



# ARTICLE ON: UNDERSTANDING DOMESTIC VIOLENCE IN INDIA

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## ABSTRACT

Domestic violence is a pervasive issue globally, affecting individuals across different socio-cultural contexts. In the Indian context, domestic violence presents complex dynamics influenced by deeply entrenched cultural norms, economic disparities, and gender inequalities. This research paper aims to provide a comprehensive understanding of domestic violence in India, examining its prevalence, contributing factors, manifestations, and consequences.

Key findings suggest that domestic violence in India is widespread, affecting women across diverse demographic backgrounds. Factors contributing to its prevalence include patriarchal norms, dowry-related issues, economic dependency, and inadequate legal and institutional frameworks. Moreover, cultural factors such as stigma, shame, and societal pressure often inhibit survivors from seeking help or reporting abuse.

In conclusion, this research paper underscores the urgent need for concerted efforts from policymakers, civil society organizations, and communities to combat domestic violence in India effectively. By addressing the underlying socio-cultural norms and systemic inequalities, sustainable progress can be made towards creating safer and more equitable environments for all individuals, irrespective of gender or socio-economic status.

## MEANING, SCOPE AND FORM OF DOMESTIC VIOLENCE

The abuse against the femininity represents a worldwide epidemic, presenting in numerous guises and inflicting physical, psychological, sexual, and economic devastation. It ranks among the most widespread violations of fundamental civil liberties, stripping females as well as girls of fair and just society, assured future, dignity, faith in oneself, and the basic entitlement to exercise constitutionally granted freedoms.

These issues are still prevalent in almost every country and are deeply ingrained in different cultures, classes, and societies. Unfortunately, women are often treated as inferior, akin to a disposable commodity. In the reference of Indian society, women are frequently relegated to a subordinate position, enduring a systemic imbalance of power.

Enacted in 2005, the Protection of Women from Domestic Violence Act (PWDVA) strives to elevate the situation of females plus redress infringements upon their rights. It specifically focuses on domestic violence within the Indian society, seeking to understand its root causes and provide remedial relief against this

pervasive social evil. The legislation underscores the significance of protecting women's rights and advancing toward a fairer and more egalitarian society.

## 1. DEFINATION OF VIOLENCE

The word "violence" encompasses any brute force used to cause harm or abrasion to an individual or possession.

### **Oxford Dictionary evaluates:**

"Violence as behaviour involving physical force intended to hurt, damage or kill someone or something".

### **World Health Organisation explains Violence:**

"The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, which either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation".

## 2. THE NOTION OF FAMILY ABUSE

Domestic assault is defined as "the inflicting of physical injury by one family or household member on another also: a repeated or habitual pattern of such behaviour." in the Merriam-Webster dictionary. However, contemporary definitions often broaden the scope to assess "all acts of physical, sexual, psychological, or economic violence" carried out, irrespective of the fact that they reside together, by an immediate family member or a trusted acquaintance.

### **The United Nations Declaration on the Termination of Aggression**

against Women entitled domestic violence as a significant context in which abuse against females occurs. It encompasses "physical, sexual, and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation, and other traditional practices harmful to women, non-spousal violence, and violence related to exploitation."

Essentially, family abuse refers to the aggressive maltreatment of females within households, often carried out by males. It can involve various family members, including husbands, parents, siblings, or other household residents who have the ability, whether overtly or covertly, to inflict physical or mental suffering on women. Domestic misconduct generally takes shape in confidential settings and is frequently overlooked by the very women who have been assaulted. Any act or conduct which can injure women in their homes—physically, psychologically, socially, intellectually, or spiritually—is incorporated into this definition of misconduct. Significantly, acquaintances or close companions of the person in question commonly commit such offenses rather than someone who is completely unknown.

According to Section 32(dd) of the Parsi Marriage and Divorce Act, 1936, "Domestic violence" is defined as any action, commission, or conduct that is capable of harming, injuring, or having the potential to harm or injure the health, safety, or well-being of the affected individual. This definition encompasses a wide array of actions or behaviours that could endanger the bodily or psychological welfare of a person in the framework of intimate relationships.

