research Directorate, Immigration and Refugee Board of Canada

1. Overview

Sources indicate that domestic violence is an “acute” (The Wire 11 Jan. 2019) or “endemic” problem in India (Bertelsmann Stiftung 2020, 11). According to reports from human rights organizations consulted by the Organisation for Economic Co-operation and Development (OECD), domestic violence “continues to be prevalent” in India, and “pose[s] [a] serious [threat] to women’s physical integrity” (OECD 7 Dec. 2018, 4). The last National Family Health Survey (NFHS-4) [1] states that violence against women “continues to be a major challenge” (IIPS and ICF 2017, 564).

1.1 Prevalence

Sources note that violence against women and domestic violence are “underreported” in India (India Matters 8 Apr. 2020; BSS Mar. 2017, 15), by both police and victims (BSS Mar. 2017, 15).

Sources report that approximately one in three families [or one in three women (Associate Professor 24 May 2020)] is affected by domestic violence in India (Associate Professor 24 May 2020; Fair Observer 8 Nov. 2019). The NFHS-4 found the following:

Experience of violence from anyone: Thirty percent of women have experienced physical violence since age 15, and 6 percent have ever experienced sexual violence in their lifetime. Four percent of ever-pregnant women have experienced physical violence during any pregnancy.

Spousal violence: Thirty-three percent of ever-married women have experienced physical, sexual, or emotional spousal violence. The most common type of spousal violence is physical violence (30%), followed by emotional violence (14%). Seven percent of ever-married women have experienced spousal sexual violence. (IIPS and ICF 2017, 563, emphasis and italics in original)

The UK Home Office, in a report on women fearing gender-based violence in India, compares the incidence of this violence with that of Pakistan, where 39 percent of married women report spousal abuse experienced since age 16; Bangladesh, 73 percent; and England and Wales, 26 percent (UK July 2018, para. 2.4.2). The World Health Organization (WHO) found in 2013 that the “global lifetime prevalence of intimate partner violence among ever-partnered women is 30.0%” (UN 2013, 16).

According to statistics released by India’s National Crime Records Bureau (NCRB) in 2018, 378,277 crimes were committed against women in India in 2018 and the total crime rate against women (calculated as crime per one lakh [equivalent of 100,000 inhabitants] of population) was 58.8 percent (India 2018, 195). The *Hindu*, an English-language daily newspaper, reports that, “[o]f a total of 8,410 complaints registered at Sakhi One Stop Centres across the 33 districts [in Telangana] in 2019-20 [April 2019-March 2020], 5,703 were related to domestic violence and 384 to dowry harassment, accounting for 72% of the total number of complaints to OSCs” (*The Hindu* 13 May 2020).

According to the NFHS-4, “[a]mong ever-married women age[s] 15 [to] 49 who have experienced physical violence since age 15, 83 percent report their current husbands as perpetrators of the violence and 7 percent report former husbands as perpetrators” (IIPS and ICF 2017, 566). The NCRB reports that the “[m]ajority of cases under crimes against women out of total [India Penal Code] crimes against women were registered under ‘Cruelty by Husband or His Relatives’ (31.9%)” (India 2018, xii). According to the same source, 103,272 cases of “[c]ruelty by [h]usband or his relatives” were reported in 2018 (India 2018, 197, 214).

In an article on domestic violence published in the British daily newspaper *The Telegraph*, the newspaper’s Global Health Security Correspondent reports that it “is still common for women to live with their in laws when they marry and sometimes the abuse stems from the extended family” (*The Telegraph* 27 Dec. 2018). Other sources similarly indicated that domestic violence is also committed “by the in-laws” (Associate Professor 24 May 2020) or the “extended family” (Assistant Professor 8 June 2020).

