

Trapped in their own nuptial rings: Indian women and their fight against domestic violence

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ABSTRACT

Violence against women is present in every country, cutting across the boundaries of class, education, income and age. After a long struggle and advocacy by women groups, the Indian Government passed Domestic Violence Act (DVA) in 2005 to share the grievances and complaints of women against DV. The study examined the prevalence of DV faced by women, its impact, the challenges faced in reporting violence and the process of mitigation by the implementing state. The paper presents the case of N.C.T. of Delhi. The qualitative study used semi structured in-depth interviews and case studies of 30 aggrieved women. The findings revealed the highest prevalence of violence among women aged between 27- 34 years. While sexual violence was least reported, all had faced physical, verbal, emotional and economic violence. Alcoholism and financial dependence on husband were two major factors that led to abuse. Regarding mitigating violence, most women reported filing a complaint only after being threatened for life, though they had shared their grievances with parents much earlier. In terms of implementation of DVAct, lack of proper demarcation of jurisdiction, delay in referral of cases and transfer of Protection Officers were the weak links in the process of resolution. Awareness generation about DV Act still emerged to be a vital need as most women reported lack of information about the legal provisions. Consequently, there is a need to empower women, improve their status and liberate them from the burden of violence by providing avenues for training and credit for financial autonomy.

Key Words : Violence against women (VAW), PWDVA, Domestic violence, Women laws, Human rights

INTRODUCTION

Violence against women continues to be a global epidemic that kills, tortures, and maims-physically, physiologically, sexually and economically. It may include violence against girl children, women and elderly by people in an intimate relationship with the victim as a father, husband or children, respectively. It is one of the most pervasive of the human rights violations, denying women equality, security, dignity, self- worth and their right to enjoy fundamental

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freedom. Simister and Makowiec (2010) stated that violence against women especially domestic violence is considered to be a public health issue; violence against women is present in every country, cutting across boundaries of culture, class, education, income, ethnicity and age; and occurs to a large number of women throughout the lifecycle.

Domestic violence has severe health (physical and psychological) and social consequences for women (WHO, 2004). The Declaration adopted by UN on the Elimination of Violence against Women in 1993 states, "Domestic Violence is a violation of human rights and results from the historically unequal power relations between men and women". The WHO Multi Country study (2005) indicated that approximately 10-15% of women experience physical abuse by their male partners at some point in their lives (Heise, Ellsberg and Gottemoeller, 1999). Various studies have shown the large economic and social costs of domestic violence. (Carrillo, 1992; Heise et al., 1994; Menon-Sen and Shiva Kumar, 2001; Morrison and Orlando, 1999 and UNICEF, 2000).

Violence has a detrimental impact on women as studies indicate that violence or even the threat of violence constrains the choices women make and restricts their participation in development, thus, preventing them from realizing their full potential (ICRW, 1999 and 2000). It also undermines their confidence and self-esteem. As an outcome of gender asymmetries, marital violence exposes women's vulnerability, particularly in a context where marriage is non-negotiable and leaving a bad marriage is often not an option.

Domestic violence being common in India, women suffer from all forms of violence ranging from physical beating, mental torture to economic abuse. The patriarchal norms of our society reduce women to commodities by men considering them as their property and thus, violence is used as a weapon to curb, control and regulate women's behavior and aspirations. A nationwide survey conducted by ICRW (2000) revealed that 52 per cent of women suffer at least once, physical or physiological incidence in their lifetime. The National Family Health Survey II report shows that one in five married women in India experience Domestic Violence from the age of 15 years.

Lack of access to law, economic resources and education that could equip them to put an end to violence, further add to women's vulnerability to violence and their difficulty in extricating themselves from violent relationships. Prevalent with both urban and rural women, the link between violence and lack of economic resources and dependence is circular. On one hand, the threat and fear of violence keeps women from seeking employment or at best compels them to accept low paid, home based exploitative labor while on the other hand, without economic independence women have no power to escape from abusive relationship. Therefore to reduce the extent and severe effects of violence on women, the Protection of Women against Domestic Violence Act (PWDVA) was enacted in the year 2005.

The PWDVA was brought into force from October 26, 2006 (Basu, 2008) with the objective of protecting women from all forms of violence. In defining domestic violence, the Act went beyond mere physical forms of violence, to include mental, sexual, and economic violence. Its distinctive feature is that it provides a civil remedy to the women and also lays down strict penalties for the breach of protection orders.

