

## **“Domestic Violence”**

*Archana Bhat  
Jammu University*

It is said, “Where women is respected there God lives and showers his blessings....”

Domestic violence or domestic abuse is very common in every family today. It takes a number of forms, including physical, verbal, emotional, economic, religious, reproductive, and sexual abuse, which can range from subtle, coercive forms to marital rape and to violent physical abuse such as choking, beating, female genital mutilation, and acid throwing that results in disfigurement or death. Domestic murders include stoning, bride burning, honor killings, and dowry deaths..

Male dominant society has always treated the women badly. But it was a time in vedic period, where women were given due respect. She had right to present her views in decision making and had equal share in property. In most legal systems around the world, domestic violence has been addressed only from the 1990s onward; indeed, before the late-20th century, in most countries there was very little protection, in law or in practice, against Domestic Violence.

Domestic violence occurs across the world, in various cultures and affects people of all economic statuses however, indicators of lower socioeconomic status (such as unemployment and low income) have been shown to be risk factors for higher levels of violence in several studies.

There is a strong link between domestic violence and child abuse. Since domestic violence is a pattern of behavior, these incidences may increase in severity and frequency, resulting in an increased probability the children themselves will become victims. The estimated overlap between domestic violence and child abuse ranges from 30 to 50 percent.

How domestic violence is viewed varies from person to person, and from culture to culture, but in many places outside the West, the concept is very poorly understood. This is because in most of these countries the relation between the husband and wife is not considered one of equals, but instead one in which the wife must submit herself to the husband. This is codified in the laws of some countries – for example, in Yemen, marriage regulations state that a wife must obey her husband and must not leave home without his permission.

Local customs and traditions are often responsible for maintaining certain forms of DV. Such customs and traditions include son preference (the desire of a family to have a boy and not a girl, which is strongly prevalent in parts of Asia), which can lead to abuse and neglect of girls by disappointed family members; child and forced marriages; dowry; the hierarchic caste system which stigmatizes "lower castes" and "untouchables", leading to discrimination and restricted opportunities of the females and thus making them more vulnerable to abuse; strict dress codes for women that may be enforced through violence by family members; strong

requirement of female virginity before the wedding and violence related to non-conforming women and girls; taboos about menstruation leading to females being isolated and shunned during the time of menstruation; female genital mutilation (FGM); ideologies of marital 'conjugal rights' to sex which justify marital rape; the importance given to 'family honor'.

Forced and child marriages are associated with a high rate of domestic violence. These types of marriages are related to violence both in regard to the spousal violence perpetrated inside marriage, and in regard to the violence related to the customs and traditions of these marriage: violence and trafficking related to the payment of dowry and bride price, honor killings for refusing the marriage.

The ability of victims of domestic violence to leave the relationship is crucial for preventing further abuse. In traditional communities, divorced women often feel rejected and ostracized. In order to avoid this stigma, many women prefer to remain in the marriage and endure the abuse.

Of the most important factors in domestic violence is a belief that abuse, whether physical or verbal, is acceptable. Other factors include substance abuse, unemployment, mental health problems, lack of coping skills, isolation, and excessive dependence on the abuser.

Domestic violence typically co-occurs with alcohol abuse. Alcohol use has been reported as a factor by two-thirds of domestic abuse victims. Moderate drinkers are more frequently engaged in intimate violence than are light drinkers and abstainers; however, generally it is heavy or binge drinkers who are involved in the most chronic and serious forms of aggression. The odds, frequency, and severity of physical attacks are all positively correlated with alcohol use. In turn, violence decreases after behavioral marital alcoholism treatment

Studies have found a high incidence of psychopathology among domestic abusers. For instance, some research suggests that about 80% of both court-referred and self-referred men in these domestic violence studies exhibited diagnosable psychopathology, typically personality disorders. "The estimate of personality disorders in the general population would be more in the 15–20% range. As violence becomes more severe and chronic in the relationship, the likelihood of psychopathology in these men approaches 100%.

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 victims meet the diagnostic criteria for depression, either during or after termination of the relationship, and have a greatly increased risk of suicide. Those who are battered either emotionally or physically often are also depressed because of a feeling of worthlessness. These feelings often persist long-term and it is suggested that many receive therapy for it because of the heightened risk of suicide and other traumatic symptoms.