Many sources point out that domestic or gender-based violence is prevalent across all social groups in India (Associate Professor 24 May 2020; Quartz India 16 Apr. 2020; BSS Mar. 2017, 14). According to those sources, there is no difference based on religion, caste or education (BSS Mar. 2017, 14), on class, place of residence or religion (Associate Professor 24 May 2020), nor on wealth (Quartz India 16 Apr. 2020). Data from the NFHS-4, however, indicates that emotional, physical or sexual abuse committed by the husband towards women between the ages of 15 and 49 was more common in rural than urban areas, decreased as women’s schooling improved, was more frequent among followers of Hinduism, Christianity, Islam and “other religions” than among Sikhs, Buddhists/Neo-Buddhists and Jains, was more common among “[s]cheduled castes,” “[s]cheduled tribes” and other disadvantaged classes than among other groups, and that it decreased with growing wealth (IIPS and ICF 2017, 587, 588). In correspondence with the Research Directorate, an assistant professor at the University of Notre Dame, whose research interests include India and gender-based violence, noted that rates vary by region, but that domestic violence is “widespread” among both rural and urban populations (Assistant Professor 8 June 2020). The UK Home Office similarly notes that women “from higher socio-economic backgrounds” are less exposed to gender-based violence (UK July 2018, para. 2.4.1).

1.1.1 Dowry-Related Violence

Sources indicate that dowry-related violence is a problem in India (Bertelsmann Stiftung 2020, 11; OECD 7 Dec. 2018, 4). The BBC reports that “[p]aying and accepting dowry is a centuries-old South Asian tradition where the bride’s parents gift cash, clothes and jewellery to the groom’s family” and that this tradition exposes women “to domestic violence and even death” (BBC 28 July 2017). The Asia Foundation, a non-profit international development organization, similarly states that the “tradition of the bride’s family paying a dowry leads to ... dowry deaths (women murdered or driven to suicide in the attempt to extort a higher dowry)” (The Asia Foundation 2017, 61). In correspondence with the Research Directorate, an associate professor of sociology at Michigan State University whose research specialization is on violence against women, particularly domestic violence in India, similarly stated that dissatisfaction with the dowry often leads to “‘bride burnings’ and other forms of homicide” (Associate Professor 24 May 2020). The NCRB recorded over 7,000 dowry deaths each year between 2016 and 2018, for a rate of about 1.2 per lakh (India 2018, 2).

For information on honour-based violence, see Response to Information Request IND200256 of June 2020.

1.2 Social Attitudes

Sources report that the status of women in India is not equivalent to that of men (The Elders 8 Feb. 2019; The Asia Foundation 2017, 61). Other sources note that a patriarchal attitude prevails in society (The Diplomat 17 Apr. 2020; The Wire 11 Jan. 2019).

Sources note that domestic violence is “justified” in the eyes of a portion of the Indian population (The Elders 8 Feb. 2019; OECD 7 Dec. 2018, 1). According to the NFHS-4, 51.6 percent of women and 41.9 percent of men agreed with at least one reason for wife beating (IIPS and ICF 2017, 543, 545). The UK Home Office further notes that domestic violence “is said to be widely tolerated by the state” (UK July 2018, para. 2.4.1).

Sources report that domestic violence or violence against women is considered by Indian society to be a “private matter” (Associate Professor 24 May 2020; The Wire 11 Jan. 2019). The Associate Professor explained that the “societal tendency among Indians towards domestic violence is to silence the victims to protect family honour” and that “there is tremendous pressure on

women to bear the abuse in silence, and families who protest or report the violence against their daughters are socially ostracized by the community” (Associate Professor 24 May 2020). Other sources mention that fear of marginalization, exclusion or stigmatization are factors discouraging people from reporting domestic violence (India Matters 8 Apr. 2020; OECD 7 Dec. 2018, 4; UK July 2018, para. 2.5.5).

