

Domestic Violence: A Harsh Reality

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Abstract-Domestic violence and abuse are the issues that always attract the headlines and will continue to be a pervasive issue in India. The term ‘domestic violence’¹ is used to describe a close relationship between the victim and the offender. The violence can be committed by someone who belongs to the victim’s social circle be it family, friends or even relatives. The aim of this research paper is to show how women in India have been the sufferers of domestic violence even now despite so many years of independence and modern technological advancements. The study advances our understanding of the various illnesses that women suffer being a victim of domestic violence that are not just physical but mental and emotional as well. These have a long-term impact on the victim and even the younger generations with respect to their lineage. It also displays the impact the ongoing covid-19 pandemic had on the lives of the victims of domestic violence.

Keywords : Domestic violence, constitutional rights, women, mental and physical illnesses, patriarchy

PATRIARCHY: ROUTE OF THE PROBLEM

A man physically assaulting a woman in his household becomes interpersonal violence, but if a million men are doing the same then it is structural violence and a major cause of concern. Home has come out to be the most unsafe place for a woman, with over 42% women (between the age 15-49) suffering from abuse, 33.5% women were the sufferer of domestic violence and 8.5% women suffered sexual abuse according to a study done by National Family and Health survey. The literal meaning of patriarchy is “the rule of the father”. The root cause of these unfortunate incidents is seen to lie under sexist ideologies that originate from patriarchal views. Since ancient times, women have often been confined within set boundaries created for them by their fathers, brothers and later by their husbands. The hunting age gave rise to gender specific

roles in the society in which the woman was confined within the four walls of her home, doing all the domestic work like gathering food, cleaning utensils etc. whereas men were assigned to step outside and hunt for the family. Years of tremendous evolution have still rendered the narrative the same. Even today men are expected to go out and work and women to just do the household work and nothing beyond that, generating the notion of men being superior to women. As a consequence of the existing societal norms, both boys and girls are taught to step into these roles, such as boys are encouraged to play outside more whereas girls are given a doll house as a gift which eventually teaches them to be more caring. These ideas are instilled in them since their childhood.

Girls are taught to be more sensitive and caring towards others and on the other hand boys are taught to suppress their emotions and be what “strong” is according to the society.

A shift in such patriarchal views was seen as the war era began, when the men were forced to leave their homes and sent to fight for their countries and the women were assigned to take over the responsibilities to run their household. Women were now more liberal and freer, and they declined to go back to the old ways of living. They realized that they too have ambitions and talent and are worth so much more and on account of this ‘feminism’ came into existence.

Feminism provided a new vision for the society that questioned unjust pre-existing societal norms of the society. Not only for the women but it targeted toxic masculinity as well, wherein boys and men had to suffer due to such norms of being more ‘masculine’. Feminism is believed to be misandry but in reality, it aims on giving rise to a society that gives liberty to both men and women to grow as they wish to. But even after so many years of countless feminist rallies and movements, it is not easy to completely change the

¹ The Ministry of Health, Welfare and Sport in tandem with the Ministry of Justice and Security of Netherlands have beautifully summarized what domestic violence is in their

attempt to spread awareness and educate their citizens about this issue.

deep-rooted patriarchal norms on which are nation is built. Women and men in our nation continue to suffer from the same unjust behaviors even after so many advancements.

PHYSICAL AND MENTAL ILLNESSES THAT VICTIMS OF DOMESTIC VIOLENCE SUFFER

Domestic violence is one of the most common household offenses in India and has a huge impact on the victim's physical and mental health. Violence such as intimate partner violence occurs in close relationships is mostly endured by the victim for a long time therefore it has a deeper impact on the victim and most of the time on the children in the family as well. There are various abuses under domestic violence such as battering, sexual abuse, marital rape, sexual abuse of girl children and many more.

In a study it was shown that there are almost 1000 domestic violence cases in the state of Uttar Pradesh that are reported daily. In data compiled out of 54,074 cases, almost 43% are domestic violence cases. (Domestic Violence – A Review of Literature, Dr. Soumi Chaterjee). Studies have shown that there are not just the obvious bruises that can be seen on the victim but there are many other health problems/injuries that a victim of domestic violence can go through it can include –

Neurological problems such as chronic pain, migraines and disability in speech, Cardiovascular and Respiratory such as asthma, hypertension, chest pain and heart attack.

Apart from these, studies also show linkage between domestic violence and the effects it has on reproductive health. The reports also have shown that almost 36% women that suffer domestic and violence are married, and the victims are mostly underweight and anemic and have a BMI of 18.5kg/m according to their health profile. Apart from these, the victim that suffers from domestic and sexual violence suffers from problems like poor pregnancy outcome, vaginal bleeding, anal bleeding/tearing (Government of India, National Family Health survey report, 2005 - 2006).

