

Women, Residence Rights and Domestic Violence : Exploring The Dynamics of Compromised 'Space' within The 'Household'

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Even though domestic violence is not a new phenomenon causing social disorganization but the intrusion of technological advancement has widened its scope to include other forms of violence having life-long psycho-social impact on the victim. The overarching patriarchal values and structure of the Indian Society not only socializes individuals to make violence invisible but it also thereby directly and indirectly empowers men to exercise aggression and power on the socially perceived 'weaker sex', i.e. women. The major problem with women is that they do not have a space of her own, she is socio-culturally made to learn and accept the space to be male-centric. The problem arises when in intimate relationships she faces violence. This study through qualitative methodology and through the use of certain secondary data sources is critically evaluating the scope of women's space in the faces of adverse marital encounters. Even though constitutional and legal provisions entitle them to residence rights and rights to shared households but the lack of education, legal knowledge, financial support and familial support deters her access to a space where she can lead a life with dignity. Often these factors coupled with the socially imposed stigmas make her live with violence.

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There is no novelty in the concept of domestic violence. The Indian society has specifically witnessed it long since its social organization and family life. The structural orientation of the Indian society, norms, values and ideals in general and patriarchy in particular can be associated with violence against women. The vulnerability of the victim becomes manifold when this exposure of women to violence occurs within the confines of the home. Not only that makes the violence invisible because of its covert peripheries but as for the Indian women she is socialized to fit into the home of either of her father, brother or husband so the absence of her own 'space' coupled with the values, ideologies, ethos puts her in the predicament to compromise, adjust and come to terms with violence mostly all by herself.

The term 'Violence Against Women' refers 'to many types of harmful behaviour that women face because of their sex' (ICRW, 2024). However domestic violence is narrower to refer to acts of violence that occur within the domestic settings. It may occur between two people who are in an intimate relationship or may be channelized against any one of the marital partners who turns out to be the victim and the family of the spouse unites to be the perpetrator. Domestic Violence or abuse specifically against women can be varied it is identifiable to assume the forms like: Coercive Control, Emotional or Mental abuse, Physical Violence, verbal abuse, social abuse, Spiritual or cultural abuse, Legal abuse, Technological abuse, (it may include harassment and stalking), Gaslighting or even financial abuse.

Another important concept in the paradigm of violence is Intimate Partner Violence (IPV). It is also a form of domestic violence but it is narrower in the sense that it occurs only within the spouses who are in an intimate relationship. IPV is defined as a pattern of abusive behaviour by one partner against another in an intimate relationship, such as marriage, dating, family or cohabitation (Chhikara, et. al., 2012). Domestic Violence is often treated as a pattern to abuse to gain control over the women in the household. But IPV is more individual-centric and is the expression of the aggression of the male partner over the female. Women face both of domestic

violence or violence initiated by her intimate partner. IPV against women is generally considered much beyond a unidimensional category to include factors like, personal, socio-cultural or even situational (Rivera, 2024). The problem lies in separating both these categories of violence into water-tight compartments under the patriarchal power structure because what appears as initiated by an intimate partner is often intertwined with not only individual values but structurally includes the family's roles and values in initiating the violence. So, delineating a single provenance of violence within the domesticity is often a challenging task.

Coming to recent statistics in the Indian Context, it brings forth both persistence and evolution of the problem of violence against women. As highlighted in the conceptual framework, the nature of violence has attained some sort of dynamism owing to the intervention of a number of social, psychological, economic or even political factors. The National Crime Records Bureau (NCRB, 2022) reported 4,45,256 cases of crime against women in India, a 4% increase than the previous year, averaging to 51 complaints every hour. The shifts across the crime categories are quite indicative. The NCRB notes that kidnapping and abduction of women has increased along with assault on women to outrage her modesty, Rape cases have been consistent in the scale, however cyber-crimes have sharply increased. Even though there are regional disparities in the cases of complaints but an increase itself in the reported rates of crime might not simply imply that crimes itself are increasing but it might indicate that women are making the crimes visible by reporting and taking aid of women's helpdesks, digital complaint systems and increasing helplines. The response of institutions also plays a pivotal role in registering complaints and making adaptations towards changes in the forms of crime or the process of victimization itself. Going by the statistics we find how the sphere of crime has expanded from domestic, public to the digital spheres. The policy trajectory of the past and the emerging ones must come in a healthy consensus to examine violence as a lived experience at the backdrop of data and structural prejudices and how the nature and form of victimization is being regularly evolving.