1.2.1 Help-Seeking

According to the NFHS-4, “[o]f all women in India who have ever experienced any type of physical or sexual violence, only 14 percent have sought help to stop the violence and 77 percent have never sought help nor told anyone about the violence they experienced” (IIPS and ICF 2017, 572). Among the women who reached out for support, the “most common source” of help was the woman’s family (65 percent), followed by the husband’s family (29 percent), a friend (15 percent), the police (3 percent), a religious leader (2 percent) or a doctor, lawyer or social service organization (1 percent) (IIPS and ICF 2017, 572). The Associate Professor stated the following:

This low rate of reports is related to general attitudes towards domestic violence among family members (including the victim’s own family, such as parents and siblings), among police personnel (who are the first contacts in the legal system for the victims) ... and among lawyers and other legal personnel. (Associate Professor 24 May 2020)

According to a study on the search for help by women victims of domestic violence, published on the Indian news website The Wire, the authors explain that the presence of a natal family can favour reporting, but that the family’s “willingness and ability to help varies greatly and is shaped by poverty, patriarchal norms, cultural legitimisation of violence and family structure” (The Wire 11 Jan. 2019). According to the same source, “local women whose families owned their homes had the most supportive systems, while migrants, tenant, women had the least support” (The Wire 11 Jan. 2019).

1.3 COVID-19 Pandemic Lockdown

Media sources report a surge in the number of domestic violence complaints since the beginning of the COVID-19 pandemic lockdown in March 2020 (The Caravan 15 Apr. 2020; India Matters 8 Apr. 2020). Al Jazeera reports

that the National Commission for Women (NCW) “said it registered 587 domestic violence complaints between March 23 and April 16 – a significant surge from 396 complaints received in the previous 25 days between February 27 and March 22” (Al Jazeera 18 Apr. 2020). The *Hindu* reports that “from January 1 to April 23, the percentage of domestic violence cases out of the total cases registered with [one-stop centres] were 40% in January, 68% in February, 61% in March and jumped to 89% in April” (*The Hindu* 13 May 2020). The Diplomat, an international current affairs magazine reporting on the Asia-Pacific region (The Diplomat n.d.), notes that according to the NCW chairperson, “complaints are increasing every day” and “that the number of such cases must be much higher, but many are not getting reported due to the constant presence of the abuser at home” (The Diplomat 17 Apr. 2020). According to an article published in The Caravan, an Indian English-language magazine, some organizations, however, report a decrease in the number of complaints they receive, which, according to them, can be explained by the constant and close presence of the abuser which does not allow the victim to call for help (The Caravan 15 Apr. 2020). A counsellor at the Centre for Social Research, a New Delhi-based non-profit organization, has noticed a new trend in the complaints they receive: “married women asking to be rescued from parental homes” and “mothers, fathers, stepmothers, and siblings ... being accused of domestic violence” (The Diplomat 17 Apr. 2020).

2. Legislation

2.1 Domestic Violence

The International Institute for Population Science (IIPS) and ICF report the following, in the NFHS-4:

Domestic violence has been recognized since 1983 as a criminal offence under Indian Penal Code 498-A. However, it was not until the enactment of the Protection of Women from Domestic Violence Act 2005 (PWDVA), which came into effect in 2006, that civil protections were afforded to victims of domestic violence. The PWDVA provides a definition of domestic violence that is comprehensive and includes all forms of physical, emotional, verbal, sexual, and economic violence, and covers both actual acts of such violence and threats of violence. In addition, the PWDVA ... covers harassment in the form of unlawful dowry demands as a form of abuse. The Act requires the appointment of protection officers to assist victims, and further acknowledges the importance of collaboration between the government and external organizations in protecting

women. Primarily meant to provide protection from domestic violence for wives and female live-in partners at the hands of husbands and male live-in partners or their relatives, the PWDVA has been extended to also protect women living in a household, such as sisters, widows, or mothers. (IIPS and ICF 2017, 564)

Domestic violence is defined thus in the *Protection of Women from Domestic Violence Act, 2005*:

3. Definition of domestic violence.—For the purposes of this Act, any act, omission or 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.

Explanation I.—For the purposes of this section, —

- i. “physical abuse” means any act or conduct which is of such a 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 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, house hold

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 house hold 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.

Explanation II.—For the purpose of determining whether any act, omission, commission or conduct of the respondent constitutes “domestic violence” under this section, the overall facts and circumstances of the case shall be taken into consideration. (India 2005, emphasis in original)

The *Criminal Law (Second Amendment) Act, 1983*, modifying the 1860 *Indian Penal Code*, provides the following:

Section 498A. Husband or relative of husband of a woman subjecting her to cruelty.

Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.—For the purposes of this section, “cruelty means”—

- a. any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or
- b. harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand. (India 1983, emphasis in original)

Sources further indicate that the [Criminal Law (Amendment) Act (UK July 2018, para. 2.5.2)] of 2013 added new criminal offences and stronger sanctions to the *Indian Penal Code* (UK July 2018, para. 2.5.2; The Asia Foundation 2017, 62). These new offences include acid attacks, sexual harassment, voyeurism, and stalking (The Asia Foundation 2017, 62).

Sources also report that, in August 2017, the Supreme Court of India required that “complaints [under PWDVA] be initially assessed by civil society family welfare committees” (UK July 2018, para. 2.5.3; Amnesty International 22 Feb. 2018). According to Amnesty International, this “weakens” the law “enacted to protect women from violence in their marriage” (Amnesty International 22 Feb. 2018).

2.1.1 Marital Rape

Some sources indicate that the PWDVA recognizes marital rape (Associate Professor 24 May 2020; IIPS and ICF 2017, 564). However, other sources indicate that marital rape is not criminalized in India (The Asia Foundation 2017, 63; UK July 2018, para. 2.4.1). The OECD explains that, “[o]riginally, as per the Penal Code, marital rape only existed in cases where the wife was under 15 years of age, however following a ruling of the Indian Supreme Court in 2017, marital rape is now considered illegal in cases where the wife is under 18 years of age” (OECD 7 Dec. 2018, 4). Other sources similarly report that marital rape is now recognized as such when the wife is under 18 years old (Amnesty International 22 Feb. 2018; BBC 11 Oct. 2017).

2.1.2 Protection Orders

Sources note that under the PWDVA, women can file protection orders (Associate Professor 24 May 2020; OECD 7 Dec. 2018, 4). Provisions for Protection Orders and Residence Orders are described in sections 18 and 19 of the PWDVA (India 2005, Sec. 18, 19). In a report submitted to the UN Committee on the Rights of Persons with Disabilities, the government of India states the following:

The Act provides for immediate and emergency relief to women facing domestic violence in the form of protection order, a coordinated implementation mechanism, consisting of protection officer, temporary custody order, monetary

reliefs, compensation for emotional distress resulting from violence, shelter homes, that are mandated to provide better access to justice and other supportive services. (India 6 Oct. 2017, para. 54)

The Associate Professor stated that “[a]fter the victim lodges a complaint with the local police station, then she can consult a lawyer to present the case in front of the magistrate to issue a protection order. ... Violation of the protection order could result in jail time for the accused for a few days to months, depending on the seriousness of the case” (Associate Professor 24 May 2020).

2.1.3 Enforcement

Sources report that the enforcement of the PWDVA is “weak” (OECD 7 Dec. 2018, 4), “poor” (Freedom House 2020), or “uneven” (Assistant Professor 8 June 2020). According to sources consulted by the OECD, such as reports by CEDAW, the US Department of State and the UNHCR, dating from 2015 and 2016, that is due to “lack of capacity and resources of law enforcement, and widespread corruption among police and military” (OECD 7 Dec. 2018, 4).

The Associate Professor further indicated that the issuance of a protection order “could be a lengthy process, as the two parties would need to be present in front of the magistrate before the order is granted” and that, “due to poor legal implementation, very few violators of protection orders face legal consequences” (Associate Professor 24 May 2020). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.2 Dowry

The practice of dowry was officially outlawed in India by the *Dowry Prohibition Act, 1961*, and made punishable by five years of imprisonment for giving or taking a dowry, and six months to two years for demanding one (India 1961, Sec. 3(1), 4(1)). According to the BBC, to “prevent dowry deaths and harassment of brides in their matrimonial homes, India introduced a tough anti-dowry law – Section 498A of the Indian Penal Code – in 1983” (BBC 28 July 2017). IIPS and ICF report that “the PWDVA ... covers harassment in the form of unlawful dowry demands as a form of abuse” (IIPS and ICF 2017, 564).