Unlike physical symptoms that are visible, psychological trauma and mental illness are also symptoms that victims of domestic violence suffer from. It is threatening and has an impact on not only the victim but also other family members, mostly the children.² Multiple studies show the interlink between domestic violence and poor mental health. Domestic violence victims may face issues like panic attacks, anxiety, flashback, depression and even suicide attempts.

In a study done by Ouellet-morin, Fisher, York-smith- (2015) to study mental health effects on domestic violence, it was concluded that depression, posttraumatic stress disorder, and anxiety are 2 to 4 times more prevalent in victims of domestic violence as compared to the general population. Not only this domestic violence also undermines a woman's sense of self-worth, former sense of freedom and their ability to think and act independently. It also increases a range of negative mental health outcomes and premature death which can further also lead to substance abuse problems such as drug consumptions and alcoholism.

BATTERED WOMEN SYNDROME

Nanette J. Davis in her paper ³ 'Battered Women: Implications for Social Change', uses the term 'battered' to express the state of women that are the victims of domestic violence. She expresses her concerns over the issue and stated that marital rape, biting, poking, slapping are some the actions that are within women battering.

Battered women syndrome has been identified as a part of post-traumatic stress disorder (PTSD). Lenore E. Walker (1979) proposed the concept of battered woman syndrome "it consists of the pattern of signs and symptoms that have been found in women who have been recently physically, sexually and/or psychologically abused in an intimate relationship when a partner exerted power and control over the women". Furthermore, with reference to the legal aspects, this syndrome has been applied to survivors of domestic violence who are guilty of killing their oppressor.

² Elda Cordone through her paper 'The Effects of Domestic violence on Mental Health' interlinked domestic violence with poor mental health.

³ NJ. Davis describes the term 'battered' through her paper 'Battered Women: Implications of social change' 1988.

Manju Lakra vs State of Assam (2013) which is one of the first cases to recognize battered women in Indian courts. The accused faced persistent domestic violence but one day when the situation became unbearable, she snatched a piece of wood from her husband and hit him with it as a form of self-defense due to which he suffered from injuries and the accused was charged for murder. The Guwahati High Court observed that the piece of wood was used by the battered women as a form of self- defense to kill her partner and then instead of murder she was convicted for culpable homicide which did not amount to murder.

COVID - 19 PANDEMIC AND DOMESTIC VIOLENCE

With the surge of covid-19 pandemic the judiciary went into 'a state of coma' and turmoil (Bhushan, 2020) which further led to increase in threat of women being exposed to intimate partner violence and sexual violence.

According to a study done by the World Health Organization (WHO) in 2020, every 1 out of 3 women have suffered domestic/intimate partner violence. As people were encouraged to stay at home due to the mandatory lockdowns which were imposed, the total number of cases further increased during epidemics and emergencies such as the Covid- 19 pandemic that the world recently experienced. A few reasons for this increase can be stress due to economic distress and job losses. Some women that were informal wage workers and the only earning members of their households lost their jobs due to lack of resources and thus became the victims of the perpetrators that exercised his power through domestic violence over the victim. Moreover, the victims were not able to seek adequate support from friends and family during the lockdown phases. Also, the government easing the restrictions on liquor stores is one of the many predominant causes of this increase in the number of cases.

A study on the number of domestic violence cases was conducted during the rise of the Covid-19 pandemic in 2020. Information sources include reports from various institutions based in India.

The National Commission for Women (NCW), which is responsible for receiving complaints from women that suffer domestic violence all across the country, further reported a 94% increase in the complaints over the lockdown. (The Economic Times,2020).

Data from National Legal Services Authority (NALSA) have observed an increase in cases of domestic violence during the lockdown. According to the reports in April, 89% of the total number of violence cases registered were of domestic violence. Almost 5-7 cases of domestic and public violence per day were reported by a women's group in Mumbai. Women were being forced into sexual relations and experience severe violence, including forced chopping of hair, starvation, demands for dowry by the marital family, and so on.

IMPLICATIONS OF DOMESTIC VIOLENCE LAW

Our judiciary has laid down various laws against criminal offenses that are strictly imposed over the offender, but it is seen that whenever the situation comes to impose these laws for the case of domestic violence, the strictness and parameters to impose these laws changes drastically.

Laws such as the *Protection of Women from Domestic Violence Act, (2005)* which has also included sexual violence under it, prior to this acts like *304B IPC/ 113B Evident act* have been imposed by the government which were formed with relation to dowry and there were many more like these but unfortunately these laws have not been able to protect the women suffering from intimate partner violence.

Even though domestic violence as an offense has on-paper been criminalized, yet it is treated as a lesser offense and further, sexism and misogyny has empowered the culture of violence. Where domestic violence is rising day by day the role of courts has become more important to give protection and justice to the victims. According to our Constitution a victim suffering from these crimes has a right to seek safety and protection from the offenders that commit these crimes under these laws.

