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SILENT SUFFERING A GENDER-NEUTRAL LENS ON DOMESTIC VIOLENCE

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ABSTRACT

In today's advancing world where equality, freedom, and independence are celebrated, many individuals still face silent struggles within their own homes. Domestic violence continues to affect women, men, and children alike, often hidden behind closed doors and fueled by lack of awareness, education, and economic independence. Victims may experience physical, emotional, sexual, or economic abuse, yet many remain unaware of their rights or hesitant to seek protection. This article examines the multifaceted nature of domestic violence, encompassing physical, sexual, economic, and psychological abuse, while analyzing its profound impact on children and families. It discusses theoretical frameworks that explain the dynamics of abuse, highlights mechanisms for identifying and addressing victimization, and emphasizes the overlooked reality of male victims within the domestic sphere. The paper argues for gender-neutral legal reforms, enhanced victim support systems, and greater community awareness to create a holistic framework for prevention, protection, and redressal of domestic violence.

Keywords: Domestic violence, Victims, Gender neutral, Child abuse, psychological abuse.

INTRODUCTION

"Domestic violence is sadly a reality in Indian society, a truism" [1]. "United Nations defines Domestic abuse, also called "domestic violence" or "intimate partner violence", can be defined as a pattern of behavior in any relationship that issued to gain or maintain power and control over an intimate partner. This includes any behaviors that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure, or wound someone" [2]. In India, domestic violence is primarily governed by the *Protection of Women from Domestic Violence Act, 2005* (PWDVA) [3], which aims to safeguard women and, in certain circumstances, their children below the age of 18. While this legislation provides essential remedies and protections for women, it raises a critical gap in legal discourse, what about men who face domestic violence in the form of mental harassment, emotional neglect, or economic abuse? Presently, India lacks a gender-neutral

domestic violence law, and men do not enjoy equivalent statutory protection. Instead, limited reliefs may be sought through provisions of the *Bhartiya Nyay Sanhita* and other general laws.

This legal asymmetry highlights the pressing need to critically examine the socio-legal framework of domestic violence in India, the influence of gender norms, and the possibilities for reform in line with international human rights standards.

RESEARCH QUESTIONS

1. How do social, cultural, and gender stereotypes shape the understanding and recognition of domestic violence in India?
2. Should India move towards enacting a gender-neutral domestic violence law to ensure equal protection for all victims?
3. To what extent does domestic violence influence children's social interactions and peer relationships?

1. Stereo types and the understanding of Domestic Violence in India:

In psychology and sociology, "Stereotypes are mental shortcuts that help individuals categorize and make sense of the world around them. They are often based on limited information and can be influenced by various factors, including cultural norms, personal experiences, and social interactions" [4]. United Nations Human Rights also defined Gender stereotype "A gender stereotype is a generalized view or preconception about attributes or characteristics, or the roles that are or ought to be possessed by, or performed by, women and men. It also mentioned that a gender stereotype is harmful when it limits women's and men's capacity to develop their personal abilities, pursue their professional careers and/or make choices about their lives" [5]. Gender stereotypes can be seen as a fundamental root cause or the initial stage of domestic violence. Such stereotypes often create expectations that one gender should exert control or dominance over the other, reinforced by social and cultural pressures. When an individual—whether a man or a woman—attempts to control the other's choices, autonomy, or daily life, conflict arises. If the person subjected to this control resists, the situation may escalate into various forms of domestic violence, including physical, emotional, or economic abuse. Thus, deeply ingrained gender norms and stereotypes not only perpetuate unequal power relations but also act as a trigger for domestic violence within households. Various theories have explored the relationship between gender stereotypes and domestic violence, highlighting their strong interconnection. In the Indian context, one of the most prevalent stereotypes positions men as breadwinners, decision-makers, and protectors of the family, while women are expected to fulfill the roles of caregivers, homemakers, and obedient wives. These expectations are deeply rooted in cultural traditions, religious beliefs, and societal norms. Such rigid divisions of roles often create friction within households, leading to conflicts between spouses.

