

## DOMESTIC VIOLENCE IN INDIA - A CASE STUDY

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### Abstract

Domestic violence against women is a serious problem in India, reflecting deeply embedded structural relations of gender inequality and oppression of women, fostered by family laws that make men the head of the family and women minors and dependents. Research studies confirm the prevalence of physical violence in all parts of the globe with estimates of domestic violence faced by women varying from 20-50 % from country to country. It is perhaps the most pervasive manifestation of violence targeted towards women and yet, until very recently it was shrouded in what can be called a 'culture of silence' rarely considered as an issue for social concern since the domain within which such violence takes place is perceived as private and the personal-outside the public scrutiny. It is very difficult to explain violence against women in any one analytical framework because the factors contributing to it are interlinked and are culturally specific. Yet, it is generally agreed upon that domestic violence in one way or the other, manifests historically embedded unequal power relations. Continuous underestimation and social negotiation makes women internalize their subordination as ordained, whereas men's superiority is seen as inherent.

**Key word** – Women, India, Physical Violence, Domestic violence, Domestic Violence Act 2005

### Introduction

Domestic violence against women is a serious problem in India which is found almost in every corner of the country. Research studies confirm the prevalence of physical violence in all parts of the globe which differs from country to country. It is perhaps the most prevalent violence in our society what can be called a 'culture of silence'. It is very difficult to explain violence against women in any one analytical framework as the factors contributing to it are interlinked and are culturally specific. Yet, it is generally agreed upon that domestic violence in one way or the other, manifests historically embedded unequal power relations. Continuous underestimation and social negotiation makes women internalize their subordination as ordained, whereas men's superiority is seen as inherent. Moreover, socially conditioned women often tend to accept domestic violence as a natural response to their not following certain normative behavior. Several complex and interconnected institutionalized social and cultural factors push women in subordinated position vis-à-vis men by virtue of which women become particularly vulnerable to the violence (Kumar & Devi, 2019).

### Objectives of the study

1 To study domestic violence in India

2. To study the factors causing domestic violence in India and steps to reduce domestic violence in India.

### **Definition of Domestic Violence**

Basically, any conduct of a person shall constitute domestic violence in case it –

- a) harms or injures or endanger 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) Otherwise injures or causes harm, whether physical or mental, to the aggrieved person.

The extent of domestic violence, therefore, extends from physical abuse to emotional and economic blackmail and includes marital rape as well. So, domestic violence can be defined in terms of mental, physical, sexual, verbal, emotional and economic abuse (Deb & Choudhury, 2018).

### **Domestic violence against women in India**

Domestic violence against women is a widespread problem with physical, sexual, emotional, psychological and economic consequences for girls and women. It affects women of every age, in every society and in every socio-economic group. Violence against women refers to any act of gender based violence that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life (Sharon, 2014). Violence against women in India is an issue rooted in societal norms and economic dependence. Female feticide, domestic violence, sexual harassment and other forms of gender based violence constitute the reality of most girls' and women's lives in India (Kumar & Devi, 2019). Wife battering affects the physical and psychological well-being of the abused women and even that of their children. Although female participation in public life is increasing and laws have been amended, India still has a long way to go to make Indian women equal citizens in their own country (Sharon, 2014). In our society, many women are violently treated by their intimate partners while they suffer in silence. In some cases, domestic violence leads to the death of these women. Violence against women in India includes-

- a) 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 (Declaration on the Elimination of Violence against Women, 1993).

b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse and intimidation at work, in educational institution and elsewhere, trafficking in women and forced prostitution (Declaration on the Elimination of Violence against Women, 1993).

More generally, domestic violence against women is socially tolerated in India provided that the cause is considered legitimate. Dispute over dowries, a wife's sexual infidelity, her disobedience of her husband's dictates are all considered legitimate cause for wife-beating. Domestic violence moreover is rarely publicly acknowledged (Kumar & Devi, 2019). The consequence of this under-reporting of domestic violence to police also goes against women in different parts of the country. Police in India are generally unsupportive of domestic violence reporting due to their traditional belief in the sanctity of family unit. Though severe beatings are more likely to be publicly and legally condemned, the vast majority of domestic violence is either ignored, deemed a husband's right or accepted as inevitable part of married life (Declaration on the Elimination of Violence against Women, 1993).

