
“A CULTURE OF SILENCE”: A SOCIOLOGICAL ANALYSIS OF CAUSALITY, STIGMA, AND THE LIVED EXPERIENCES OF WOMEN NAVIGATING INDIA’S DOMESTIC VIOLENCE LAWS

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ABSTRACT

While institutional failures in implementing the Protection of Women from Domestic Violence Act, 2005 (PWDVA) are well-documented, I argue that a purely institutional critique is insufficient. The legal framework operates within a socio-cultural ecosystem defined by entrenched patriarchy, pervasive social stigma, and the “culture of silence” that normalizes violence. This article moves beyond the “law in books” to analyze the “law in life.” Drawing on a sociological analysis of national datasets (NFHS-5, NCRB) and a synthesis of qualitative “lived experience” studies, this paper explores three questions: (1) What are the deep sociological roots of domestic violence in India? (2) How do social stigma and cultural norms (e.g., “family honor”) create near-insurmountable barriers for women seeking to access the law? and (3) How do these pressures reshape the plaintiff’s legal journey, forcing her to redefine “justice” as “compromise”? I contend that for many women, the legal system is not a site of rights-vindication but a tactical-though-painful space for negotiating survival, often by leveraging the threat of criminal law (Sec 498A) to bypass the failures of the civil law (PWDVA). This reveals a profound gap, not just in implementation, but in the law’s capacity to counter cultural-hegemony.

Keywords: Domestic violence, lived experiences, sociological analysis, India, patriarchy, stigma, women litigants, Section 498A, NFHS-5

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1. Introduction: Beyond the Courtroom

Consider the story of Geetha, an educated, well-dressed woman who endured seven years of escalating abuse from her husband. She stayed, not from a lack of awareness, but from a “fear of social stigma.” Only after he threw hot coffee on her, causing burns, did she leave. She then found herself in a legal battle for custody of her son that left “too many emotional scars” and forced her into mediation.

Geetha’s story, which is tragically common, reveals a critical truth: the battle against domestic violence is not fought primarily in the courtroom. It is fought against a deeply entrenched “culture of silence”. While my previous work analyzed the *institutional* failures of the PWDVA, this paper argues that such a critique is insufficient. The law, no matter how progressive, is a secondary factor in a woman’s quest for justice. The *primary* determinants are the socio-cultural and economic realities that govern her life.

This paper, therefore, analyzes the social world *around* the law. I argue that the law’s (in)efficacy is ultimately dictated by the overwhelming force of patriarchal norms, pervasive social stigma, the concept of “family honor,” and the structural reality of women’s economic dependence.⁷ Using a sociological lens, this paper synthesizes quantitative national data (NFHS-5, NCRB) with qualitative “lived experience” studies to move beyond the “law in books” and map the “law in life” for the Indian woman plaintiff.

2. The Roots of Violence: A Sociological and Statistical Portrait

Before analyzing the plaintiff’s journey, we must first establish the sociological contours of the violence itself—its staggering prevalence, its structural drivers, and the profound silence that surrounds it.

2.1 The Scale of the Crisis: The NFHS-5 Baseline

The most reliable measure of domestic violence is not crime data, but public health data. The National Family Health Survey (NFHS), conducted in the privacy of women’s homes, provides the undeniable baseline of *experience*. The NFHS-5 (2019-21) reveals a public health crisis:

- **Prevalence:** 31.2% of ever-married women aged 18-49 have experienced domestic violence in their lifetime (Mishra, Pradhan, Pradhan, & Choubey, 2024). This means nearly one in every three married women in India has been a victim.

- **Multidimensional Abuse:** The abuse aligns perfectly with the PWDVA's broad definitions. Among married women, 28.5% reported physical violence, 13.1% reported emotional violence, and 5.7% reported sexual violence (Mishra et al., 2024).
- **Intractability:** This crisis is deeply intractable. The 31.2% figure is only a marginal decrease from the 33% reported in the NFHS-4 (2015-16), showing that legal and social interventions have, to date, failed to make a significant impact on prevalence.

2.2 The Statistical Shadow: The NFHS vs. NCRB 'Gap'

This widespread *experience* of violence exists in a state of profound public *silence*. This is most clearly illustrated by juxtaposing the NFHS health data with the National Crime Records Bureau (NCRB) data, which measures *reported crime*.

The NCRB data itself reveals a sociological fact: violence against women in India is overwhelmingly domestic. In 2022, the single largest category of "Crimes Against Women" recorded by police was "Cruelty by Husband or His Relatives" (Section 498A IPC), accounting for 31.4% (140,019 cases) of all such crimes.