It is important to recognize that these stereotypes should not be interpreted solely as favoring men's dominance or women's subordination. Instead, they must be understood in a rational and balanced manner, acknowledging that both men and women may be adversely affected by such social constructs. While having expectations within a relationship is natural, the problem arises when unmet expectations result in verbal, emotional, or physical abuse. It is at this point that domestic violence begins to manifest, transforming personal conflicts into serious violations of dignity and safety.

2. Towards a Gender-Neutral Domestic Violence Law in India:

"India is a patriarchal society where women are categorized as vulnerable group. However, the same approach has not been followed with respect to male members of the society. Most of the

members of Indian society is very certain that men cannot be target of offences like Men are the victims of domestic abuse, while women are the culprits” [6]. In the case of “Mohammed Zkir v/s Smt. Shabana, High court of Karnataka”. The petitioner is a Muslim male. He is aggrieved by certain acts of his wife and her family and therefore had invoked the provisions of the Protection of Women from Domestic Violence Act, 2005. The Hon’ble High Court placed reliance on the judgment of the Hon’ble Supreme Court in *Hiral P. Harsora v. Kusum Narottamdas Harsora*, (2016) 10 SCC 165, wherein the interpretation of Section 2(q) read with the proviso to the Domestic Violence Act, 2005 was clarified. The Supreme Court held that any “aggrieved person,” irrespective of being male or female, who alleges violation of the provisions of the Act, is entitled to seek recourse under it. Accordingly, the petitioner’s complaint could not have been dismissed merely on the ground that the Act does not extend its protection to men and is confined only to women. The Indian judiciary has consistently sought to uphold the principles of justice and equality through the interpretation and application of law. When petitions are filed before the High Courts or the Supreme Court, the judiciary often provides new directions or legal interpretations that extend beyond the interests of a single petitioner and contribute to the broader public good. This approach ensures that legal remedies are not confined to individual grievances but also strengthen the legal framework for society at large. In this context, the recognition that men, too, may be aggrieved under the Domestic Violence Act, 2005, opens a significant avenue for them to raise their voices and assert their rights.

In India, however, a substantial number of domestic violence cases remain underreported, primarily due to lack of awareness and inadequate education. Social conditioning often leads individuals to follow established norms rather than seeking appropriate legal recourse. Moreover, societal structures and expectations frequently create hardships for both women and men, thereby complicating the pursuit of justice and equality in cases of domestic violence. “The National Crime Records Bureau (NCRB) compiles and publishes data on crimes, including crimes against women. This report is available up to the year 2022. As per the data of NCRB, the number of cases registered under the PWDVA, was 507 in 2021 and 468 in 2022. The latest report of National Family Health Survey (NFHS-5), provides data for the period 2019-2021, which reveals that the percentage of ever-married women aged 18-49 years who have ever experienced spousal violence (physical and/ or sexual violence) has reduced to 29.3% as compared to 31.2% reported in NFHS-4 for the period 2015-2016” [7]. While the available statistics indicate the percentage of complaints filed under the Domestic Violence Act, it is likely that only a fraction of these cases result in actual relief, with many still pending before the courts. However, the real concern lies beyond these numbers—what about the countless cases of domestic violence that remain underreported or never reported at all? What about the victims who continue to suffer in silence behind closed doors, and the children whose lives and development are deeply affected by such violence? Unfortunately, there are no straightforward answers to these pressing questions. Laws may be enacted with the intention of providing protection and justice, but the most significant challenge lies in their effective implementation. Without robust enforcement, awareness, and accessibility, even the most progressive laws risk remaining ineffective in addressing the lived realities of victims.

In the recent matter placed before the Hon’ble Supreme Court, “*We the Women of India v. Union of India*” [8], the petition brings to the limelight the uneven implementation of the PWDVA across the country. We the women of India moved the top court in 2021 with the prayer to direct the Union and the states to appoint Protection Officers, Service Providers and provide Shelter Homes under Sections 4 to 11 of the Act. The petition also sought the initiation and conduct of awareness campaigns on crimes against women. *The Supreme Court directed to designate Selected Protection Officers and order to complete this process within six weeks in areas where such designation has not yet occurred.* On the basis of recent case studies and the growing demand for gender neutrality across all spheres of law, it can be concluded that a gender-neutral approach to domestic violence legislation in India is both necessary and

inevitable. Such a framework would ensure greater recognition of all victims, strengthen the mechanisms for implementation, and provide equal protection to both men and women, thereby upholding the true spirit of justice and equality.