### **Different Forms of Domestic Violence in India**

Different forms of domestic violence in India are:

1. Feticide - Some new forms of violence have appeared with technological advances as is evident in case of female feticide, reflecting in adverse sex ratio. Social bias for a male child leads to abortions. Sex ratio is continuously declining all over India except for Kerala. Insufficient and ineffective performance of physical, administrative and economic structures and mechanism failed to stop it (Tabaie, 2017).
2. Infanticide – Thousands of newly born baby-girls die with overdoses of opium. They are abandoned or thrown in rivers or dustbins to die. Out of abandoned children 90% are girls. According to official figures, there is 10% higher mortality rate for girls than boys due to mal-nutrition in infancy and childhood (CHILDREN IN GLOBALISING INDIA : Challenging Our Conscience, 2002).
3. Dowry Death – Number of dowry deaths is quite alarming in the country. In India a dowry death occurs in every one hour forty two minutes. Dowry related violence is also in increase. Maharashtra, Madhya Pradesh, Andhra Pradesh and Rajasthan are the states with maximum number of reported cases. Many cases remain unreported (CHILDREN IN GLOBALISING INDIA : Challenging Our Conscience, 2002).
4. Victims of Materialistic culture– consumerist culture have triggered off increased atrocities, domestic violence and physical assaults on women. Millions of girls live under the threat of physical abuse (CHILDREN IN GLOBALISING INDIA : Challenging Our Conscience, 2002).

## Factors Causing Domestic Violence in India

No single cause can be attributed to a particular type of domestic violence. A number of contributory factors act together. The various factors that are identified as causing domestic violence in India are:-

- a) Alcoholism: - Violence against women is more prevalent in families where husbands consume alcohol. Alcoholism is the major cause for domestic violence. In all the alcoholic cases, clients are victimized by their husbands. Spending a lot on alcohol can lead to lack of money to spend on even essentials. Thus many husbands start wife torture as ventilation for their frustration (Alcohol And Domestic Abuse, 2022).
- b) Dowry: - Dowry is the most significant cause of domestic violence. In-laws often demand dowry at time of marriage, but in most of the cases they do not satisfy with the dowry, so in due course, dowry become a problem for women. It is one major cause for women's victimization in our country (Kishwar, 2005).
- c) Financial Difficulties: - Financial difficulties often lead to tension and disturbed family relations, which result in domestic violence. Financial difficulty is one of the prominent factors for domestic violence. Job dissatisfaction of husband also plays a major role in this regard (Kishwar, 2005).
- d) Extra-marital entanglements: - Husband's extramarital affair is a significant factor for domestic violence. Certain husbands appear to have found an excuse to have extramarital affairs by constantly finding fault with their wives'. Sexual maladjustment and suspicion also led to husbands' extramarital affair and victimization of women in the family (Shirin, 2022).
- e) Personality disorder: - People with personality disorders, consumed by jealousy, hatred and usually involve in ill treat to their wives. This is another major reason for increase in domestic violence in the country (Pace, 2022).

## Domestic Violence Act 2005

The passage of Domestic Violence Act 2005 was the culmination of long-drawn struggle by the women's movement for bridging the public-private divide and eliminating violence against women, inside the four walls of the home. The passing of the Domestic Violence Act may be considered as an important step in addressing the issue of domestic violence. It recognizes for the first time, the occurrence of continual violence within the home, which may go beyond mere physical abuse and seeksto rectify it. The Act is noteworthy for its effort to incorporate the social reality of domestic violence, resulting in a woman-friendly legislation in India. The Act aims to provide protection to women who are faced with violence within a domestic relationship. In its preamble, the Act mentions the rights of women under the Constitution and the necessity of ensuring that these rights are recognized even in the private sphere of home and family (Ambast

& Sen, 2006).

The Act aims to provide comprehensive procedural tools and adequate relief measures to facilitate easy access to justice to any aggrieved party. The Act has the potential to become a tool by which women are empowered and the Act is also an important step in furthering the agenda of female emancipation in the country (Ambast & Sen, 2006).

