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Causes Of Domestic Violence In India.

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Abstract

Domestic violence is an ancient as well as the most common social evil of a civil society. It has marked its presence throughout the history and has left no stone unturned while continuing its cruel legacy from the past to the most recent eras. The acts of domestic violence is mostly found against women; especially in India and other corners of the world. A women who is regarded as the founding stone or the foundation of her family structure, who does not only gives birth to a life, but also nurtures the life, shapes the life and strengthens it. A women also acts as the preserver and protector of the tradition and culture and efficiently works to transfer these tradition and culture from one generation to another. Often being the most important member of the family, she is subject to domestic violence irrespective of her age, caste, race, health, social, economic and political situation. In India in 7 out of 10 houses, a women is subject to domestic violence and she cannot even have the right to fight against it, due to her so called weakness in the guise of and for the sake of her poor parents, husband, children and most importantly for the reputation of her family she has to keep quite and suffer. The most common question that disturbs her is “**What people will say**”? The greatest tragedy of India is that women who is the founding stone of her family and society as a whole is subject to domestic violence either as a daughter, daughter in law, wife, mother and are abused physically, mentally, verbally, economically as well as sexually. Both women and men have equal human rights and the acts of domestic violence obstructs the victimized person whether he is a men or women, from enjoying his or her rights. Domestic violence does not only resists the development and growth of a men or women alone but it also creates hindrance in the development of a state.

Introduction

Domestic violence can be defined as the willful intimidation, physical and mental assault, battery or other abusive behavior or activity of one partner leading to exploitation of another. Domestic violence includes the evils practices such as financial and economical abuse, social abuse, emotional abuse, physical, mental and sexual violence. The ratio, frequency and consequences of domestic violence may vary from individual to individual. It is the continuous efforts of one partner to maintain dominance and control over the another which leads to domestic violence. Both men and women are subject to domestic violence but mostly the acts of domestic violence is done against women. Evil practices of domestic violence is not a problem of a particular community or a society, it has its dominance in every society having unequal ratios and frequency. Mostly women are subject to domestic violence irrespective of their age, economic status, race, religion and other such traits. The evil practice of domestic violence have fatal consequences like physical injury, mental trauma and even can lead to death in many cases. Domestic violence through violence and abuse leads to establishment of fear and dominance in a relationship, it is the misuse of power by one partner to have control and dominance over another. Domestic violence is not simply an argument. It is a pattern of coercive controls that one person exercises over another. Abusers use physical and sexual violence, threats, emotional insults and economic deprivation as a way to dominate their victims and get their way¹. In the case of domestic violence, one partner behaves in such a way that as a consequence of his/her behaviour the establishment of fear and dominance occurs in a relationship. Domestic violence does not only obstructs the development of an individual but it also creates hindrances in the development of the nation. Domestic violence is a burden on numerous sectors of the social system and quietly, yet dramatically, affects the development of a nation batterers cost nations fortunes in terms of law enforcement, health care, lost labor and general progress in development. These costs do not only affect the present generation; what begins as an assault by one person on another reverberates through the family and the community into the future². Domestic violence have different types i.e. physical violence, sexual verbal and emotional abuse, economical and social abuse etc. having their own nature and consequences.

Causes of domestic violence in India

There is no single factor responsible for domestic violence in India. The belief that men is superior to women is partly the result of domestic violence. Occurrence of the acts of domestic violence is a mixture of various sociological, behavioural, historical and cultural factors leads to the perpetration of domestic violence. Work related stresses, gambling and financial debt, the use of drugs/alcohol, and access to firearms have also been identified as additional causal factors for domestic violence, though they may also be linked to poor impulse control³. The causes for domestic violence are as follows :-

¹ WHO 2007

² Zimmerman, 1994

³ Women Task Force Report 2020.

a) **Social, behavioural and Cultural factors**

These factors/ causes of domestic violence includes traits of anger issues, aggression, dominating nature, economic struggle, status differences, ego, problem of dominance, depression, absence of conjugal relationship in relationship, extra marital affairs, lack of trust also leads to domestic violence.

b) **Historical factor**

The inherent practice of evil patriarchy, where man is always superior to women leads to creation of feeling of dominance in the relationship i.e. men want to have control over the women which leads to creation of conflict resulting into domestic violence.