Now, Gender-based Violence against women are the violences that specifically affects women often because the peripheries of patriarchy positions women in those particular foci. These violences cause physical, sexual or psychological harm against women and can have impact in both her public or private life. Physical violence against women is often analyzed as not only greater physical strength of the men over women but it is viewed as an adjunct of a wider cultural climate generally and in particular patriarchy that supports not only male domination but also systematic subjugation of the women as the 'weaker sex' of the society. This paper examines how the intimate 'space', i.e. the shared domesticity itself becomes a problematic lacuna accommodating violence among those who share intimate relationships. The spectrum of domestic violence is not only wide but is also complex and complicated as the patriarchal structure intervenes with the concept of violence making it highly fragmented and 'space-oriented'. Thus, not only is violence gendered but also it is viewed, encountered and most importantly reciprocated differently when encountered at both public and private spaces. Socialization creates an array of stereotypical gender-based responses which make violence a multi-layered and problematic category to combat with a lineal measure. As women, especially in India lack a 'personal', 'own' space, so the magnitude of violence and its responses are often garnered by the mere absence of rightful residence designated for women. Thus, initiation of violence by 'men' and responses towards it are often structured by the absence of own 'residence'. Thus how, Domestic Violence, its initiation, responses and exposure to wards it take place at the backdrop of 'space' is probed into.

Methodology

The study is a qualitative study based on the critical research methods which has been employed to analyze meanings, causes and social contexts of domestic violence. The purpose of employing critical research is to examine the nature of power dynamics that is inherent in the relationships between men and women. This paper thus tries to analyze the various interactions that violence might have within the ambit of the Indian society. Such analysis becomes important as despite much

advancement of the society violence also has assumed different forms to successfully accommodate within the newer societal framework. Certain secondary data sources have been used in the study for accessing legal provisions towards violence and residence rights. The contextualizing of violence is essential in not only critically analyzing violence but also to seek a critical evaluation of the social sphere that shapes and structures violence. This is a broad-based study that tries to analyze and interpret the latent societal forces that are pivotal in shaping and making violence ever accommodative.

Domestic Violence and Abuse: The Cycle of Domestic Violence

Violence following Gelles (1979), has been described as an act of striking a person with the intent of harming or causing injury but actually not causing it. Stauss (1980) described it as a violent act that has potential of causing injury to others. Domenach (1981) puts forth violence as an act that seeks to encroach upon the freedom of another. Megargee (1982) argues that it might lead to injury or destruction of a person or their reputation. Thus, violence can range between both covert and overt ways leading to not only physical harm or injury of the victim but also might lead to the psychological distress or loss of social repute of the victim. Thus, violence is an all-encompassing word having social, psychological, physical or other distinct impacts. Violence against women are often directed towards certain motives which may include: money-oriented violence, power seeking or controlling over the weak, pleasure-seeking violence, violence which is a result of the perpetrator's pathology, it might also be a result of stressful family situations or it might be victim-precipitated (Ram Ahuja, 2009).

Following Gerda Lerner, mechanisms through which the patriarchal values and hierarchical structures are reinforced are the similar ways through which the concept of violence; its initiation, exposure and reciprocity dictating the norms of the 'good' and the 'bad' is unknowingly infused into the value-system of both men and women. Sylvia Walby in her book "Theorizing Patriarchy" highlighted that how