The in-depth analysis of NFHS III showed that the prevalence of physical violence among Indian Women is as high as 31% and that of sexual violence is also high as 8.3%

(Kimuna et. al, 2006-07). In the light of Domestic Violence Act (DVA) and the country's drive to protect women from all forms of violence, examining the prevalence of DV faced by women, its impact on their living, the challenges faced by women victims in reporting violence and the process of mitigation/conflict resolution under PWDVA, by the implementing state was thought to be important and formed the basic research question.

METHODOLOGY

The state of Delhi was selected for the study as it has reported the highest crime rate (169.1) compared to 56.3 at all India level during the year 2014. Moreover, Delhi has also reported the highest crime rate of assault on women with intent to outrage her modesty cases (47.9) as compared to the national average of 13.7 (National Crime Records Bureau, 2014). As far as domestic violence is concerned, the Department of Women and Child Development (Govt. of N.C.T. of Delhi) had received a total of 9479 complaints under PWDV ACT in 2014.

This exploratory study was carried out in purposively selected North East District of N.C.T. of Delhi with 807 reported cases of Domestic violence upon the recommendation and help of Department of Women and Child Development, Govt. of N.C.T. of Delhi. Case study method was used, with 30 aggrieved women who had filed their cases in Court and sought assistance through Protection Officers. The inclusion criterion was to include only married women who were victims of violence with in the marital family. The study was planned to understand the problem of Domestic violence holistically, the reasons behind the abuse and how they dealt with it. The views of ten (10) protection officers were also taken to understand the process of mitigation/conflict resolution by the implementing state. Due permissions were taken from the Department of Women and Child Development, Govt. of N.C.T. of Delhi to interview the aggrieved women and the protection officers.

Domestic incident report										
District	North	South	East	West	Central	South west	North east	New Delhi	North West I	North West II
No. of DIR	602	784	776	951	544	702	807	142	1526	831

Source : Department of WCD, Govt. of N.C.T. of Delhi, 2014

RESULTS AND DISCUSSION

Socio-economic profile:

Most of the aggrieved women (n=18) had completed their schooling while few others (n=10) pursued higher studies as well. Most of them (n=22) got married in 19-26 years. Among them, only two were married at an early age of 15-17 years and were illiterate. Majority (n=28) had an arranged marriage fixed by their parents while only few got married according to their own choices. Out of 30 women interviewed, only one woman was employed and worked in a private firm. All the other respondents (n=29) were housewives and were financially dependent on their husbands. The husbands of most (n=16) women were employed in a private job and earned between Rs.8000-18000 per month. Only two of them were government servants while others were either self-employed (n=5), daily wagers (n=5) or

unemployed. As their husbands held power, resources, property etc., they felt more vulnerable to abuse and suppression.

Prevalence of violence faced:

The prevalence of domestic violence was found to be the highest in the age group of 27-34 years followed by the even younger women in the age group of 19-26 years. The reasons as shared by the respondents have been interpreted:

- *Individuals aspire for belongingness and esteem needs* and when they were not able to achieve their needs they tend to become frustrated and also violent at times (Maslow's need hierarchy theory)

- The decrease in the *capacity of adjustment* among the partners' which in turn leads to tension in the relationships. This tension and bitterness was vented out in the form of wife battering by the husband and his family.

- *Resistance for change*. Human beings in the mentioned age group are used to their own ways of living and the possibility of changing habits and ways of doing things is very less. Mending ways faced an immediate resistance from the husband's side.

- *Non-readiness to accept denials*- the denial was considered as a direct attack on the self-esteem by the husbands of aggrieved women. Also, the sense of men being the dominant and the powerful sex in the society is so much engrained in the mindsets of the males that accepting a denial from wife make them violent. The denial was manifested as battering, forced sex, imposition of restrictions, demand dowry, acceptance of extra marital affairs etc.

As described by the respondents, Domestic violence takes place because of adjustment problems in the new family *i.e.* living with the spouse, managing the household chores, dowry, management of time etc.

Major reasons of domestic violence and impact:

Social and cultural setup of the Indian society:

The socialization process and patriarchy imbibe in a woman that men are dominant and control women; due to which majority blamed themselves for being at fault and continued being a victim until the situation became life threatening. Majority of the women (n=27) had left their husband's home due to victimization and got separated with the support of their parents and were currently residing with them while only few (n=3) continued to be in the abusive relationship because of fear of losing their children or facing higher degree of violence if they would warn the perpetrator to leave.

Demand for dowry:

'Dowry' was reported to be the most common triggering factors causing violence against women. Majority (n=22) said that their husband and family-in-laws ridiculed, cursed and tortured them for not bringing enough dowries from their natal family. Few (n=14) women reported that the husband and in-laws continued with their dowry demands post-marriage as well. These demands were made in cash at the time of financial constraints in the family or at the time of important events such as the birth of a first child and also in kind for getting

expensive material goods such as air conditioner, LED television, car, motorbike, etc.