In addition to depression, victims of domestic violence also commonly experience long-term anxiety and panic, and are likely to meet the diagnostic criteria for generalized anxiety disorder and panic disorder. The most commonly referenced psychological effect of domestic violence is posttraumatic stress disorder (PTSD). PTSD (as experienced by victims) is characterized by flashbacks, intrusive images, an exaggerated startle response, nightmares, and avoidance of triggers that are associated with the abuse. Studies have indicated that it is important to consider the effect of domestic violence and its psychophysiologic sequelae on women who are mothers of infants and young children. Several studies have shown that maternal interpersonal violence-related posttraumatic stress disorder (PTSD) can, despite a traumatized mother's best efforts, interfere with their child's response to the domestic violence and other traumatic events.

In addition to lacking financial resources, victims of Domestic Violence often lack specialized skills, education, and training that are necessary to find gainful employment, and also may have several children to support. In 2003, thirty-six major US cities cited Domestic Violence as one of the primary causes of homelessness in their areas. It has also been reported that one out of every three women are homeless due to having left a Domestic Violence relationship. If a victim is able to secure rental housing, it is likely that her apartment complex will have "zero tolerance" policies for crime; these policies can cause them to face eviction even if they are the victim (not the perpetrator) of violence. While the number of shelters and community resources available to Domestic Violence victims has grown tremendously, these agencies often have few employees and hundreds of victims seeking assistance which causes many victims to remain without the assistance they need.

There exist several strategies that are being used to attempt to prevent or reduce Domestic Violence. It is important to assess the effectiveness of a strategy that is being implemented. Reforming the legislation in order to ensure that domestic violence falls under the scope of the law is important. This may imply repealing existing laws which discriminate against women: according to the WHO, "when the law allows husbands to physically discipline wives, implementing a programme to prevent intimate partner violence may have little impact". Marriage laws are also important, "They [women] should also be able to enter freely into a marriage or to leave it, to obtain financial credit, and to own and administer property." Abolishing or restricting the offering and receiving of dowry and bride price and scrutinizing the impact of these transactions on the legislative decisions regarding DV is also important. UN Women has stated that the legislation should ensure that "a perpetrator of domestic violence, including marital rape, cannot use the fact that he paid bride price as a defence to a domestic violence charge".

Everyone has heard of someone amongst their families, friends or acquaintances who has suffered some form of domestic violence, i.e. some form of verbal, physical, sexual or economic abuse. We understand "domestic violence" here as it is defined under the Protection of Women against Domestic Violence Act, 2005 (**'Domestic Violence Act'**).

As per the National Family Health Survey IV conducted in 2015–2016, **31.1% of married women aged 15-49 years experienced spousal violence at least once in their lives.** To add to this, 27.3% women were married before the age of 18.

The National Crime Records Bureau reports that, “Majority of cases under the category of ‘crimes against women’ as recognized by the Indian Penal Code were registered under **‘Cruelty by Husband or His Relatives’ (31.9%).**”

During the COVID lockdown reports of domestic violence have increased. There is a lot written linking the COVID lockdown and the surge in domestic violence cases . The Indian government has recognized this connection and the National Commission for Women has launched a Whatsapp helpline. This also shows the gravity and prevalence of the issue at hand. It has been reported that the number of complaints of domestic abuse rose by 53% in the first week of the lockdown (March 23- April 1) in India. Several states have launched their own helplines and you can find a good collection of central, state and NGO helplines

There are several laws protecting a married woman from abuse from her husband or her husband’s relatives. Under **Section 498A of the Indian Penal Code**, harassment for dowry by the husband or his family is considered a crime. This harassment can be either mental or physical. Even though marital rape is not recognized as a crime in India, forced sex with one’s wife can be considered cruelty under this section. Section 498 A has a wide scope. It also covers any and all wilful conducts against a woman which drive the woman to commit suicide or grave injury or risk to life, limb or overall health. Again, health includes the mental and physical health of the woman.

Furthermore, the **Protection of Women against Domestic Violence Act 2005** prohibits a wide range of abuse against women — physical, emotional, sexual and economical and all these are extensively defined under the Act. The scope of the Act covers women who are in a live-in relationship and are not married. A woman has the choice to be free from violence and has various options under this Act. She has a right to get an order of protection against her husband and his family, to continue living in the same house i.e. she cannot be thrown out of her matrimonial home even if she reports her abusers, to claim maintenance, to have custody to her children and to claim compensation. Under the DV Act and also under **section 125 of the Indian Penal Code**, a woman does not have to necessarily file for a divorce to have a right to receive maintenance from her husband. The nature of a married relationship is such that it makes it incumbent on the man to provide maintenance for his wife (in some cases if she is unable to provide for herself and in some cases even otherwise). A petition for maintenance is maintainable even in the absence of one for divorce.

Thus we have to work on and stop domestic violence because equal leads equality.