### **Remedies under the Act**

In general, the Act provides for Protection Orders, Residence Orders and monetary compensation. A Protection Order is a relief measure through which further domestic violence is sought to be curbed. Such an order retains the respondent from committing any further acts of domestic violence or harassing the victim in any form. A Protection Order can be passed when the Magistrate is *prima facie* satisfied that domestic violence has either taken place or is likely to take place (THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005).

The objective of this Act would not be served if it was not ensured that the aggrieved could remain in her house. Keeping this in mind, the Act guarantees the right of every woman in a domestic relationship to reside in the shared household, irrespective of whether she has a title to the property or not.

The third remedy under the Act is monetary relief, which includes damages suffered due to the domestic violence, along with compensation for torture and emotional distress caused to the victim. The compensation awarded will cover, loss of earning, medical expenses, damage to property, and maintenance for the victim and her children. The Act instructs the court to award compensation that is fair and reasonable and in keeping with the standard of living of victim. Thus, the Act provides protection and justice to the victims of domestic violence (THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005).

### **Consequences of Domestic Violence**

1. Physical Effect- Bruises, broken bones, head injuries, lacerations and internal bleeding are some of the acute effects of a domestic violence incident that require medical attention and hospitalization. Some chronic health conditions that have been linked to victims of domestic violence are arthritis, irritable bowel syndrome. Victims who are pregnant during a domestic violence relationship experience greater risk of miscarriage, pre-term labor and injury to or death of fetus (Bosede, 2013).

2. Psychological Effect- Among victims who are still living with their perpetrators, high amounts of stress, fear and anxiety are commonly reported. Depression is also common, as victims are made to feel guilty for provoking the abuse and are frequently subjected to intense criticism, it is reported that 60% of the victims meet the diagnostic criteria for depression, either during or after termination of the relationship and have a greatly increased risk of suicide attempts. The most commonly referenced psychological effect of domestic violence is Post-Traumatic Stress Disorder

(PSTD) (Bosede, 2013).

3. Effect on Children: - There has been increase in acknowledgement that a child who is exposed to domestic abuse during his upbringing will suffer in his development and psychological welfare. Some emotional and behavioral problems that can result due to domestic violence include increased aggressiveness, anxiety and changes in how a child socializes with friends, family and authorities (Bosede, 2013).

#### Suggestions/ Steps to Reduce Domestic Violence

##### 1. Awareness generation and sensitization:-

a) Awareness about the concept of gender equality and women's rights should be given to boys and girls at a very young age. This would help to bring about a change in the mind set of the coming generations.

b) Legal literacy camps should be conducted on a regular and systemic basis in communities to make men and women aware of laws.

##### 2. Health care support:-

a) Domestic violence should be recognized as a health issue.

b) The prevalence and the health consequences of domestic violence should be documented.

##### 3. Laws:-

a) Separate laws should be initiated to deal with domestic violence.

b) There should be strict laws for the prohibition of vices like alcoholism, drug addiction and dowry system.

##### 4. Role of Police:-

a) There should be a separate wing of police dealing with women's issues, attached to all Police stations and should be excluded from any other duty.

b) Women police officials should handle all crimes against women.

##### 5. Role of Media:-

a) A discussion on women issues involving the willing of victims and talks with key personnel could be promoted through media to give a new dimension to solve these problems.

b) Media should be made use of to sensitize the public about domestic violence so as to develop a positive attitude towards the women.

### Conclusion

Domestic violence in the Indian context is unique, as it is perpetrated not only by the intimate partners, but also by the in-laws. Abandonment by the husband is a real problem and separation or divorce is heavily stigmatized in the society (Bhandari & Hughes, 2017). A woman experiencing domestic violence tends to seek help from her natal family or from community organizations to bring pressure on her husband to stop abusing her and her children. If these sources of help do not seem effective, the women may seek legal recourse as a last resort. In general majority of the women preferred to remain silent despite being victimized. The women feared to resort to laws because of implications such as social isolation. To address this, all sectors including education, health, legal and judicial must work in liaison. Gender inequality must be eliminated and equal participation of women in the decision-making and development processes must be ensured.

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