## 3. PERTEXT OF DOMESTIC-VIOLENCE

Domestic assault can stem from various causes, and one significant factor is the historical desire to control women, which has shaped social relationships. The root of violence towards women does not necessarily require a solid reason; rather, it is often an expression of the desire for dominance.

The outlined causes of domestic violence provide insights into the complex dynamics that contribute to abusive behaviour. These causes include:

1. **Desire for Silence and Obedience:** There is an expectation that wives should work silently at home and not protest against anything going wrong. Back answering or expressing opinions may be perceived as a challenge to the husband's ego.
2. **Discontent over Housework:** Issues related to cooking, housekeeping, or other domestic responsibilities can lead to violence if the husband feels dissatisfied or if the wife is unable to meet certain expectations.
3. **Jealousy and Suspicion:** Friendly relations with other males, according to the husband, may lead to suspicions and allegations. Society often imposes an expectation that women should remain confined within the home, and any interaction with men might be seen as a potential threat.
4. **Lack of Respect for Elders and Joint Family Issues:** The husband may become violent if the wife does not show respect to elders or does not want to live in a joint family. The lack of understanding of the wife's perspective contributes to the tension.
5. **Opposition to Extra-Marital Relationships:** Women are expected not to suspect or oppose their husband's extra-marital relationships. The societal expectation is that women should be silent about such relationships.
6. **Dowry Demands:** Dowry has become a major cause of domestic violence. The conformist culture and pressure to conform to dowry practices create problems for both dowry seekers and victims.
7. **Insecurity and Complexes:** Violence may occur when husbands feel inferior to educated, strong, intelligent, and working women. The husband's resistance to a wife's superiority in any field may lead to violent behaviour.
8. **Alcoholism:** Alcohol abuse is a significant factor contributing to domestic violence. Some men blame their violent behaviour on alcohol, claiming they are normal when not under the influence.
9. **Criticizing Cooking Skills:** Issues related to cooking, such as not cooking properly or making bad dishes, may be used as a pretext for violence.

These causes underscore the need for addressing societal expectations, gender norms, and complex power dynamics to prevent and combat domestic violence.

#### 4. REASON FOR ACCEPTING ALL KINDS OF DOMESTIC VIOLENCE

The reasons for accepting various forms of domestic violence, despite its detrimental effects, are complex and often rooted in social, economic, and psychological factors. Some of the reasons include:

1. **Preservation of Marriage:** Women may tolerate domestic violence to preserve the institution of marriage, considering it a significant part of their identity and societal status.
2. **Marginal Status Outside Marriage:** Women might feel that their status outside of marriage is marginal, and staying in the marriage is essential for social acceptance and stability.
3. **Lack of Alternative Shelter:** The fear of homelessness or lack of an alternative place to live can contribute to women enduring domestic violence. Leaving the home might be perceived as a worse option than enduring the violence.
4. **Dependency on the Family Structure:** Women may be accustomed to living in a family structure and fear the challenges of living alone. The dependency on the family system, despite its dysfunctions, might deter them from leaving.

5. **Fear of Unwelcome Advances Outside:** Women may fear unwelcome advances or harassment from men outside the home if they leave their marital residence. The outside world may be perceived as equally or more threatening.
6. **Attachment to Children:** Women who endure aggression might do so based on a psychological connection with their young ones and the anxiety of losing possession. Parents deem it unacceptable to contemplate the prospect of living separate from their kids.
7. **Perceived Similarity of Life Outside:** Women may believe that life outside the abusive marriage will be equally challenging or worse, contributing to their decision to stay and endure the violence.
8. **Fear of Retaliation:** There might be a fear of retaliation or further harm if they attempt to leave the abusive relationship. This fear can keep women trapped in a cycle of violence.
9. **Cultural and Social Norms:** Societal expectations and cultural norms around marriage and family life may influence women to prioritize the preservation of the family unit over their own well-being.

These justifications provide insight on the intricate connections underlying cultural, psychological, and financial factors that contribute to women accepting abuse at home regardless of its grave repercussions. Addressing these issues requires comprehensive efforts, including legal interventions, social support structures, and efforts to change societal attitudes toward domestic violence.