c) **Cultural factor**

Domestic violence as the result of cultural factor, leads to desire of having a male child in the family to continue the legacy of the family. This obsession is the result of historical patriarchy and lack of awareness, leads to perpetration of domestic violence against women.

d) **Poverty**

Women belonging to low income families are more likely to be exploited by her husband and by other members of the family as well. Poverty leads to conflict and acts as a fuelling factors for the occurrence of domestic violence against women. Financially weaker women are especially vulnerable to domestic violence and poverty at the same time limits their choices and resources. Domestic violence counts poverty as 27.5% of its main causes.

e) **Low education level**

The low education level is another contributing factor leading to domestic violence. Due to this reason domestic violence is more active in rural areas in comparison to the urban areas. 68% of Indian population lives in rural areas out of which 36% of women are subjected to domestic violence. For the victims of domestic violence in rural areas, level of education, employment opportunities and incomes are very low. Many of the victims are homeless and economic and social support options are less accessible by them. Rural victims also appears to experience abuse and exploitation earlier in their relationships then do urban women.

f) **Consumption of Alcohol**

Due to consumption of alcohol, mean scores on the domestic violence scale which measures verbal and physical abuse towards wives and children as a consequence of drinking were 3.5 times higher for heavy drinkers and 6.5 times higher for heavy drinkers when compared to social drinkers. Consumption of alcohol leads to creation of abusive attitude demanding sexual pleasures which sometimes may not possible leading to conflict. Consumption of alcohol also leads from verbal and physical abuse to sexual violence in relations.

g) **Dowry**

Dowry related violence is a serious problem that affects the lives of women and girls. Dowry comes under the socio- cultural factor, but due to its rampant cases it is important to mention it separately. Illegal demand of dowry leads to increase in the cases of domestic violence and have severe consequences. According to NCRB report on an average, every hour a women succumbs to dowry deaths in India with the annual figure rising upwards of 7000. Dowry Related violence is an integral part of the legitimate causes listed for wife-beating. Dowry is the payment in cash by the bride's family to the bridegroom's family alongside the gifting away of the Indian marriage. Dowry deaths are the deaths of young women who are murdered to suicide by continuous molestation and torture by husbands and in-laws. Sometimes the woman is killed by setting her on fire this can be referred to as "bride burning".

Domestic violence against men

The cases of domestic violence without any doubt is mostly found against women, but there are a number of cases where men is also subject to the cruel practice. Several countries recognizes the act of domestic violence against men and have laws and statutes for penalizing the act against men. In countries like India domestic violence against men is not recognized and if it is somehow recognized it is considered to be an act of low gravity and the damage is declared as no or less damage. The reason behind this is the patriarchal nature of society which is being followed by the ancient times. But in the recent time, society has been evolved with time, shifting of power structure, economic independence and control over resources has been accessible by both men and women, resulting in the empowerment of men as well as women at the same time. With the change of time, world has changed and during this period of empowerment men sometime is also a subject to domestic violence. However the fact that men can also be a subject to domestic violence has not been given much importance in India. In India, it is still believed that the society is still continuing with the male dominating attitude, which cannot be considered as true always. Whenever there is a debate on the topics like cruelty, domestic violence etc., the first word comes to our mind is women, why? Why it is believed that only women is subjected to domestic violence and men cannot? Why men is always believed to be strong, superior, mighty and an individual who must have the capacity to bottle up their feelings and

emotions. These unjustified beliefs makes the act of domestic violence against men fell illogical and unjustified. In India the fact is always denied that both women as well as men have equal human rights and when it comes to the topic of domestic violence the importance is only given to women. Our Indian society is living in a myth that only women is a victim and men is the perpetrator. There are a number of laws in India which are gender biased laws, which is the another reason why domestic violence against men is not taken on a serious account. Gender biased laws leads to their misuse itself. According to NCRB data, in India about 8% of all cases reported as rape after investigation were found to be false and approximately 74% acquittals has been in cases filed u/s 376 of IPC 1860. These are the results of the gender biased laws, which are more flexible towards women and are more harsher towards men. The rule of law says the alleged accused of any crime is “innocent until proven guilty” but our society has observed the maxim as “guilty until proven innocent”. A number of false cases has been filed against men and after the filing of the cases the reputation and respected of the victim (male) in society is devastated and even after acquittal in the false cases the society never accepts men as the civil member. There are a number of false cases filed against men under the gender biased statutes.