However, sources indicate that, in July 2017, the Supreme Court of India passed a “verdict” banning immediate arrests in case of dowry harassment in order to prevent women from “misusing” of the law (The Wire 11 Jan. 2019). According to the BBC, a “complaint under the law allows for immediate arrest and jailing of the accused, often the husband and his family members, but campaigners say the provision is frequently misused with many women filing false cases,” so the “court said that people accused of dowry harassment should not be arrested until charges were verified” (BBC 28 July 2017). The Wire, however, reports that “there is little empirical evidence to suggest widespread misuse” (The Wire 11 Jan. 2019).

3. State Protection

According to sources, women are not adequately protected against domestic violence in India (Associate Professor 24 May 2020; Amnesty International 2019). According to Amnesty International, “perpetrators [continue] to enjoy impunity” (Amnesty International 2019). The Associate Professor stated for her part that “[d]espite the overarching PWDVA, currently India lacks government policy implementation, institutional structure, and funding to address violence against women” (Associate Professor 24 May 2020).

Sources report that India has a National Commission for Women (NCW) (Associate Professor 24 May 2020; UK July 2018, para. 3.3.1). The NCW describes its mission as follows:

To strive towards enabling women to achieve equality and equal participation in all spheres of life by securing her due rights and entitlements through suitable policy formulation, legislative measures, effective enforcement of laws, implementation of schemes/policies and devising strategies for solution of specific problems/situations arising out of discrimination and atrocities against women. (India n.d.a)

The NCW website offers victims of domestic violence, and of gender-based violence in general, the possibility to register complaints online (India n.d.b).

On its website, the Ministry of Women and Child Development indicates that this ministry “was constituted [in 2006] with the prime intention of addressing gaps in State action for women and children for promoting inter-Ministerial and inter-sectoral convergence to create gender equitable and child-centred legislation, policies and programmes” (India n.d.c).

3.1 Police

The UK Home Office notes that “[f]ew police stations have specialised women’s mechanisms to address the concerns of women” (UK July 2018, para. 2.5.5). Some sources indicate that the services provided by the police to victims of domestic violence are “inefficient” (Associate Professor 24 May 2020; BSS Mar. 2017, 15) or that the “police system is not very effective at supporting women” (Assistant Professor 8 June 2020). Bharatiya Stree Shakti (BSS), an NGO committed to empowering women in India, points out, in its study on the impact of laws on violence against women, that “in many instances, [women] did not get proper treatment from the concerned police officer. In some cases, victims have received counseling services but in few they didn’t get referred for counseling” (BSS Mar. 2017, 15). The Associate Professor similarly stated that “[t]he police ideally should refer [a complainant] to the women’s cell who would provide legal counsel and access to shelters in the area” and that “[l]ocal police stations may send regular constables for protection implementation. However, corruption and lack of resources makes them inefficient” (Associate Professor 24 May 2020).

Sources indicate that the rate of reporting to the police is low (Associate Professor 24 May 2020; The Wire 11 Jan. 2019). The Assistant Professor noted that people “generally distrust the police” and that most victims of domestic violence do not seek support from the police (Assistant Professor 8 June 2020). According to the NFHS-4, only three percent of women who experienced physical or sexual violence in 2015 and 2016 sought help from the police (IIPS and ICF 2017, 572). The Associate Professor stated that this was related, among other things, to the attitude of police personnel, “who in most cases refuse to register complaints where they consider the violence not serious enough” (Associate Professor 24 May 2020). According to the article published in The Diplomat, “[u]ncooperative officers may refuse to file even a First Information Report (FIR), the first step to initiating a police investigation, especially if victims belong to economically or socially marginalized communities” (The Diplomat 17 Apr. 2020). The Associate Professor also reported that “due to the pressure of the patriarchal society that normalizes violence against women, and the pressure on the victims to maintain silence, often victims face dismissal and resistance to register their complaints at the police station” (Associate Professor 24 May 2020). According to the article published in The Wire, many women who experienced severe violence, but did not go to the police to report the violence “felt that the police were unreliable” and “not working unless bribed” (The Wire 11 Jan. 2019). The UK

Home Office further reports that “some police reportedly encourage dispute resolution at a local level” (UK July 2018, para. 2.5.5). BSS notes that some police officers “have less sensitivity towards the victim. There is a need of building awareness and sensitivity among the police to deal with the victim more positively. Along with filing First Information Report (FIR) they must play important role of a guide and counselor” (BSS Mar. 2017, 16).