## 5. METHODS OF DOMESTIC VIOLENCE WOMEN

Various methods of violence against women include physical abuse, emotional or psychological abuse, sexual violence, economic abuse, and controlling behaviour. These methods are often employed to exert power and control over women, perpetuating gender-based discrimination and inequality.

The methods of violence against women are distressing and alarming. The list provided highlights various forms of physical violence, emotional abuse, and harm inflicted on women. These methods can have severe physical and psychological consequences. It's important to recognize these acts as clear violations of human rights and to address them with urgency and seriousness. Such violence perpetuates a cycle of suffering and poses a significant threat to the well-being of individuals.

The different forms of violence described in the list include:

### A. Physical Violence:

- a) Kerosene/acid/burns
- b) Hitting/beatina/assault
- c) Forced to eat or drink
- d) Violence during pregnancy
- e) Use of weapon
- f) Confinement and deprivation

### B. In-law abuse:

- a) Threats from father-in-law
- b) Mental cruelty by mother-in-law
- c) Violence instigated by brother-in-law

These acts reflect a pervasive and deeply rooted problem that requires a comprehensive and urgent response from society, legal systems, and support networks. Recognizing and addressing domestic violence is crucial to ensuring the safety, dignity, and well-being of individuals who experience such abuse. Support systems, legal protections, and awareness initiatives are essential in breaking the cycle of violence and fostering a society where everyone can live free from fear and harm.

## 6. FORMS OF VIOLENCE AGAINST WOMEN

### 6.1. DOWRY

Dowry, deeply entrenched within cultural customs and traditions, acts as an essential element contributing to the concerning prevalence of domestic violence against women. This practice, which corresponds to the topic of

exchange of gifts as well as money from the family belonging to the bride for the household of her spouse upon marriage, creates a power dynamic that can lead to exploitation and abuse of women within marital relationships. The expectation of dowry often places financial burdens on the wife's household and this results in instances of harassment, coercion, and violence if the dowry demands are not met. Thus, the persistence of dowry customs perpetuates a cycle of gender-based violence and reinforces disparities of status dynamics between females and males in many societies. The distressing reality is that systematic abuse, torture, and harassment often find their roots in the persistent and coercive demands for dowry. In the most severe instances, women feel compelled to endure intolerable conditions within their marital homes, leading to tragic consequences.

The definition of dowry, as outlined in various dictionaries, diverges from the broader legal interpretation encapsulated in the Dowry Prohibition Act. Originally encompassing any property or valuable security exchanged in connection with marriage, subsequent amendments expanded its scope to transactions "in connection with the marriage." This broadening of the definition reflects the nuanced challenges in addressing the multifaceted nature of dowry-related issues.

The historical connection of dowry to Hindu marriage rites, such as Kanyadan and Varadakshina, adds complexity to its evolution. Initially characterized by voluntary and affectionate practices, Varadakshina transformed into an onerous expectation, placing an undue burden on women and their families. The evolution of dowry into a societal problem speaks to the challenges inherent in altering deeply ingrained cultural norms.

Efforts to eradicate dowry through legislative measures, notably the Dowry Prohibition Act of 1961 and ensuing amendments in 1984, have faced implementation challenges. The Dowry Prohibition Act of 1961 is legislation that focuses on addressing social conflicts of marriage settlements in India. This law forbids the exchange of dowries for marriage-related purposes. It makes it unlawful for anybody to either directly or indirectly request, consent, or provide dowry. Additionally, the act imposes penalties for offenses related to dowry, including imprisonment and fines. The Dowry Prohibition Act was enacted to combat the harmful practices associated with dowry, protect women from exploitation and abuse, and promote gender equality within marital relationships. Despite these interventions, dowry persists as a social menace, demanding sustained and comprehensive efforts to address the intricate interplay of cultural practices, legal frameworks, and societal norms. The complexity of the relationship between dowry and domestic violence underscores the need for holistic approaches that address root causes and promote meaningful societal change. Addressing this issue requires navigating a landscape shaped by cultural traditions, legal intricacies, and deeply ingrained societal norms, making it essential to foster a comprehensive understanding and collaborative efforts for lasting transformation.