patriarchy is to be treated as a 'social structure' that structurally delineates women and places her in a position of inequality and discrimination. She assigns violence by men an important pillar built by the all-pervasive notion of patriarchy. Abrupt domestic violence may appear but underlying structures can be underlined following the unpredictable eruption of violence. Certain stages of domestic violence can be underlined. Even though violence often starts with harassment within the household which may include unwelcoming behaviour, humiliation, intimidation often creating a hostile environment within the household. It also often takes the form of abuse which might be initiated to control the behaviour of the victim through fear, guilt or shame while violence involves the use of force causing pain or suffering. So, the entire paradigm of domestic violence is intertwined within the compartments of harassment, abuse and violence. Walker in her Cycle of Violence Theory in her seminal book "The Battered Woman" (1979) distinguishes three stages of violence. These include: the Tension-Building Phase, the Acute Battering Phase and the Honeymoon Phase. The Cyclical nature of these subsequent phases also contributes towards the invisibility of the domestic violence. Often the tension-building phase is ignored or pacified by the women by altering her ways not to increase his anger. If the coping techniques of the wife fail and the perpetrator's behaviour remains unchanged it leads the possible intensification leading to a violent phase of acute battering. This stage is short-lived but is aggressive, torrential and injurious for the women. The psycho-social impact of such a violent phase as is often readily followed by the Honeymoon phase, it built in an air of hope among the victimized women that the perpetrator would not repeat such an action in future so she tries to cope within the confines of domesticity and hopes that tied with hopes that their normal marital relationship would resume. This phase also witnesses rationalization of the acts of violence to make it appear as justified. But this phase of reconciliation and calmness in latent ways bears the message to the perpetrator that his actions as has become invisible so clears his potentials for future violence. Thus, it is evident that the cycle of violence is an adjunct of all the marital discomforts that ranges from harassment to abuse to violence.

Socialization, Gender Performativity, Women and Violence

Even though violence is caused by victimizers having depressions, ego, inferiority complex, low self-esteem, psychopaths or have personality disorders, often they lack resources, skills, talents or are often raised in socio-pathic environments or they might be possessive, suspicious and of dominating nature. They might also be under the frequent abuse of alcohols or drugs or they might have been victims of violence themselves in childhood (Ram Ahuja, 2009). But along with it the societal milieu also creates an environment where violence is not just perpetrated but is also passively initiated. The patriarchal nature of the Indian society perfectly weaves an atmosphere that not only initiates but sustains domestic violence through the systemic domination of women by men. The socialization of both men and women from early childhood by various societal institutions create a situation whereby through violence the male domination over the female is sustained. The early childhood delineation of gender-roles to be submissive, passive, patient and on the contrary the men are made to learn to be aggressive and in superior and controlling positions lead to identification of gender differences and in compliance to that the patriarchal society diverges between male and female roles and in turn justifies the subordinate role of women. Women unknowingly often become the victim while they keep on performing or adhering to the gender-prescribed roles. The 'gender-performativity' dimension often blurs the peripheries of gender-roles, societal- norms, intrusion and violence. The glorified importance of the role of women in keeping the family members together often leads women to accept violence or abuse. The glorification of the role of men as bread-winner seeks to disempower women from early childhood to envision her primary role as that of a wage earner. So, for her and her child/ren's sustenance post marriage she has to bear with violence in absence of her adequate support from her parental house. Matrimonial alliance shifts her space rapidly to her in-law's house. Even for the empowered women who are economically independent they also stand in a situation to bear violence often because of the societal stigma association with the marginalized-gender. The societal structure permeates an environment that not only

generates violence by men but also goes on to sustain it pertaining to the normative patriarchal standards. These societal standards and expectations and expectations make and expect women learn not only to cope with violence and male domination. Women who stand up to fight for themselves face with psychological, social, physical and cultural obstacles.

Domestic Violence and Social Norms: A Strata-Based Overview

Even Though violence against women pervades across all societal layers but its impact, response and report vary across socio-economic layers of the Indian Society. Given the overall paradigm of societal norms as men are considered superior than women so some amount of domestic violence is socially constructed as “normal”. Often violence is normalized when it is taken in context of a ‘reference group’, be it for men or for women. The reiterated approach towards men being perpetrators of abuse and women as victims play a major role in accepting and approaching violence. Richard Wilkinson and Kate Pickett (2010) locate that stress caused by social inequalities on family members cause domestic violence. This ‘stress’ may be economic as much as it can be ‘social’ and might be operative at both inter and intra familial levels. The nature of domestic violence, its intensity, response and reporting are complex and are interwoven with cultural norms, societal factors like caste, religion etc. and economic factors. Certain protective factors are identified that can somehow act to protect women from the risk of domestic violence. These include; higher socio-economic status, women’s economic independence, quality of marital relationships. However, the widespread prevalence of the domestic violence across all strata manifests that identifying such a lineal relationship is not easy as women who are well educated, belong to higher socio-economic group also face violences of many forms. Thus, the pervasiveness of violence across the demography cuts across with certain facts among which education or economic conditions may be a few but it is evident that they cannot be identified as the determining causes of violence under any circumstances. Exposure to the culture of violence, social norms at the societal level; family and neighborhood at the level of community and anxiety, stress,

