

## **Domestic Violence Act 2005: Implementation and Solution in reference to Jodhpur**

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### **Abstract**

Women constitute almost half of the total population and the development of women constitutes an essential component in the country's total human resource development. There is certainly an advantage in developing and national development. Women are no doubt on equal potential force in the process of national-building. But the fact is that although women are considered as a significant segment and better-half of the house still performing household activities in a traditional way and producing children and are still struggling to secure an equal stand in every walk of the life with their male counterparts superior complexity of men and continual bias against women are the biggest threats to women in a society.

We must understand that home is the heart of humanity. So in order to secure humanity we must secure our own home from day-to-day violence that shatters our family-the very fabric of civilized social set-up. Hence Protection of Women from Domestic Violence Act, 2005 is a step in right direction and will provide solace to victims and also to lovers of justice, liberty and humanity.

**Keywords:** Violence, Society Threats, Violence Act, 2005, Victims, Development of Women, Tradition.

### **Introduction**

In a country like India, where women have all along suppressed, neglected and subjected to the exploitation of patriarchal social order for centuries, and have been denied equal

opportunities with men as regards to their social, economic and political privileges, and where domestic violence against women starts from womb itself in the form of female

feticide, nearly a million girls are eliminated every year in India because of foetal sex determination done by unethical medical professionals similarly, female infanticide deprives countless women of life its Elf. Every year, millions of women in the world are raped by their male partners, relatives, friends and strangers, by employers and colleagues, security, officials and soldiers. Even during armed conflicts, violence against women is often used as a weapon of war, in order to dehumanize the women themselves or to persecute in community to which they belong.

### **What is violence against women?**

Domestic violence has many names, including “intimate partner violence” additional terms that are or have been used include “spouse abuse” “domestic abuse” “domestic assault” “battering” “partner abuse” “marital strife” “marital dispute” “life beating” “marital discord” “women abuse” “dysfunctional relationship” “intimate fighting” “mate beating” and so on. Intimate partner violence is relatively recent term introduced in an attempt to include all violence against an intimate partner, regardless of marital status and to exclude other forms of violence, such as child abuse, elder abuse, sibling abuse and violence between roommates who are not intimate partners the terms “domestic violence” and

“intimate partner violence” will be used interchangeably the literature about intimate partner violence many times uses the terms ‘battering’ and ‘abuse’ interchangeably. Although a single incident of abuse is sometimes called domestic violence, according to definition from Oregon domestic violence council, this is a misnomer. Domestic violence many times begins as an isolated abusive incident, but when the abuse is repeated and forms a pattern of reoccurring abuse, it is defined as “battering” the intent of this battering is for the perpetrator to gain power and control over his victim. In most of the reported cases of domestic violence, women are the victims. Domestic violence is a form of oppression that occurs within a social context that mate’s violence against an oppressed group possible and even acceptable. Women are considered an oppressed group. We live in the world where women are exploited, marginalized, rendered powerless and suffer from “cultural imperialism”. Domestic violence includes many types of violence, like, physical, sexual, emotional and economical. Many times all occur in the same relationship; however, sometimes only one kind of abuse may be occurring.

The core of a definition of domestic violence consists of all the acts that constitute violence. The term violence has been described by Gelles (1974) as “an act of striking a person with the

intent of causing harm or injury but not actually causing it.” (1982) has applied the term violence to physically striking an Individual and causing injury.” According to available statistics from around the globe, one out of every three women has experienced violence in an intimate relationship at some point in her life. This is an average based on available national surveys across industrialized and developing countries (World Health Organization, 1997). Statistical evidence on the actual prevalence of domestic violence in India is scant. However, few studies available indicate that physical abuse of Indian women is quite high, ranging from 22 percent to 60 percent of women **surveyed** (Rao, 1996 and Mahajan, 1990). Definitions of domestic violence can be broad or violence is important is because it shapes the reform or the provision of support services, is shaped by a particular understanding of what constitutes domestic violence and whether it is to be conceptualized as an intra-family conflict, or a original violation of right.

### **Research Methodology**

The purpose of this study was to understand the status of the implementation of Domestic Violence Act 2005 and also to enumerate the forms of help the victims received from various agencies or the society at large.

### **Objectives**

The objectives of this study are:

- To explore the nature and forms of domestic violence.
- To assess the psycho-social impact of domestic violence on the victims.
- To study the nature of help sought by victims of domestic violence.
- To understand the difficulties and hurdles in seeking help and redressed.