3. Understanding the Effect of Domestic Violence on Peer Relationships among Children:

When discussing domestic violence within Indian society, the psychological well-being of children is often overlooked. Although the conflict may primarily occur between spouses, in-laws, or other family members, children inevitably become secondary victims of such violence. The Domestic Violence Act, 2005, provides certain protections and security to women and their children; however, these safeguards are typically accessible only once a formal complaint has been filed and the legal process is underway. This raises a critical concern: what about the children who continue to endure the adverse effects of violence within their homes simply because the aggrieved parent—whether male or female—has not initiated legal proceedings? From a psychological perspective, the lived experiences of children exposed to domestic violence cannot be understated. While it may be simple to acknowledge these issues in writing, the daily reality for a child living in such an environment is profoundly different. The emotional turmoil, fear, and sense of helplessness experienced by these children often remain invisible and unrecognized, yet they significantly impact mental health, developmental outcomes, and social functioning.

“Every year an estimated 3.3 million to 10 million children are exposed to domestic violence in their home (Carlson, 1984; Straus, 1992). Studies investigating the prevalence of child abuse find that almost 900,000 children are classified as Maltreated by parents and other caretakers (United States Department of Health and Human Services [USDHHS], 2006)” [9]. “Exposure to domestic violence in childhood has been linked to a similar set of outcomes, including low self-esteem, social withdrawal, depression, and anxiety, aggression, violence, and delinquency” [10]. “Each child responds differently to abuse and trauma. Some children are more resilient, and some are more sensitive. How successful a child is at recovering from abuse or trauma depends on several things, including having, a good support system or good relationships with trusted adults, High self-esteem, and Healthy friendships. Although children will probably never forget what they saw or experienced during the abuse, they can learn healthy ways to deal with their emotions and memories as they mature. The sooner a child gets help, the better his or her chances for becoming a mentally and physically healthy adult” [11].

Gender stereotypes play a significant role in contributing to child abuse within the family environment. At times, one of the spouses may project their frustration or anger on to the child through shouting or other forms of emotional aggression. Societal stereotypes—such as the perception that being a man equates to power, authority, and control—can further reinforce such behavior, often leading to attempts by the father or male figure to dominate or excessively control the child’s life. At times, gender stereotypes that portray women primarily as caregivers, obedient individuals, or ideal housewives create immense societal pressure on them. This imposed expectation often restricts their autonomy and may hinder their ability to fully understand or effectively respond to the needs and welfare of their children.

SUGGESTIONS TO PROTECT THE CHILDREN AFFECTING FROM DOMESTIC ABUSE:

- In my view, the government should undertake comprehensive surveys that include every family member, with clear guidelines to ensure consistency and effectiveness. Survey officer’s ought to personally engage in conversations with children and carefully record their behavior and responses to gain a deeper understanding of their

mental and emotional well-being.

- Furthermore, mandatory child counseling should be introduced in every school and college, as such initiatives not only support healthy growth and development but also help children build trust in others.
- Alongside this, regular awareness campaigns, workshops, and educational programs should be organized in academic institutions to sensitize children about domestic violence and its consequences.
- Encouraging participation in extracurricular competitions can also play a significant role in boosting children's self-confidence and resilience.

While these measures are vital for improving the psychological condition of children, the foremost responsibility of the government must be to take decisive steps to prevent and eliminate domestic violence itself. Daily conflicts, verbal abuse, and hostile environments within the household have profoundly adverse effects on every family member, particularly children, and must be addressed as a matter of urgent social priority.

THERE ARE FEW GOVERNMENT SCHEMES FOR THE PROTECTION OF CHILD AND WOMEN:

- The Ministry is also implementing umbrella ICDS scheme which comprehensively addresses the need for child development and protection [12].
- Samagra Shiksha Scheme has been launched by the Government to ensure inclusive and equitable quality education [13].
- The Pradhan Mantri Matru Vandana Yojana (PMMVY) has been launched for promoting a better enabling environment by providing cash incentives for improved health and nutrition to pregnant and lactating mothers [14].