exposure to alcoholism or other addiction at the personal level coupled with a lack of family's role in playing a protective role might all act together to the extent, intensity or even prevalence of violence at the domestic front. Putting these all together Salvatore. J Giorgianni (2001) puts all these risk factors related to violence in the form of concentric circle. In which the outermost circle starts with culture moving inward to the circles of community, neighborhood, school, family and ultimately to the individual. Here the risk factors that might increase or decrease the occurrence of violence are majorly family (as it is where the culture of violence is learned or not) and culture.

Women and 'Space': An Overview of Household and Domestic Relationships

The basic point of contention lies with the idea embedded in our societal structure is with women being treated as a 'displaced' category. The patriarchal society plays a dual game. On one hand it gives men a superior position in society on the other hand the lack of women into an anchored space makes women stand in a dually vulnerable position. The entire problem lies in the fact that women are born like men in their 'family of orientation' but she from the very beginning is socialized to acquire skills and attributes 'to fit in' her 'family of reproduction'. Post marriage her paternal space is something she socio-culturally learns to disown as she is displaced from that space along with a simultaneous acceptance of the space of her husband's as her own takes place. The Materialistic View of Domestic Violence, especially Marxist Feminist, focus on the economic and material factors such as inequalities in income and housing that focuses on how some groups are more vulnerable to violence than others. After having discussed much about the concept of space and shared household, the women's position of not having 'own' space originates from the Indian women's consideration of being in the custody of her father at childhood, then in the husband's custody after marriage and finally in the son's custody at old age. This not only socializes men to attain a gender identity based on the asymmetrical power position with women but also appendages a dynamic and mobile nature to the space of women. Spatial dislodgment is something that women are socialized into right

from the time of their birth. But inherent in this dynamic nature of space of women is marked by her absence of 'own' space. She is always co-residing and sharing space within relationships. The patriarchal societal structure post-marriage relocates the Indian women in her husband's home. She co-resides and shares space in her family. This family re-orientates her to a different set of values and norms and being someone who enters family late and through conjugal vows often finds it difficult to accommodate under the patriarchal normative paradigm. It also sometimes becomes the 'site' or 'space' of violence, but her reciprocation to violence often is intertwined with her socio-cultural responses that compels her to accommodate violence within the domestic confines. Also, the absence of her own space plays a very crucial role in her response to violence as patriarchal values question her sanctity to come out of the domestic space that is initiating violence. Along with her economic handicap her absence of her own space makes her vulnerable to more violence. She becomes the victim as she rethinks about her own 'space' where she can accommodate rightfully. Familial obligations towards values restrict her from going back to her father's house, so the dominant societal values coupled with the absence of her own space makes her learn to live with violence. The other side of the coin, i.e. their male counter-parts derive dual purposes of violence. On one hand it empowers men to exercise aggression on women; the weaker 'gender', on the other hand the 'absence' of space of the women endows him the courage of continuing with violence thinking that she would not be having a place to go back to. The lack of 'exclusive space' for women directly or indirectly pre-disposes her to violence. The problem with invisibility of violence is deeply entrenched to the notion of 'residence' or 'space' that contributes to both men and women's attitude towards violence and its visibility.

Women and Residence Rights: The Indian Context

The Right to Residence under the Protection of Women from Domestic Violence Act, 2005 (PWADVA) often regarded as a progressive piece of legislation grants women rights to live in a shared household when she faces abuse within domestic relationships. This Act not only identifies the broad arena of violence but also aims to

provide maintenance and shared household rights even without she holding the titles or rights in the property. The right is free from ownership criteria for the women, also seeks to include women in domestic relationship (both married and in live-in relationships) and also it includes joint family property, rented accommodations or even ancestral homes. This also includes both tenanted and owned properties and claims that it cannot either evict women from her matrimonial home or can bar her or her relatives from entering any part of the house. These kinds of Acts along with certain sections and other laws entitle women to maintenance from her husband and ensure that they are not forcibly evicted or threatened to do so from their matrimonial home. Another important feature of this act is that it grants women post-relationship rights to residence to women.