However, the *gap* between the NFHS and NCRB numbers is the true story. The NFHS-4 found that among women who had experienced physical or sexual violence, only 14% had ever sought help, and only a fraction of those went to the police. This chasm is the statistical shadow of the "culture of silence". Millions of women are suffering, but almost none are accessing the legal system.

The data reveals an even more profound finding, as detailed in Table 2. Of the tiny fraction of women who *do* access the legal system, they are *not* using the PWDVA.

2.3 Table 2: Prevalence vs. Reporting: The Statistical 'Gap' (NFHS-5 & NCRB)

Metric	Source	Statistic	Sociological Implication
Lived Experience (Prevalence)	NFHS-5 (2019-21)	31.2% of married women (age 18-49) have experienced	The problem is a <i>norm</i> for nearly 1 in 3 women; a

		spousal violence (Mishra et al., 2024).	pervasive public health crisis.
Breakdown of Experience	NFHS-5 (2019-21)	28.5% (Physical); 13.1% (Emotional); 5.7% (Sexual) (Mishra et al., 2024).	The violence is multi-dimensional, confirming the social reality that the PWDVA was designed to address.
Official Crime Reporting (IPC)	NCRB (2022)	140,019 cases filed under Sec 498A IPC (Cruelty).	This is the <i>most common</i> reported “crime against women,” confirming violence is overwhelmingly domestic.
Official Crime Reporting (PWDVA)	NCRB (2020)	446 cases filed under the PWDVA 2005.	<i>Critically low.</i> This is a stunning quantitative confirmation of the PWDVA’s implementation failure.
The Reporting Gap Insight	(Analysis)	(Analysis)	The NFHS data shows most women <i>never</i> report. ⁴⁰ The NCRB data ³⁸ shows that those who <i>do</i> report are overwhelmingly using the <i>criminal</i> Sec 498A, <i>not</i> the <i>civil</i> PWDVA.

This data provides a clear mandate for this paper. We must ask: 1) What sociological factors *drive* this violence? 2) Why does the “culture of silence” exist? 3) Why are women who break the silence choosing the criminal law (498A) over the civil law (PWDVA)?

2.4 The Drivers of Violence: Sociological Causality

The violence captured by the NFHS is not random. It is deeply correlated with structural, social, and cultural factors.

- **Patriarchy and Social Norms:** The root cause is patriarchy. Feminist theory posits that “patriarchal ideologies produce an entitlement in male perpetrators” (Satyen et al., 2024). This is reinforced by social norms that “justify wife-beating”, often for “transgressions” like failing to perform household duties.
- **Economic Factors and the ‘Empowerment Paradox’:** Economic dependence is a key vulnerability that traps women. However, the relationship is complex. A 2024 IMF working paper on India found a disturbing “empowerment paradox”: a woman being employed and earning *more* than her partner can translate into a *higher* risk of violence, as this is perceived as a challenge to male authority (Newiak, Sahay, & Srivastava, 2024).
- **Intersectional Factors (Caste and Class):** This violence is not evenly distributed. Scheduled Caste (SC) women are “one of India’s most oppressed and neglected” groups and are “most vulnerable” to intimate partner violence. Studies show this gap is explained by a higher incidence of husband’s alcohol consumption, a lower wealth index, and more controlling behavior by husbands.
- **Intergenerational Cycle:** The “cycle of violence” is a proven sociological phenomenon. Women who witnessed their mothers being beaten are significantly more likely to experience violence themselves. Education, however, has been shown to be an “intergenerational” circuit-breaker, with upward educational mobility for women correlating with a lower risk of experiencing violence.
- **Proximate Triggers:** While patriarchy is the root, specific triggers consistently emerge in research. The two most prominent are dowry demands and the husband’s consumption of alcohol.

3. The Plaintiff’s Journey: An Ethnography of the Legal Process

This paper now turns to the “lived experience” of the woman who attempts to bridge the gap from victim to plaintiff. This “legal ethnography” (Basu, 2015) shows how sociological barriers

shape her legal journey.

3.1 The Decision to Report: Breaking the ‘Culture of Silence

The act of reporting is not a first step, but a last resort. Qualitative studies of survivors in India show women endure abuse for years—an average of nine years in one Mumbai-based study (Bhandari & Hughes, 2017). The barriers they must overcome are primarily social:

1. **Stigma and Shame:** This is the most powerful deterrent. The “fear of social stigma” and the “culture of silence and shame” prevent women from speaking out, as domestic violence is seen as a personal failure.
2. **“Family Honor”:** Women are socially conditioned to “endure violence for fear of bringing shame to their families” (Bhandari & Hughes, 2017).
3. **Family Involvement:** The abuse is rarely just the husband. A key theme in “lived experience” studies is “family involvement in abuse” (Bhandari & Hughes, 2017). The woman is often isolated and abused by her in-laws as well, leaving her with no allies within the home.
4. **Economic Dependence:** The structural fear of “relying economically on their abusers” and having no financial support for herself or her children is a primary trap.