From the facts, opinions, and theoretical perspectives discussed, it is evident that domestic violence severely impacts childhood, often making it a period marked by difficulty, struggle, and, in some cases, trauma. For a child to grow and realize their full potential, good parenting, a safe and nurturing environment, and emotional support from parents are indispensable. Without these fundamental elements, the overall development and well-being of the child remain at risk.

CONCLUSION

This article underscores the prevailing realities of Indian society, the entrenched mentality of its people, and the role of stereotypes in perpetuating domestic abuse. While not exhaustive, the discussion seeks to identify key factors that contribute to violence against both men and women, emphasizing the need for laws that ensure equality for all. Importantly, it acknowledges that men, too, may be victims of domestic violence, despite the absence of specific legal provisions safeguarding their rights in India. At the same time, it highlights the judiciary's evolving role in upholding the fundamental principle of protecting the rights of every individual, irrespective of gender. In my considered opinion, advocating for gender-neutral domestic violence laws do not imply the need for a separate statute exclusively for men. Rather, it emphasizes the necessity of incorporating provisions that recognize men too can be victims, and not merely presumed as perpetrators. The law must, therefore, be inclusive in its approach, ensuring equal protection and justice for all individuals, irrespective of gender. However, the ground reality is far more complex. Standing up against domestic violence—whether by a woman or a man—is not an easy step in India. Our society neither appreciates nor extends adequate support to the aggrieved party. Deep-rooted societal norms perpetuate the belief that domestic issues are a matter of family honor and must remain confined within closed

doors. Filing a complaint is often perceived as an act of betrayal, inviting stigma, criticism, and social alienation. This cultural mindset has forced countless women and men into silent suffering, bearing the trauma of domestic violence without seeking redressal. Unless our legal framework evolves to acknowledge this reality and our society sheds the stigma attached to reporting abuse, true justice will remain elusive. Gender-neutral provisions in domestic violence laws, combined with a societal shift towards empathy and support for victims, are essential to break the cycle of silence and provide meaningful protection to all.

REFERENCES

1. Shri M. Chandrasekhar Reddy, Civil Judge (Junio Division), page number 1 United Nation, COVID 19 Response, what is domestic Abuse? <https://www.un.org/en/coronavirus/what-is-domestic-abuse>
2. Chapter II, Section 3 define Domestic Violence in Protection of Women from Domestic Violence Act, 2005, page number 4
3. Sarah Lee, “The role of Stereotypes in perpetuating violence” pg.1 <https://www.numberanalytics.com/blog/role-of-stereotypes-in-perpetuating-violence>
4. United Nations Human Rights, Gender Stereotyping OHCHR and women’s human rights and gender equality, pg 1 <https://www.ohchr.org/en/women/gender-stereotyping>
5. Rinkey Sharma, An Insight to The Issue of Domestic Violence Against Men In India: A Call for Gender – Neutral Law, pg 1 https://ijls.co.in/vol-1-issue-4-6#_ftn37
6. Government of India, Press Information Bureau, Delhi,
7. <https://www.pib.gov.in/PressReleseDetailm.aspx?PRID=2112763#:~:text=The%20National%20Crime%20Records%20Bureau,for%20the%20period%202015%2D2016.>
8. We the women of India vs. Union of India & Ors., Writ Petition 1156/2021
9. Carry A Moylan, Todd I Herren kohl, The Effects of Child Abuse and Exposure to Domestic Violence on Adolescent Internalizing and Externalizing Behavior Problems, Pg1 <https://pmc.ncbi.nlm.nih.gov/articles/PMC2872483/ibid>
10. OASH Office on Women’s Health, Effects of domestic violence on children <https://womenshealth.gov/relationships-and-safety/domestic-violence/effects-domestic-violence-children>
11. Press Information Bureau, Government of India, Protection of women and child rights
12. <https://www.pib.gov.in/pressreleaseshare.aspx?prid=1579546>