### **Area of the Study**

The study was undertaken in the city of Jodhpur in Rajasthan State. Jodhpur is the third largest city in Rajasthan in terms of population. The city also has a number of NGOs which are working in the field of social development, women’s empowerment, social advocacy, and human rights issues, only to name a few.

It is important to mention here that the Government of Rajasthan has deputed the Child Development Program Officer (CDPO) as Protection Officers in the entire State to deal with cases of domestic violence falling under the ambit of the DV Act. Hence, the Office of the CDPO of Jodhpur was also visited by the researcher to collect information relating to the women victims who came to her office seeking help and protection.

### **Units of Study**

The study was undertaken in Jodhpur and unit of study comprises women victims of

domestic violence. Cases registered with the Protection Officer (CDPO), Mahila Thana, and also those who sought the help of the NGO entrusted with providing relief services and assistance to the women victims constituted the units of the study.

### **Universe & Sampling Frame**

The list of individual cases registered with the CDPO, Mahila Thana and the NGO, i.e. affected from domestic violence, formed part of the universe of the research as also the **sampling frame** for the study.

### **Sample Size**

A total of 50 cases were selected from the sampling frame most of whose homes the researcher visited for collecting data.

### **Sampling Method**

Systematic Random Sampling Method was adopted for selecting the **sample units** for the study. For the purpose, the researcher first prepared a list of all cases registered with the Office of the CDPO. After this the systematic random sampling method was adopted. The total number of cases registered was 250 out of which every 5th item was selected. In this manner a total of 50 units got selected for the study.

### **Sources of Data**

The individual victims constituted the primary sources of data relating the nature of violence and the difficulties they faced. Information relating to the number of cases registered or the number of victims who came to the Mahila Thana, Office of Protection Officer (CDPO), and NGO constituted the secondary data sources.

### **Methods & Tools of Data Collection**

The researcher developed and used an Interview Schedule for collecting primary data from the women victims. As regards method of data collection the Interview Method was used for collecting primary data.

### **Data Collection**

Researcher used mixed method approach of research in this research. The research was both in the form of quantitative and qualitative manner. This research mixed different methods. Researcher used case study also for the study.

### **Data Analysis and Findings**

Data analysis consists of all the relevant interpretation and conclusions arrived at after tabulating the data with the help of univariate and bivariate tables and analysis. Descriptive Statistics have been applied wherever applicable for drawing conclusions. Given below are details of information collected which have been presented in the form of

tables and the analysis presented below the respective table.

**Table 1.Distribution of Respondents by Caste**

Sl. No.	Caste Category	Freq.	Percentage
1.	SC	10	20
2.	ST	3	6
3.	OBC	15	30
4.	General	22	44
	<b>Total</b>	<b>50</b>	<b>100</b>

The above table states that 44 percent of the victims that constitutes the majority belonged to the general category and only 6 percent respondents were from schedule tribe. We found that the prevalence of domestic

violence was more in general categories first and then OBC caste groups of the population that comprised 30%, followed by SCs that constitutes 20 % of the respondents surveyed.

**Table 2.Distribution of Respondent due to their residence**

Sl. No.	Residence	Freq.	Percentage
1.	Urban	39	78
2.	Rural	11	22
	<b>Total</b>	<b>50</b>	<b>100</b>

This table shows that 76 percent of respondent were living in urban areas & only 22 percent of respondent were from rural area.

This probably points to the fact that the problem of domestic violence is more prevalent in urban areas than in rural areas.

**Table 3.Distribution of Respondents by type of Marriage**

Sl. No.	Marital status	Freq.	Percentage
1.	Arranged marriage	48	96
2.	Love Marriage	2	4
	<b>Total</b>	<b>50</b>	<b>100</b>

The above table reveals that almost all of the respondents marriage (96 percent) was arranged marriage and that only 2 (4 %) of the respondent's marriage were love marriage.

We found that most of the cases of domestic violence were found in arranged marriages rather than in love marriages.

**Table 4. Distribution of Victims by Age**

Sl. No.	Age Group	Freq.	Percentage
1.	20-30	31	62
2.	30-40	10	20
3.	40-50	5	10
4.	>50	4	8
	<b>Total</b>	<b>50</b>	<b>100</b>

This table revealed that maximum respondents i.e., 62 percent belonged to the 20-30 age group while 20 percent belonged to the 30-40 age group. Only a few i.e., 18 % belonged to the age group category 40 and above. This table speaks volumes of the nature of incidence of violence and

oppression that is meted out to the younger generation of women. This is an even more critical fact because subjugation of the female spouses at a young age could have a telling effect on their personality and the self-image they would build.