Number of children and their sex composition:

Having no child was one of the significant factors contributing to Domestic Violence as nearly half interviewed respondents (n=13) did not have any child and were held responsible for the couple's infertility. They were constantly abused and threatened of divorce and their husband's remarriage by their mother in laws due to non-bearing of child. The sex composition of children was found to be important as well since some (n=6) women faced violence because of the preference for male child by the in laws.

Excessive alcohol consumption:

A number of women (n=16) pointed out the link between alcohol and violence. In response to questions on the reasons for violence, several respondents mentioned that their husbands resort to violence when they were drunk. Moreover, complete financial dependence, because of being housewives, made majority of them (n=29) vulnerable to abuse and suppression by their husbands.

Joint family set up:

Except for one, all the respondents lived in joint families and reported of experiencing verbal abuse initiated by in-laws that further led to physically battering by their better halves. Some women (n=7) stated interference of in – laws contributed to the violence perpetrated by husbands against them, especially mother in law. Half of the respondents reported of being physically beaten up daily by their husbands and had bruises and injuries.

Challenges faced by women victims in reporting violence:

The major challenge faced by aggrieved women was their inability to make a decision regarding how much to endure the prevailing violence and when to move out of the abusive marital relationship. Majority of them reported of constantly trying to sustain the relationship because of societal pressures, family name, shame and blame on women and uncertainty of the procedure outcomes. The incidences of extreme physical abuse and being threatened for life necessitated them (n=21) to share their problem with parents immediately and seek help as a resort to marital discord and prevailing violence.

Striking a rapport with the protection officer and opening up about one's personal life to him/her was a challenge for all the aggrieved women initially. But they acknowledged protection officers being the intermediaries who helped them in the times of distress. And with time, they reported of gaining confidence regarding fighting for their rights, sharing their grievances and seeking redressal.

The non-availability of counselors to make the aggrieved women comfortable added on to their hurdle of giving complete details about the extent of Domestic Violence.

Role of the implementing state and Process of mitigation/conflict resolution under DVA:

The Department of Women and Child Development, Government of N.C.T. of Delhi is

the Nodal Department for the implementation of provisions under the DVA. For effective implementation, the state had appointed 18 Protection Officers on contract basis who function through the offices of Department of Social Welfare in all the districts across Delhi. For the study, we interviewed 10 Protection Officers.

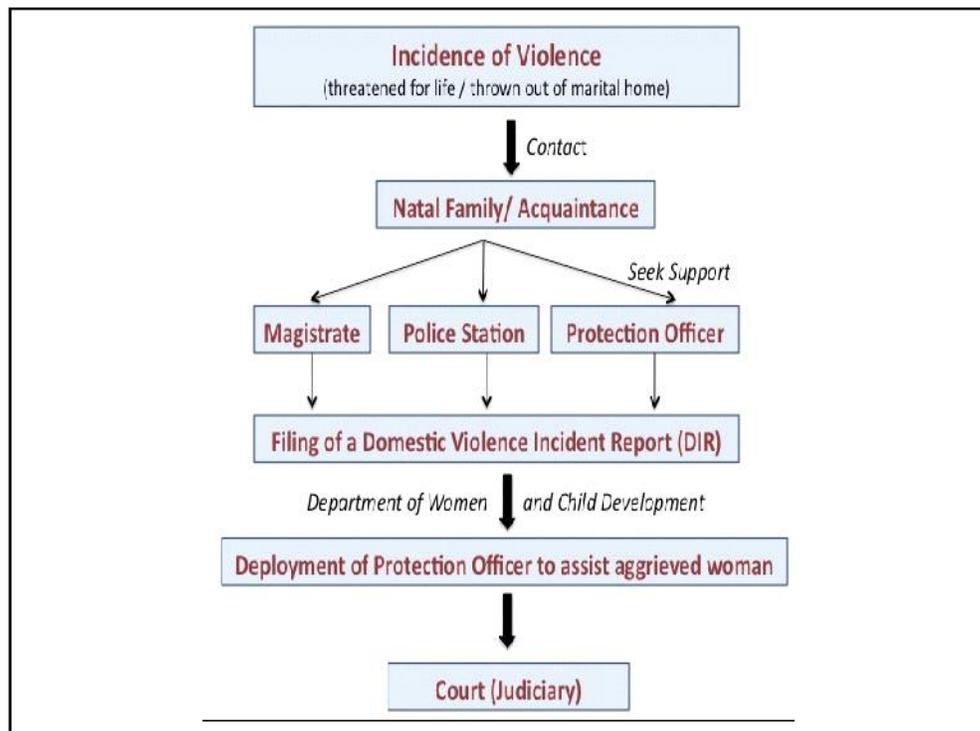
Deployment of ‘Protection Officer’ under DVA and their role:

A Protection Officer (PO) is an outreach officer of the court who can help a woman in making complaints, filing an application before the Magistrate for orders, helping her in getting support like medical aid, counseling, etc. and making sure that the orders passed by the court are enforced [Section 9 and Rule 8, 10]. All the interviewed protection officers perceived Domestic Violence as more of a civil case rather than a criminal case.