Media sources report that in the context of the COVID-19 pandemic, police services, busy with enforcing the lockdown, are less available than in normal times (The Caravan 15 Apr. 2020; India Matters 8 Apr. 2020).

3.2 Judiciary

The Associate Professor indicated that conviction for crimes against women is “rare” in India (Associate Professor 24 May 2020). According to the NCRB, the conviction rate for all crimes committed against women in 2018 was 21.9 percent; for dowry deaths, 39.6 percent; and for cruelty by a husband or his relatives, 13 percent (India 2018, 229).

The Assistant Professor noted a perception of the courts as “slow, ineffective, and corrupt” (Assistant Professor 8 June 2020). According to BSS, “most [public prosecutors] are performing their role very effectively. However, in some instances the sensitivity and support [are] missing” (BSS Mar. 2017, 17). Many sources point out to a “patriarchal” attitude of the judicial personnel (Associate Professor 24 May 2020; The Wire 11 Jan. 2019; *The Telegraph* 27 Dec. 2018). The UK Home Office indicates that this may contribute to low conviction rates (UK July 2018, para. 2.5.6). The same source adds that some women are reluctant to report because they fear being “unsupported” by the justice system (UK July 2018, para. 2.5.5). Sources also indicate that the cost of the procedures might prevent women from seeking protection (Associate Professor 24 May 2020; *The Telegraph* 27 Dec. 2018).

4. Support Services

4.1 State

Sources report that women in India have access to government-run shelters (Associate Professor 24 May 2020; UK July 2018, para. 2.5.4). The UK Home Office states that in 2017-2018, there were approximately 551 Swadhar Greh homes across India, “aimed at catering for the primary needs of women in

‘difficult circumstances’ ... designed to provide shelter, food, clothing, counselling, training, medical treatment, economic and social support to women, over the age of 18 – and their accompanying children,” which includes “women victims of domestic violence” and that they served about 17,291 beneficiaries (UK July 2018, para. 7.2.2, 7.2.3).

Sources also indicate that One Stop Centres (OSCs) [or One-Stop Crisis Centres] aid women victims of domestic violence in India (*The Hindu* 13 May 2020; UK July 2018, para. 2.5.4). The US Department of State’s *Country Reports on Human Rights Practices for 2019* states the following:

[o]n June 28 [2019], the minister for women and child development, Smriti Irani, told the lower house of parliament that 462 one-stop crisis centers for women were set up during the previous three years, including 291 since 2018. More than 220,000 women sought support from the centers. The centers provide medical, legal, counseling, and shelter services for women facing violence. (US 11 Mar. 2020, 44)

Sources, however, indicate that state-run shelters are “inadequate” (Quartz India 16 Apr. 2020; UK July 2018, para. 2.5.4) and “too few” (Associate Professor 24 May 2020). Some sources also state that they are overcrowded (UK July 2028, 2.5.4) and that they offer “poor” or “jail-like” conditions (UK July 2018, para. 2.5.4; Open Democracy 13 Jan. 2017).

Sources further report that government helplines are available to women victims of domestic violence (Associate Professor 24 May 2020; Flutur.org n.d.), including in Bengaluru, Delhi and Mumbai (Flutur.org n.d.). According to the UK Home Office, a “helpline for women, aimed at providing a 24-hour emergency and non-emergency response to women affected by violence, was functioning in 28 states” (UK July 2018, para. 7.2.7). However, according to an article published in Quartz India, an English-language business media, helplines are inadequate (Quartz India 16 Apr. 2020).