**Table 5. Distribution of Respondents by Education**

Sl. No.	Education	Freq.	Percentage
1.	Illiterate	27	54
2.	Up to 5 <sup>th</sup> standard	1	2
3.	8 <sup>th</sup> standard	2	4
4.	10 <sup>th</sup> standard	2	4
5.	12 <sup>th</sup> standard	11	22
6.	Graduate	4	8
7.	P.G.	3	6
	<b>Total</b>	<b>50</b>	<b>100</b>

In all types of research education is considered to be a very important variable. This table states that more than half of the victims i.e., 54% are illiterate. Of course the literacy condition of females in India is quite poor and in comparison to this, a good

percentage of the victims in fact have been found to be literate i.e., represents 46% of the victims studied. This relatively higher literacy rate also could be because most of the victims (76 %) hail from urban areas. A relatively good percentage of respondents i.e., 36% had

done higher education and having passed 12<sup>th</sup> standard and above.

**Table 6. Distribution of respondents who faced a demand for dowry**

Sl. No.	Demand for Dowry	Freq.	Percentage
1.	Yes	22	44
2.	No	28	56
	<b>Total</b>	<b>50</b>	<b>100</b>

The above table expresses that in the case of 44 percent of respondents dowry was demanded at the time of marriage or at a later stage. However, in majority of the cases i.e. in 56 percent of respondents dowry was not

demanded. It is believed that the table reveals less and hides more due to the fact that the dowry is often considered to be a stigma since it is legally banned and people are often reluctant to reveal the truth.

**Table 7. Personal Economic Status of Respondents**

Sl. No.	Personal Economic status*	Freq.	Percentage
1.	No Personal Income of Own	44	88
2.	< 2000	2	4
3.	2000-4000	1	2
4.	4000-6000	1	2
5.	6000-8000	2	4
6.	> 8000	0	0
	<b>Total</b>	<b>50</b>	<b>100</b>

\* Income per month in Indian Rupees

Table No.9 shows that 88 percent of the women victims have no particular source of income of their own. In fact they depended upon their husbands, in-laws or parents for maintenance and in meeting personal expenses. Such a situation it is believed prevents women victims of domestic violence

to walk out of a marital relationship. Except for 6 percent of the respondents who had an adequate source of personal income to manage their own affairs, the rest 4 % of the responds had a meager income that was less than Rs.4000/- per month.

**Table 8. Dependence of Respondents on others for Expenses**

Sl. No.	Dependence	Freq.	Percentage
1.	Yes	41	82

2.	No	9	18
	<b>Total</b>	<b>50</b>	<b>100</b>

The above table shows that 82 percent of the respondents depend on others for their expenses while 18 percent did not depend on others and were self-dependent. A major

reason is also that the respondents are not sufficiently educated for getting meaningfully employed.

**Table 9.Period of Violence faced by Respondents**

Sl. No.	Period of Violence	Freq.	Percentage
1.	0-6 Months	1	2
2.	7-12 Months	1	2
3.	1-2 Years	6	12
4.	3-5 Years	19	38
5.	5-7 Years	8	16
6.	More than 7 Years	15	30
	<b>Total</b>	<b>50</b>	<b>100</b>

The above table shows that the period of violence faced by the victims’ in a majority of cases, i.e., 38 percent, ranges between 3 to 5 years and 30 percent of respondent are the ones who have been tolerating domestic violence and 16 percent were being harassed for a period ranging 5 to 7 years. Only 2 percent of respondent's period of violence was between 0-6 months.

It was found from the survey that most of the women tolerate violence for quite a long period of time because first they tried to solve the problem on their own and don’t complaint anywhere. They tolerated the abuse and accepted the abusive relationship for extended periods because most of the victims thought

that everything would be all right one day or the other. However, when violence went on for extending without any sign of abating and that too when it became unbearable only then did they filed complaint with the police or Protection Office or the Mahila Thana or sought the help of NGO or others.

**Help Seeking Behavior and Strategic Response by Victims of Domestic Violence**

This study found several areas, which could be considered as women’s strategic responses to perpetrators’ violence, under each stage of violence. First, strategic responses to **pre-violent events** took the form of three types of

behavior: (i) leaving the scene; (ii) trying to divert attention; and (iii) preparing to protest. Strategic responses to a **violent event** consisted of four types of behavior: (i) leaving the scene; (ii) remaining silent or giving no response; (iii) seeking help from others; and (iv) objecting to or protesting against the violence. Lastly, strategic responses to **post-violent events** consisted of three forms: (i) temporary abstinence from a conjugal relationship; (ii) verbally abusive behavior to family members; and (iii) going to the parental home.