3.2 Navigating the System: The Lived Reality of the Law

When a woman finally seeks help, her “lived experience” of the legal system is one of chaos and re-victimization. Qualitative analysis of survivors’ narratives (Bhandari & Hughes, 2017) reveals recurring themes of “constant back-and-forth between natal and in-laws’ families,” “financial abuse,” “neglect of children,” and, ultimately, “abandonment.”

Ethnographic studies of Indian family courts (Basu, 2015) describe them not as neutral sites of justice, but as “bustling” social spaces that actively reproduce “gender hierarchies”. For a woman plaintiff, the court is an alien, intimidating environment where her very act of filing a complaint is viewed by its actors as a “fundamental threat to the institution of marriage”.

3.3 The Great Paradox: Redefining ‘Justice’ as ‘Compromise’

This brings us to the paper’s most critical sociological finding, which resolves the paradox presented in Table 2: *Why do women use the criminal 498A when the civil PWDVA was designed for them?*

The dominant public discourse, often repeated by the judiciary, is that women “misuse” the criminal Section 498A (IPC) to make “false allegations” and harass their husbands (Anjali, Ajgaonkar, Pradhan, & Mathrani Chakraborty, 2017).

Socio-legal research, however, reveals the opposite. Women are not *misusing* Sec 498A; they are *using* it *tactically* precisely because the PWDVA is institutionally broken. As Anjali et al. (2017) found in their ethnographic study, women approach lawyers when the violence becomes “unable to tolerate”. The lawyers then direct them to Sec 498A *specifically* to “leverage the pressure of arrest” (Anjali et al., 2017).

The goal of this “leverage” is *not* to send the husband to jail. The goal is to force a “compromise” (Anjali et al., 2017). The *threat* of criminal action is the *only* tool powerful enough to bring the husband and his family to the negotiating table. At this table, the woman attempts to secure the very *civil* remedies the PWDVA was supposed to provide: her right to reside, the return of her property, or a safe separation.

This is a socio-legal tragedy. The state’s failure to implement its protective *civil* law (PWDVA) has forced women to use the blunt, punitive *criminal* law (498A) as a “bargaining chip” in a patriarchal negotiation.

4. Discussion: When the Law is a Tool for Negotiation, Not Liberation

This finding has profound implications. It means that for many survivors, the legal system is not a space for rights-vindication or “justice” in the liberal sense. It is a tactical arena for negotiating survival.

This tactical use of 498A, however, creates a vicious cycle. By using the criminal law to secure a civil “compromise,” the woman inadvertently creates a case that is later closed as “false” or a “misunderstanding” once the compromise is reached (Anjali et al., 2017). This, in turn, *feeds* the false “discourse of misuse”. This backlash from men’s rights groups and a “slyly” resistant

state then fuels “judicial reluctance” and police indifference, leading to attempts to “dilute the law” and further weakening *all* of women’s protective laws.

The failure of the PWDVA, therefore, does not just harm the women it fails to protect; it actively endangers the entire architecture of women’s rights in India by creating the very “misuse” narrative that patriarchs use to attack it.

5. Conclusion: Beyond the Gavel—A Call for Holistic Empowerment

I have argued in this paper that the PWDVA, while textually brilliant, is insufficient. It is a legal tool dropped into a social context that is overwhelmingly hostile to its aims. The “culture of silence” and the “power of social stigma” are, for most women, stronger than the power of the gavel. The statistical gap between prevalence (NFHS) and reporting (NCRB) is not a data anomaly; it is a measure of this social hostility.

The solutions, therefore, cannot be purely legal. Reforming the implementation of the PWDVA is necessary, but it will not be enough. A holistic, sociological approach is required:

1. **Economic Empowerment:** Interventions must attack the “economic dependence” that traps women. This includes not just jobs, but policies to mitigate the “empowerment paradox” (Newiak et al., 2024).
2. **Social and Cultural Change:** Long-term public education and awareness campaigns are essential to “challenge the patriarchal ideologies” that justify violence and to “dismantle stigma”.
3. **Holistic Support:** As survivors’ “lived experiences” show, they need more than court orders. They need *real* support: access to safe, inclusive shelter homes, trauma-informed counseling, and free, sensitized legal aid.

The law can only be as strong as the society that wields it. Until the social, cultural, and economic drivers of violence are addressed, the PWDVA will remain a necessary, but tragically insufficient, “paper promise.”

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