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# **BEHIND CLOSED DOORS: DIVORCE AND DOMESTIC VIOLENCE – A LEGAL AND HUMAN STORY**

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## **Abstract**

Domestic violence and divorce are closely interlinked phenomena in Indian society, yet are often treated as separate legal or sociocultural events. This paper critically examines the psychological trauma associated with domestic violence and how it often becomes the primary cause of divorce. Through analysis of Indian legal frameworks—particularly the Domestic Violence Act, Section 498A IPC, and divorce provisions under the Hindu Marriage Act—and supplemented with case narratives and psychological implications, the article advocates for an integrated legal-humanitarian approach. The conclusion calls for systemic reforms to ensure justice and dignity for survivors.

**Keywords:** Domestic Violence, Divorce, Section 498A IPC, Hindu Marriage Act, Psychological Impact, Family Law, India

## **1. Introduction**

In Indian culture, marriage is revered as a sacred bond. However, behind this ideal, many women suffer in silence under the weight of domestic violence, often culminating in divorce. While legal remedies exist, their inaccessibility, procedural delays, and societal stigma hinder justice. This article aims to explore the confluence of divorce and domestic violence, not just as legal issues but as deeply human stories demanding systemic empathy and reform.

## 2. Conceptual Framework

### 2.1 What Constitutes Domestic Violence?

The Protection of Women from Domestic Violence Act, 2005 (PWDVA) defines domestic violence comprehensively to include:

Physical abuse: bodily harm or threats thereof

Sexual abuse: non-consensual sexual contact

Verbal and emotional abuse: humiliation, name-calling

Economic abuse: deprivation of financial resources

This multidimensional understanding of abuse repositions the debate beyond physical injuries.

### 2.2 Divorce and Cruelty

Under Section 13(1)(i-a) of the Hindu Marriage Act, 1955, cruelty—physical or mental—is a ground for divorce. Courts have held in several judgments that persistent humiliation, denial of autonomy, and psychological degradation can constitute mental cruelty (e.g., *V. Bhagat v. D. Bhagat*, AIR 1994 SC 710).

## 3. Legal Context in India

### 3.1 Key Statutes

Hindu Marriage Act, 1955

Special Marriage Act, 1954

Protection of Women from Domestic Violence Act, 2005

Section 498A, IPC (Cruelty by Husband or Relatives)

Section 125 CrPC / BNS Section 144 for maintenance

These laws offer both civil (residence, protection, monetary relief) and criminal remedies.

### 3.2 Judicial Interpretation

The judiciary has developed evolving standards. In *Shobha Rani v. Madhukar Reddi* (1988), dowry-related harassment was held to be mental cruelty. In *Raj Talreja v. Kavita Talreja* (2017), the Supreme Court emphasized the cumulative effect of cruelty.

## 4. Case Narratives: The Human Side

### Case 1: Neha vs. Ramesh

A working woman in Delhi, Neha faced years of coercive control and threats. Despite earning well, she was denied financial and emotional independence. Legal relief was granted after two

years under HMA and PWDVA, but the mental trauma persisted.

### **Case 2: Fatima vs. Aslam**

Fatima was subjected to sexual violence and forced isolation. Supported by a local NGO, she filed for protection and later divorce under the Special Marriage Act, citing cruelty. Her case highlights the role of support systems in accessing justice.

### **Case 3: Sunita Devi vs. Anil Kumar**

Sunita's dowry-related abuse led to her forced eviction. Section 498A IPC and DV Act proceedings helped her reclaim her rights. However, the criminal case is still pending, showcasing judicial delay.

## **5. Psychological Impacts**

Domestic violence has profound and lasting effects:

Depression, anxiety, PTSD

Learned helplessness and suicidal ideation

Intergenerational trauma

Negative impact on children, leading to behavioral and developmental issues

Freudian, Cognitive-Behavioral, and Trauma Theory perspectives all suggest that long-term exposure to domestic abuse alters perception, memory, emotional regulation, and sense of agency.

## **6. Systemic Barriers**

### **6.1 Social Barriers**

Victim-blaming

Family pressure to "adjust"

Honor culture and fear of social exclusion

### **6.2 Legal and Institutional Barriers**

Under-reporting and withdrawal due to fear

Police inaction or trivialization

Lengthy and adversarial legal process

Low conviction rate in Section 498A cases (often misinterpreted as false cases)

## 7. Role of NGOs, Courts, and Counselors

NGOs such as Jagori, Majlis, and Breakthrough offer legal aid and counseling.

Family courts and One Stop Centres (OSCs) provide integrated services.

Court-appointed psychologists and marriage counselors can help identify coercive control or emotional trauma.

## 8. Recommendations

Establish dedicated DV-Divorce fast-track courts

Mandatory legal aid and psychological counselling

Training police and judiciary in trauma-informed approaches

Linking DV and cruelty provisions more cohesively

Public awareness campaigns to destigmatize divorce due to domestic abuse

Increase budgetary allocation to women's protection services

## 9. Conclusion

Domestic violence is not a private affair—it is a public wrong and a legal injustice. Divorce, in such contexts, is not a failure of marriage but a reclaiming of human rights and dignity. The Indian legal system has taken commendable steps, but the lived experiences of survivors reveal the urgent need for intersectional, empathetic, and time-sensitive reforms.

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