But even after the emergence of these laws most of the women are still not able to come forward and seek protection against these offenses. This is not just because of the poor execution of these laws but because of reasons like social stigma.

The fact that girls have always been taught to keep their husbands and in-laws happy throughout their lives has eventually led them to suffer in silence. Another reason for this is illiteracy. Women mostly in rural areas are not adequately informed about these

laws and due to lack of awareness they are unable to take any actions. Some women also feel threatened of getting beaten up again if they lodge a complaint therefore, they refrain from taking a step forward. Lastly, women who are unemployed need financial aid from their husband for their children's education therefore they sometimes undergo these hardships for the sake of their children as well.

CONCLUSION

This work is beyond being anti-men or only highlighting the misogynistic behaviors that sometimes lead our society; neither it is about victimizing women. Rather this highlights the fact that how gender difference and patriarchy has led to normalizing domestic violence in our society especially within our own families. It highlights the various illnesses both physical and mental the victim and other family members, especially children go through that might have life long and even generational impacts.

Through the study it has been conveyed that we as women can only stand strong, if we stand together against these vices, only then will we have the courage to rise above these preconceived notions or social stigmas against domestic violence that exist in our society. As a result, we will be able to take the utmost help of the law that our judiciary provides for our safety by putting an emphasis on treating these as social norms and by encouraging each other to stand for what is right for the sake of our own selves and our upcoming generations.

REFERENCES

- [1] Abbott, P. (2022, May 16). *Women, health and domestic violence*. Journal of Gender Studies. <https://academia.edu/resource/work/7134332>
- [2] Bondi, L. (2016, May 16). *Women and mental health A feminist review*. Feminist Review. <https://academia.edu/resource/work/25349004>
- [3] Carolina Center for Recovery. (2021, October 13). *Domestic violence awareness: Domestic violence and substance abuse*. Carolina Center for Recovery. <https://carolinacenterforrecovery.com/addiction-blog/domestic-violence-and-substance-abuse/>
- [4] Choudhary, R., & Rana, G. (2017, February 1). *Domestic violence against women in India A study*. SSRN Electronic Journal. <https://academia.edu/resource/work/31028084>
- [5] Choudhury, J. (2019, May 13). *Women & Domestic Violence: A Study in India*. Society & Change. <https://academia.edu/resource/work/39121078>
- [6] *Conditions & injuries related to domestic violence, domestic violence national prevention toolkit on domestic violence for medical professionals*. <https://dvmedtraining.csw.fsu.edu/wp-content/uploads/2014/01/Conditions-and-Injuries-2014.pdf>
- [7] Cordone, E. (2016, January 17). *The effects of domestic violence on Mental Health*. Academia.edu. https://www.academia.edu/20340381/The_Effects_of_Domestic_Violence_on_Mental_Health
- [8] *Covid-19 and the increase of domestic violence against women*. (n.d.). <https://www.ohchr.org/sites/default/files/2022-01/india-womens-r-network.pdf>
- [9] Davidson, W. (2019, October 17). *Domestic violence, maternal parenting, maternal mental health, and infant externalizing behavior*. Journal of Family Psychology. <https://academia.edu/resource/work/40652717>
- [10] Ghosh, B. (2017, October 18). *State, law and domestic violence against women in India: A critical review*. (PDF) State, Law and Domestic Violence Against Women in India: A Critical Review | Biswajit Ghosh - Academia.edu. <https://academia.edu/resource/work/34627443>
- [11] Singh, A (2016, Jan - march). *The influence of patriarchy on gender roles - IJELR*. (n.d.). <http://ijelr.in/3.1.16/27-29%20ARCHANA%20VERMA%20SINGH.pdf>
- [12] Jeyaseelan, L. (2021, October 2). *Domestic violence and its mental health correlates in Indian women*. <https://academia.edu/resource/work/54988809>
- [13] Journals, I. O. S. R. (2016, July 29). *Domestic violence -case study of Srinagar*. (PDF) Domestic Violence -Case Study of Srinagar | IOSR Journals - Academia.edu. <https://academia.edu/resource/work/27361953>
- [14] Khandare, L. (2022, January 28). *Domestic violence and empowerment : A national study of*

scheduled caste women in India. (PDF) Domestic violence and empowerment: a national study of scheduled caste women in India | Lalit Khandare - Academia.edu. <https://academia.edu/resource/work/69803312>

[15] Kumar, A. (2016, July 9). *Violence against women and mental health.* Mental Health and Prevention.

<https://academia.edu/resource/work/4316740>

[16] *National Domestic Violence Hotline.* The Hotline. (2022, June 13). <https://www.thehotline.org/>

[17] Nigam, S. (2020, February 16). *Speaking of injustice: Women and domestic violence law in India.* SSRN Electronic Journal. <https://academia.edu/resource/work/41993833>

[18] Shah, K. (2022, April 25). *Domestic violence on women and its implications on their health.* sjesr. <https://academia.edu/resource/work/72627837>