Assistance in Filing of Domestic Incident Report (DIR) and its follow up:

In case of emergency, an aggrieved woman can contact a Police Station (if accessible in her area of residence) or a protection officer of that area. The next step that should be taken is filing of a Domestic Violence Incident Report (DIR). DIR is a report made in the prescribed form on receipt of a complaint of domestic violence from an aggrieved person containing the details of aggrieved person, details of children, incident of domestic violence, order under PWDVA 2005 and the type of assistance needed.

They also mentioned of extending their help to the aggrieved woman in filing DIR and to get her medically examined if she has sustained bodily injuries. They then forward a copy to the magistrate, maintain a list of all service providers (NGO), and also assist magistrate in



discharge of his/her functions under the act. To seek relief under the Act, an aggrieved person or a protection officer or any other person may present the application to the magistrate. After DIL is filed, the woman is informed to appear in the court on a given date along with some documents such as Medical legal certificate, Doctor's Certificate or any other prescription, List of *Stridhan*¹ items that she received, etc. The magistrate may, after giving the aggrieved person an opportunity of being heard and on being satisfied that Domestic Violence has taken place, passes an order in favor of the aggrieved person and prohibits the perpetrator from causing further violence.

All the aggrieved women respondents chose the trajectory shown in the figure in approaching the authorities through Protection Officers in their nearby area to seek help against Domestic Violence.

Orders and claims under DVA:

The protection officers remarked that any woman/child who is a victim of domestic violence could claim relief under the PWDVA and various orders such as Protection Order, Residence Order, and Custody Order are passed so that further violence cannot take place. Half of the protection officers (n=5) also mentioned that Monetary Relief directs the perpetrator to pay the expenses incurred and losses suffered by the aggrieved person.

Time taken in resolution of cases:

All the protection officers said that according to court, a minimum of 60 days is allotted to an individual case but due to a large number of pending cases in the court; most of the cases do not get solved within the stipulated time period. Some cases do take 2-6 weeks or more to get resolved. As far as punishment to the perpetrator is concerned, the court generally gives a warning to the perpetrator and if he doesn't obey and comply with court orders, he is bound to pay a fine of 20,000 and imprisonment or both. They remain in touch with the aggrieved woman and follow up the case till the time it is fully resolved, as remarked by all the protection officers.

Conclusion:

On the basis of a micro-level study, this paper explored the incidence of inter-spousal violence and the process of mitigation under PWDVA. While alcoholism and financial dependence were leading factors contributing to the practice of domestic violence, our study showed that dowry, childlessness and birth of a girl child were more factors in inducing inter-spousal violence experienced by women. Also, the socio-cultural setup shames and blames the women due to which the violence is underreported by the aggrieved women. While the study focused on a single district, it is likely that the findings are relevant to other parts of Delhi that have similar kinship arrangements including marriage and family structure. Our findings also highlighted the potential role of Protection Officers in providing assistance in mitigation under PWDVA and working towards conflict resolution for the victimized women.

¹Stridhan includes all movable, immovable property gifts etc. received by a woman prior to marriage, at the time of marriage, during childbirth and during her widowhood such as electronic items, Gold Jewelry, Furniture, automobiles, etc.

Lack of proper demarcation of jurisdiction, delay in referral of the cases and transfer of Protection Officers were found to be the weak threads. Awareness generation about DV Act still emerged to be a vital need as most the women reported lack of information about the legal provisions available. Our study recommends the state to take initiatives towards empowerment of women by providing avenues for training and credit to be financially independent to help in improving their status and lessening the burden of violence against them.

Domestic Violence is a complex problem and there is no one strategy that will work in all situations. Considering the interconnections between the factors responsible for domestic violence – gender dynamics of power, culture and economics, strategies and interventions need to be designed with a comprehensive and integrated framework. A multi-layered strategy addressing the structural causes of violence against women along with providing immediate services to victim survivors can ensure sustainability and has the potential to eliminate this scourge.

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