Some sources report that women victims of domestic violence do not always get the free legal aid provided for in the PWDVA (UK July 2018, para. 7.1.1; BSS Mar. 2017, 15). According to the Associate Professor, “[t]here is a limited amount of legal aid available to victims of domestic violence. Such resources are few and are sporadically funded by multiple sources from the central and state governments” (Associate Professor 24 May 2020). Quartz India similarly indicates that legal assistance is inadequate (Quartz India 16 Apr. 2020).

4.2 NGOs

The Associate Professor indicated that shelters for women victims of domestic violence were “mostly operated by non-governmental organizations with financial aid by the government and private foundations,” but that they were “too few” (Associate Professor 24 May 2020). Similarly, the Assistant Professor noted that “[s]ome NGOs get government grants” to run shelters, and that while the shelters may receive state funding, they are “not necessarily state-run” (Assistant Professor 8 June 2020).

The following are examples of services provided by NGOs to victims of domestic violence:

- Bharatiya Stree Shakti (BSS): Present in 10 states and committed to empowering women, families and the society at large, BSS coordinates 30 branches, 10 counselling centres, 120 self-help groups, and 20,000 members and volunteers; they are “official counsellors for select special cells attached to police stations in Maharashtra” (BSS n.d.);
- Gauravi One-Stop Crisis Centre: Located in Bhopal, supported established by Action Aid India, an international non-governmental organization, “it provides services including a helpline, safe shelter, medical treatment, counselling and legal aid to women who have suffered domestic violence, all under one roof. Its services are free – including its much prized legal support – and nearly 40,000 women have sought support since it opened in 2014” (*The Telegraph* 27 Dec. 2018);
- International Foundation for Crime Prevention & Victim Care (PCVC): Based in Chennai, it “provide[s] both emergency support and long-term rehabilitative support” in the form of legal advice and psychological assistance to women victims of domestic and interpersonal violence (Namati.org n.d.);
- Sayodhya: It offers a 24-hour helpline, a short-stay home, emergency response and legal assistance to women and young girls in distress (Give India 21 Sept. 2019);
- Shakti Shalini: Based in New Delhi, it runs a 24-hour helpline (The Caravan 15 Apr. 2020);
- URJA: Delhi-based, it provides legal counsel to women victims of domestic violence and “focuses on providing economic and livelihood opportunities to women and girls, empowering them with the requisite skills to lead independent lives” (Fair Observer 8 Nov. 2019).

4.3 COVID-19 Lockdown

The Caravan points out that since the beginning of the COVID-19 pandemic lockdown, shelters refused to accept new residents for fear of introducing the virus in their premises (The Caravan 15 Apr. 2020). Media

sources indicate that several helplines have been added to offer support to victims of domestic violence (PTI 17 Apr. 2020; The Caravan 15 Apr. 2020). According to the *Hindu*, “[w]hile some of these helplines are active nationally, some are State-specific and others were set up at district level. The helplines are run by police, women welfare departments and NGOs working for the rights of women” (PTI 17 Apr. 2020). However, The Caravan also indicates that the help provided through these lines is limited to counselling and often restricted by the presence of the abuser in the home of the victim (The Caravan 15 Apr. 2020).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Note

[1] The National Family Health Survey (NFHS) is “a large-scale, multi-round survey conducted in a representative sample of households throughout India” (IIPS n.d.). The NFHS-4 [conducted between 20 January 2015 and December 2016 (IIPS and ICF 2017, 6)] is the fourth of a series of National Family Health Surveys conducted by the Government of India with the financial assistance of the US, the UK, The Bill & Melinda Gates Foundation, The MacArthur Foundation and the UN; technical assistance was obtained by the ICF through the Demographic and Health Survey (DHS) program of the United States Agency for International Development (USAID) (IIPS and ICF 2017, 1). Data for the NFHS-5 was collected in 2018-2019 (IIPS n.d.). Results of the NFHS-5 could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

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women's studies and political science at an American university; Sayodhya Home for Women in Need; Shikshan Ane Samaj Kalyan Kendra; Sneha; Swayam; URJA.

Internet sites, including: Factiva; Human Rights Watch; Ireland – Refugee Documentation Centre; Reuters; Romanian National Council for Refugees; UN – Refworld; Thomson Reuters Foundation.

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