## **Vimajor Findings and Suggestions**

### **Major Findings**

Domestic Violence is a major cause of concern for the present society. Though we are becoming more and more modern in terms of education, science and technology, economic development, etc., our society somehow has not been able to promote, maintain and practice the right values for a just social order. Various forms of social problems continue to exist and new ones are created and accentuated. From among the various social problems that we have like poverty, unemployment, beggary, crime and delinquency, alcoholism, etc.

In India the condition of women is very degrading and that too in the very family of which she is an integral part. Apart from

being treated unequally she has to bear the brunt of attack of the male counterpart-be it the husband, the in-laws, the father, the brother, and others in the family, or outside in the community or where she is employed. The condition of women is deteriorating fast and governments the world over have been formulating policies and legislations that would help prevent and tackle various forms of injustices meted out to women.

Domestic violence and its increase in the past few decades have caught the attention of academics, social activists, policy makers, legislators, administrators and others. Efforts are being made to put in place the right kinds of policy and legislative provisions for dealing with cases of domestic violence. The Government of India passed the Domestic Violence Act in 2005 as a follow-up to the Convention on the Elimination of All Forms of Discrimination against Woman (1979) to which our India is a signatory and the International Conference held at Beijing held in 1995 calling for the Elimination of All Forms of Discrimination against Woman.

In the study we found out that most of the cases of Domestic Violence (DV) was in the general caste category followed by the SC category; only very few cases of DV was represented from the ST category. Among the all respondents most of them belonged to Hindu religion. It was found that most of the

victims belonged to the age group of 20-40; 82 percent of respondents belonged to this group. Most of the cases of DV thus it seems is concentrated in the younger age group rather than among the older categories. More cases of DV were reported from urban areas rather than rural areas. Most of the respondents have less than two children.

There is misconception in the society that most of the problems occur in love marriages but this study negated this presumption and it was found that most of the cases of domestic violence took place in arranged marriages rather than in love marriages. Researcher find out that most of the problem of domestic violence occurs among illiterate rather than literate categories. But some cases found among the literate ones also.

It is very interesting to find out that more than 50 percent of respondents are those who said that dowry was not demanded during their marriage. It is a good trend for society. It is found that violence on women (victims) is mostly done by the husbands and members from the in-laws family. It is found that most of the respondents faced violence between three to seven years, they tolerated it for quite a long period of time and tried to solve it on their own but when it extended to extreme levels they then sought help from others. After being subjected to physical violence mostly the victims went on to stay in their

mother's house and some of them even started to leave alone. Researcher find out in this study that most of the victims faced psychological and emotional violence during last month. We also found that most of the cases of domestic violence in the family of higher income group than the lower income group.

### **Suggestions**

Becoming informed about domestic violence is an important first step in addressing the problem. Learn as much as we can about the issue, and share your knowledge with others. When more people understand and refuse to accept domestic violence it becomes more and more difficult for the violence to continue happening.

The must-awaited Protection of Women from Domestic Violence Act 2005 came into effect from 26<sup>th</sup> October, 2006. Ministry of Women and Child Development has issued a notification to bring it into force from 26<sup>th</sup> October, 2006. The Act was passed by the Parliament in August 2005 and assented to by the president on 13<sup>th</sup> September, 2005. But implementation was pending detailed consultations will require with the State and other agencies for framing the rules.

Mainly meant to provide protection to the wife or female live-in partner from violence at the hands of the husband or male live-in

partner or his relatives, the law also extends its protection to women who are sisters, widows or mothers. Domestic violence under the act includes actual abuse or the threat of abuse whether physical, sexual, verbal, emotional or economic. Harassment by way of unlawful dowry demands to the woman or her relatives would also be covered under this definition. The Ministry has simultaneously issued another notification laying down the rules framed for the implementation of the Act. These provide for, among other things, appointment of protection officers, service providers and counselors. Action to be taken in the event of the respondent breaching the protection order passed by the Magistrate in favor of the aggrieved woman is also prescribed in these rules. Both the notifications are available on the Ministry's website <http://www.wcd.nic.in/> since 26<sup>th</sup> October 2006.

All the outset, the successful implementation of the Act to prevent/control domestic violence needs whole-hearted support and empathetic action from all concerned quarters like State Govt., police, court, protection officers, NGO, Media and above all the civil society. To protect women from domestic violence we need two measures, i.e.

1. Preventive-which will help to prevent violence and to protect the victim and to give her justice to penalizing the

perpetrator of violence and providing appropriate services and opportunities.

2. Primitive-which will initiate proper steps for women empowerment in sectors of education, health, food and nutrition, job opportunities, etc.

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