

## “Domestic Violence in India”

*Rampalli Aditya  
Army Institute of Law,  
Mohali*

*“The more that we choose not to talk about domestic violence, the more we shy away from the issue, the more we lose.”  
— Russell Wilson*

Domestic Violence. The moment we hear this word the next thing that plays in our mind is a husband beating his wife mercilessly, a woman being abused by her husband or her in-laws over trivial matters, woman being sexually assaulted on the suspicion of extramarital affairs and so on. Over centuries there are many incidents which shows how men have been unfair to women in many aspects and how men always behaved as if women were inferior to them or just a piece of toy but the ironical part is that this fiend still exists in the society even after decades of so-called modernisation. The root aim of this article is to show how domestic violence threatens the very idea of existence of a peaceful society and why is it a problem that concerns not only woman but all of us ?

Before going directly on how domestic violence became the pivot of many problems around the world, let us try to understand the fundamental aspects of domestic violence ?

According to Indian law, Domestic violence is currently defined in India by the Protection of Women from Domestic Violence Act of 2005. According to Section 3 of the Act, "any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it:

- 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
- 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
- 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
- otherwise injures or causes harm, whether physical or mental, to the aggrieved person.”

Almost one third (30%) of all women who have been in a relationship have experienced physical and/or sexual violence by their intimate partner. Globally as many as 38% of all murders of women are committed by intimate partners. In addition to intimate partner violence, globally 7% of women report having been sexually assaulted by someone other than a partner, although data for non-partner sexual violence are more limited. The 2012 National Crime Records Bureau report of India states a reported crime rate of 46 per 100,000, rape rate of 2 per 100,000, dowry homicide rate of 0.7 per 100,000 and the rate of domestic cruelty by husband or his relatives as 5.9 per 100,000 A 2014 study in The Lancet reports that although

the reported sexual violence rate in India is among the lowest in the world, the large population of India means that the violence affects 27.5 million women over their lifetimes. Global estimates published by WHO indicate that about 1 in 3 (35%) women worldwide have experienced either physical and/or sexual IPV or non-partner sexual violence in their lifetime. In a systematic review of 137 quantitative studies published in the prior decade that directly evaluated the domestic violence experiences of Indian women, a median 41% of women reported experiencing domestic violence during their lifetime. According to UNICEF's Global Report Card on Adolescents 2012, 57% of boys and 53% of girls in India think a husband is justified in hitting or beating his wife.

Believe me when I say, I too was completely struck and aghast just like you when I first read these stats on domestic violence in India and globally and eventually could justify myself when I had earlier mentioned as domestic violence being a colossal problem. But, Why? And when did the roots of this issue become so deeply entangled in our society that now it almost became a part of our society? On a quest to seek answer to these questions I came upon something really startling which I thought would be worth sharing with my readers.

There would be many reasons regarding why domestic violence happens in most of the households but, prime reason among them is Dominant behaviour of men over woman. As evident in many researches human behaviour is such that it tries to control anything inferior to it, and the same happens when man tries to show his dominant behaviour over a woman in order to gain control over her actions. The causes of domestic violence against women has been broadly categorized into the following:

#### *Under-reporting of domestic violence*

For many decades woman who were experiencing domestic violence on a daily basis couldn't complain out of respect for her husband's family in the eyes of society and also domestic violence was often not handled as a legitimate crime or complaint, *but more of a private or family matter while negating the rights of women as citizens.* Caste, class, religious bias and race also determine whether action is taken or not. For example, poor or lower-caste females do not have the same access to legal enforcement or education and often have trouble getting help from law enforcement.

#### *Jealousy*

Very often jealousy between the spouses leads to domestic violence against women. This will take place when men attempt to control female reproduction and ensure sexual exclusivity for him through violence. This is most common in households where the woman is the sole bread earner of the whole family, This leads to a sudden upheaval in women's subordinate social status, and any transgression from the expected behaviour in the form of excessive social involvement or any situation which endangers the male supremacy in the family is likely to invite violence. A study from Mysore suggested that although women with jobs

were more likely to suffer IPV(intimate partner violence) than women without jobs, those with skilled occupations were at lower risk.