In **Nisha Sharma vs. Munish Dalal (2003)**, Nisha Sharma accused Munish Dalal (her husband to be) for demanding of dowry. She was portrayed by the media channels as a role model for young women because of the widespread media coverage of the case. The Hon’ble court after 9 years gave acquittal to all the accused and discovered that she had fabricated the dowry charges in order to get out of her engagement. There are a number of false cases filed under these laws showing women as a victim. The biggest tragedy is that punishment for asking dowry u/s 498A is 5 years, and if the case filed under this section is found to be false then the punishment is fine of Rs. 500 only. Sec. 498A is a women shield which acts like a illegal weapon in the modern era. The gender biased laws needs an urgent amendments, otherwise the mechanism of judiciary will fail in performing its duty i.e. providing justice and the faith of people in judiciary could also be lost.

According to sec 498 A of IPC 1860, “ 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”, which clearly entails that only men and his family members can be held liable for cruelty against his wife. On the other hand sec 3 of the Domestic violence Act 2005, only protects women against domestic violence and not men. There is no provision in the entire law which protects men against any type of domestic violence. If women want everything equally compared to men, and Article 14 of the Indian Constitution also talks about equality before law, then why there is absence of laws and statutes which protects and prevents the acts of domestic violence against men as well. Both men and women have the rights to be protected by the laws and if found guilty they are bound to be punished by the laws.

There is no official records revealing the data of the acts of domestic violence against men. A study by an NGO named Save Family Foundation has by its report revealed that the economic violence against men is 32.8%, emotional violence against men is 22.2%, and the rate of physical violence against men is 25.2% while the rate of

sexual violence is 17.7%. The rate of suicide is also rising among men when compared to women. A report of NCRB has revealed that the total number of suicides in the country is 1,53,052 out of which 1,08,532 i.e. 70.9% are male.

Laws against domestic violence in India

The laws and statutes which protects and safeguards the rights of women against the cruel acts of domestic violence are:-

a) The Protection of Women from Domestic Violence Act, 2005

This act can be stated as civil law, which provides protection to women from the cruel acts of men in the household which is the part of the social unit. This statute does not only protects married women, but also covers the women who are living in a live-in relationships. The act also enable women to demand maintenance (if living apart) from the husband with protection against the acts of domestic violence.

b) The Dowry Prohibition Act 1961

The Dowry Prohibition Act 1961, is a criminal law, penalizing the act of demanding, taking as well as providing dowry. Under this act if anyone illegally demands or provides dowry then the punishment for the particular act is upto 6 months of imprisonment or penalty of Rs. 5000 or both.

c) Section 498 A, IPC 1860

This is the another provision that exist for protection for women who are subjected to domestic violence. Sec 498A of IPC works as shield for women, as it protects the women from cruelty of husband or any relative of the husband.

But in India the misuse of this provision is rampant. The misuse of this provision is creating an alarming situation and thus there is requirement of taking effective and efficient steps by the judicial authorities to stop this misuse of this section.

Conclusion

Between 2001 and 2018, most domestic violence cases were filed under cruelty by husband or his relatives. There is a rampant increase in domestic violence cases in India, even if there are a number of statutes against it. According to a recent survey, 70 % of women in India either dead or has been a victim of domestic violence. India additionally contains a separate law just for protection of women against domestic violence i.e. The Protection of Women from Domestic Violence Act, 2005, The Dowry Prohibition Act, 1961, and Section 498A of the Indian Penal Code, 1860. The Protection of Women from Domestic Violence Act, 2005(in India) says that any act, conduct, omission or commission that harms or injures or has the potential to harm or injure will be considered domestic violence by the law. Even a single act of omission or commission may constitute domestic violence—in other words, women do not have to suffer a prolonged period of abuse before taking recourse to law. The law covers children also. Domestic violence is perpetrated by, and on, both men and women. The laws which are gender biased must be amended as it is creating an alarming situation in the society and creating many hindrances in the business of providing justice. However, most commonly, the victims are women. In the case of such crimes, proper compensations, facilities and training programs should be made available to help the injured person in the future.