Coming to the concept of “shared household”, it is a household where post-marriage the woman has shared domestic life with her husband or has resided to a household belonging to her husband or a joint family of her in-laws. A shared household is a residence where two or more people live in a domestic relationship. One thing must be clearly defined at this on-set of discussion that the matrimonial home is essentially different from a shared household. A matrimonial home is a place where jointly the man and the wife reside after marriage, they raise their children and live a conjugal life primarily. However, a shared household is a broad term and includes legal connotations as it talks about the shared domesticity after any point of marriage. It includes matrimonial home but extends further to other properties owned by the husband. Thus, it brings into it the pillar of ownership and technical and legal entitlements of the women as her rights when she faces violence or fights with a distressed marriage. Thus, the term “matrimonial home” intertwines some kind of positive emotional values while the concept of “shared household” arises through legislative interventions of affirming rights to women facing domestic violence. So, the latter concept lacks positive emotional weightages.

So, the ‘rhetoric of space’ keeps women in a position marked by absence of her own space. The matrimonial home socio-culturally and ideally covers up her need of one.

But when she faces violence and she decides to make it visible, overcoming socio-cultural barriers she has to seek legal interventions to fight for a space where she can live. The battle, barriers and the time that are invested in acquiring the rights are far beyond simple and instant. The psycho-social trauma and the cultural disjunctions that she faces makes her experiences of the scars of bearing domestic violence life-long.

Conclusion

Even though it was perceived that certain socio-economic interventions prevail that goes onto to generally typify domestic violence specific to certain groups in society. But with newer forms of violences having been recognized it is observed that hardly such strata-centric linkages of violences are not possible. The increased visibility of violence coupled with its varied and dynamic nature has made it more encompassing across classes. In a society where multiple discourses including mythology, family, societal structure and socio-economic factors emphasize upon gender as not only an asymmetrical category but also defines gender-roles in terms of contradictory behaviour, the challenge lies in the complexity of the intimate domesticity which becomes the 'site' of violence. The problem lies in dealing with the concept of violence in such a way that on one hand violence is often brutal in nature but as it is embedded within intimate relationships so the challenge remains on how to combat it. Non-physical forms of violences being access-laden is barrier-free as it goes on to impact the well-being of victim at multiple-levels.

'The dialectics of privacy' is major determinant towards the invisibility of violence. As the socially learned values dominate to make the private space away from the public gaze so women tend to tolerate violence assuming that reporting it to the public might stand in collision with her socially learned role of being an 'ideal' wife. But again, this provision often gives men the power to misappropriate his 'socially learned' unequal power relations over the so-called 'weaker sex'.

Despite legal initiatives the power relations within the family makes domestic violence invisible. The invisibility of domestic violence is so much entrenched in societal values that not only men, often the perpetrator wants to make it invisible by making it a normal, extension of socially learned 'masculine' values but what makes it alarming that the victim, often the women, mostly makes it invisible by adhering to socially learned values of submission, acceptance and being docile. To overcome the barriers of making violence visible open communication is very essential. Coupled with it lack of restricted legal knowledge, education and restricted financial support are all essential. Family-centric and community-centric becomes essential for her to stand against not only violence itself but also the subsidiary socio-cultural bearings that such a n encounter entail. It needs to be understood that violence against women is becoming an all-pervasive phenomenon and is related to the social position of women and is related further to other forms of crimes that are perpetrated against women in India. The vulnerabilities both at individual and societal levels led by major discourses initiate trauma and stigmatization makes it difficult for the victim to initiate visibility of violence. Community-based support becomes important to identify, validate and fight with the 'real' victims of violence. Thus, as the concept of violence in itself is multifarious and multi-layered so to combat it and its associated effects a holistic multi-layered approach is required which would address the existent forms of violence along with incorporating the newer and emergent forms of domestic violence.

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