### 6.2. CRUELTY

The concept of cruelty within the context of marriage has a broad scope, encompassing both physical and mental aspects. While physical violence is a form of cruelty, it is established in legal jurisprudence that cruelty extends beyond mere physical harm. Accusations and imputations, when severe, can inflict significant pain and misery, sometimes even more than physical abuse. Thus, cruelty can manifest in various forms, both tangible and intangible.

Physical cruelty, within the legal framework, refers to the act of one spouse inflicting violence upon the other, resulting in injury to the latter's body, limb, or health. However, it is essential to recognize that cruelty is not solely confined to physical violence; mental cruelty is equally significant. The determination of whether an act constitutes physical or mental cruelty is contingent on the specific circumstances of each case.



In instances of physical cruelty, the actual endangerment of life need not be proven conclusively. A single act of physical violence can suffice to establish cruelty. The severity of injuries may vary, and even if the injuries are not extensive, the act of beating itself can be considered sufficient to constitute physical cruelty.

Under the Hindu Marriage Act, it is emphasized that the ground of cruelty, falling under the purview of domestic violence, does not necessitate the proof of actual danger to life. The presence of an apprehension of cruelty is deemed adequate. Even one or two instances of physical violence are deemed adequate to establish cruelty within the framework of the Act.

When a spouse engages in threats or menacing behaviour that creates an apparent apprehension of physical violence, such actions can also be deemed as constituting cruelty within the realm of matrimonial relationships. The nuanced understanding of cruelty, encompassing both physical and mental dimensions, underscores the multifaceted nature of this legal concept within the context of marriage.

### **6.3. MENTAL CRUELTY**

Matrimonial violence and wife battering persist worldwide, with acts and behaviours constituting mental cruelty being prevalent in marital life. At times, the impact of mental cruelty on an individual's health can be more devastating than physical violence.

In contemporary matrimonial law, the mental aspect holds significant weight in cruelty matters. Physical cruelty involves the presence of physical violence and bodily danger. In contrast, mental cruelty does not entail physical violence; instead, it encompasses any conduct by the respondent that is harmful or injurious enough to create a reasonable apprehension in the petitioner's mind, making it difficult to continue living with the respondent.

Mental cruelty often involves verbal abuses and insults, using foul and offensive language that disturbs the mental peace of the wife. However, it is crucial to clarify that not every conduct causing mental tension amounts to mental cruelty. The aggrieved party must demonstrate that the conduct adversely affected their health.

In the routine course of married life, minor conflicts and heated discussions are common. Such occurrences do not necessarily constitute cruelty. The common degradation of a marital existence, including normal talks in routine, is not considered cruelty. Daily disagreements, even with the mother-in-law, are deemed part of the daily wear and tear, provided there is no injury to the wife. However, if incidents involve injury or physical harm, they may qualify as instances of domestic violence.

## **7. CONCLUSION**

Domestic violence against women is an age-old phenomenon rooted in the perception of women as weak, vulnerable, and exploitable. Within the family unit, which typically signifies love, affection, class, and societal background, exploitation often occurs. Violence within the family can manifest in various forms, including physical abuse, verbal abuse, and even homicide, all of which typically remain hidden behind closed doors. In India, different forms of domestic violence are deeply ingrained in societal norms, perpetuated by a patriarchal system characterized by gender bias and discrimination against women.

In this entrenched patriarchal setup, male children are often considered the future and protectors of the family, while female children are viewed as burdens or liabilities. Domestic violence against girls is particularly prevalent. For many women in India, domestic violence is not just a visible issue but an integral part of their daily lives. From the moment of conception, a female child may face violence, and this pattern continues throughout her life, forcing her to constantly struggle for survival in a hostile society.

The majority of women in India are illiterate and lack awareness of basic legal provisions and their rights. Consequently, they often fail to report instances of violence against them due to this lack of awareness. Traditional customs further contribute to women's ignorance of their rights and legal recourse. As a result, victims are unable to access the legal remedies guaranteed by the government for their protection. In a society

steeped in tradition and male dominance, women are often relegated to a secondary status, leading them to suffer in silence.

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