### *Alcohol*

This problem is mostly prevalent in rural parts of the country, according to many studies and surveys it is evident that alcohol consumption by the husband has been found to be significantly associated with domestic violence as in most other studies conducted not only in India but globally. WHO's multicentric study has stated that men are more likely to perpetrate violence if they are exposed to harmful use of alcohol. From urban slums to rural areas, North, West, East, and South India, alcohol stands out as a major risk factor for domestic violence and directs the public health scientists toward formulating and implementing interventions toward alcohol cessation and prevention.

### *Dowry related deaths*

Dowry system aka *dahej pratha* is an ancient tradition which consists of giving gifts in the form of money or goods (utensils, crockery, furniture) to the newly wed couple so that they could start their married life without much difficulty, but over course of time this tradition changed into somewhat a strict rule to the extent that it was expected from the brides family to bestow the bridegrooms family with expensive gifts or a vast amount of money. In the present-day scenario, most of the woman are emotionally, physically and often sexually abused for not bringing the desired amount of money as *dowry* and thus often becomes the victim to domestic violence. In a 2005 study published in World Development, results from a survey pointed to a negative correlation between dowry amount and inter-spousal violence, indicating the potential dangers of a wife falling short on dowry payments or expectations. In fact, 8391 dowry deaths were reported in 2010, a steep decline from 6995 such reported cases in 1997.

Are we done yet ? Not so soon. For centuries many women on the Indian sub-continent and around the world have experienced domestic violence, but these days it's not only the woman that are being subjected to physical or emotional abuse rather even the men these days are being subjected to such kind of mental and physical abuse. Though its difficult for woman to break all the social shackles and go to police station to file a FIR against her husband, it is equally tough for men too. This is because decades of domestic violence against men have knowingly or unknowingly made an impact on the minds of society that at the end of the day it is the men who have done all the wrong and woman are always the victims, but this may not be entirely true in each scenario as there are instances of men reporting cases of physical and mostly emotional abuse against them by their wives. Moreover the prime reason for men being silent on their being subjected to domestic violence is that of the popular syndrome in India which is "*log Kya kahenge*" and even for a man to register a police complaint, it is his family's respect in the eyes of some unreasonable and irrational people which is at stake.

*“In India a man is guilty until proven innocent and a woman is innocent until proven guilty.”*

The other major issue at hand is Marital rape. According to the Indian constitution Section 375 of the Indian Penal Code (IPC) considers the forced sex in marriages as a crime only when the wife is below age 15. Thus, marital rape is not a criminal offense under the IPC. Marital rape victims have to take recourse to the Protection of Women from Domestic Violence Act 2005 (PWDVA). Thus, this only complicates things legally and also might take a toll on the victim's time as well as money.

Although domestic violence seems to be problem which has its roots entangled deep in our society but still this social devil can be removed by taking some measures which don't demand huge amounts of money as charity, but only small actions which may bring the change we want to see in our society. As it is a problem deeply embedded in our society the first measure is to start taking actions from the society itself, the first major step we all can take is to bring awareness in our society, awareness which demands change in the perspective of viewing a woman, in the sense that woman should not be viewed as a puppet or a toy but should be treated with equal dignity and honour. She should be respected for her choices and should not be blindly judged if she wears short skirts or drinks alcohol. Society should also have to change the definition of what a “*mard*” is and should accept the fact that it is not a big deal if a woman earns more than her husband. The same goes with men too, they should also be given an equal opportunity to be heard and should not always be blindly judged by the society.

A classical example to show how involvement of society can change the attitude of people towards domestic violence is the “Bell Bajao” movement, Bell Bajao (Hindi for 'ring the bell') is an anti-domestic violence campaign that urges local residents to take a stand against physical abuse through simple acts meant to interrupt domestic violence. When residents, especially men, overhear violence against a woman taking place, they are urged to ring the doorbell and ask a simple question - such as to borrow some tea, to use the phone, or to have a glass of water. This is meant to let the abuser know that others can hear them and will act to interrupt the violence. This campaign promotes individual action against domestic violence. A key aspect of the campaign was thinking of men as partners in ending domestic violence, instead of only as violators.

To all the women out there who keep fighting against domestic violence without surrendering,

*“You are not the darkness you endured. You are the light that refused to surrender.”*

*— John Mark Green*