

A SITUATIONAL ANALYSIS OF DOMESTIC VIOLENCE IN M.P.

Singh, Neha

Rajeev Gandhi Law College, Bhopal, (M.P.)INDIA

ABSTRACT

Domestic violence is a global phenomenon, cutting across caste, class, culture, religion, and ethnic boundaries. The status of women in India is not equal to the status of men in terms of, access, participation, and reward. Their situation owes its existence to the patriarchal & feudalistic structure of the society. Women are vital element of society and society's progress depends lot on them. All societies strive to do everything possible to integrate women in all walks of life in an equitable and just manner. In the ever changing horizon the status of the women remains a fluctuating one. Domestic violence is the most serious violation of all basic rights that a woman suffers in her home at the hands of members within her own family. The manifold problems associated with domestic violence have been systematically exposed by data and in depth work under taken by several people in the women's movement. Domestic violence is not simply a legal problem, which can be eradicated by appropriate legal measures alone. It is very much a social and psychological problem and can be tackled adequately by bringing about fundamental changes in the social system and in the attitudes of people towards women and children. Legal remedies are good and helpful in so far as they act as deterrents and attempt to curb the tendencies to violence, but they do not strike at its root cause. They are no doubt bold attempts to get rid of domestic violence from the system, yet by themselves they can do little to tackle the issues involved. It must be recognized that in traditional societies legislation by itself is an incomplete solution to the problem of social change.

KEYWORDS: Domestic violence, gender, victim, counselor, police officer, protection officer, service provider.

INTRODUCTION

Domestic violence is a global phenomenon, cutting across caste, class, culture, religion, and ethnic boundaries. It is an old and deep rooted form of violence, so much so, that it is difficult to trace its history. Early it was addressed as family violence. Moreover, neither social scientists nor historians have labeled violence in the family as a social problem. It remains invisible, because whatever is happening within the four walls of the

house is regarded as a “private issue”. Any interference in this matter is considered as a breach of “privacy of a person”.¹

Violence affects the lives of millions of women world wide, in all the lives of the societies. The status of women in India is not equal to the status of men in terms of, access, participation, and reward .Their situation owes its existence to the patriarchal & feudalistic structure of the society. Women are vital element of society and society’s progress depends lot on them. All societies strive to do everything possible to integrate women in all walks of life in an equitable and just manner. In the ever changing horizon the status of the women remains a fluctuating one.

People continue to be marginalized on the basis of class, religion , ethnicity , colour , sex, and in India especially , on the basis of caste woman’s access to education , health , employment , and political spaces remain distant goals in many nations of the world. One of the most serious impediments to women’s development is the phenomenon of continuing and increasing violence against them. Violence against women is one of the most significant, yet little understood and acknowledged factor instrumental in the phenomenon of marginalization of women in the development processes. Gender violence manifests itself in various forms female foeticide and infanticide, sexual abuse, marital rape, incest molestation, sexual harassment, at work and on the streets, domestic violence in the form of wife assault and women battering. In some places, there exist culture specific forms of violence against women like female genital mutilation in some African countries and harassment /murder /beating for dowry in India. Of all the forms of violence that women face, domestic violence remains the least reported and largely suppressed.²

For, women violence is a phenomenon which starts at conception and carries on through their entire life span. In India pre birth selection and consequent infanticide is a common occurrence and the preference for a male offspring widespread.

PURPOSE OF THE STUDY

To study the role of police and councilor in the implementation of the domestic violence act 2005.

OBJECTIVES

1. To find out the different types of violence, their nature and causes, prevalent in the district.
2. To study what are the problems coming in the way for the proper implementation of domestic violence act.

¹ Sharma. Dr Ashoak. Journal: vidigya A Brief Survey of PWDVA Act2005, New Delhi: Imptanec publication. P. 23

² Behshid Gaurassi, (2004) Female victims of Domestic Violence; journal of Applied Sciences (Chandigarh)Khemur publications p-341.

3. To Study the role of service providers such as protection officer, police officer and the counselor.
4. To study the occurrence of domestic violence among the aggrieved women attending the police station.
5. To study the enforceability and impact of domestic violence act.

METHODOLOGY

The present study is non doctrinal and based on field study.

Universe and geographical area:

All women who are affected by Domestic Violence in the two districts of the State of Madhya Pradesh formed the universe and geographical area of the study.

Sample size:

A total two women police station of Bhopal and Sagar is selected and ten cases from each police station are studied.

Sources of data:

Both primary and secondary sources of data were gathered for the study. Secondary sources included documents, books, reports of surveys and studies, literature pertaining to domestic violence and other relevant publications.

Limitations of the study:

In order to complete my study only those victim were interview who comes on Wednesday for counseling in the women's police station. Because on the same day many numbers of victims comes for counseling and it was helpful for the researcher to find out more information with the victims.

Tools and Technique for Data Collection:

For collecting primary and secondary data from different sources the following tools and techniques were used – Interview schedules and observation technique were used to elicit data from the victims.

1. Interview Schedule for women respondents.
2. Observation in the police station, counseling room etc.
3. Informal discussion with other family members.

An Interview Schedule was the principal instrument of the data collection from the women respondents. In addition to the interview schedule, which was specifically used for women respondents, a observation technique was also used to see the procedure adopted by the police officers in the police station when any victims approaches to the police station.

Data Collection & Processing

SPSS software and Computers were used for statistical analysis of the data.

RESEARCH FINDING AND OBSERVATION

Table 1. Age of victim

Age of victim	Place of study		Total
	Bhopal	Sagar	
Less than 18 years	0	1	1
	.0%	5.0%	5.0%
19 to 30 years	9	6	15
	45.0%	30.0%	75.0%
31 to 45 years	1	3	4
	5.0%	15.0%	20.0%
Total	10	10	20
	50.0%	50.0%	100.0%



Table 1. Shows the distribution of age of victims in both districts. Out of total 20 victims selected, 75% were of 18 to 30 years of age group and 20 % were between 31 to 45 years of age. And only 5% of the victim were in the age group of less than 18 years .

Table 2. Caste of victim

Caste of victim	Place of study		Total
	Bhopal	Sagar	
General	1	3	4
	5.0%	15.0%	20.0%
OBC	6	3	9
	30.0%	15.0%	45.0%

SC	3	2	5
	15.0%	10.0%	25.0%
ST	0	2	2
	.0%	10.0%	10.0%
Total	10	10	20
	50.0%	50.0%	100.0%

Table 2. Represents the caste wise distribution of respondents. A majority of victims 45 % is from OBC category whereas the 25% victims belongs to the schedule caste , 10 % of victims were of schedule tribes and 10% belonged to general category. The majority of victims of OBC category is from Bhopal district. i.e N=6

Table 3. Educational qualification of husband

Educational qualification of husband	Place of study		Total
	Bhopal	Sagar	
Uneducated	2	0	2
	10.0%	.0%	10.0%
Primary school	1	2	3
	5.0%	10.0%	15.0%
Middle school	2	1	3
	10.0%	5.0%	15.0%
High school	3	3	6
	15.0%	15.0%	30.0%
Graduate	2	4	6
	10.0%	20.0%	30.0%
Total	10	10	20
	50.0%	50.0%	100.0%

Pies show counts

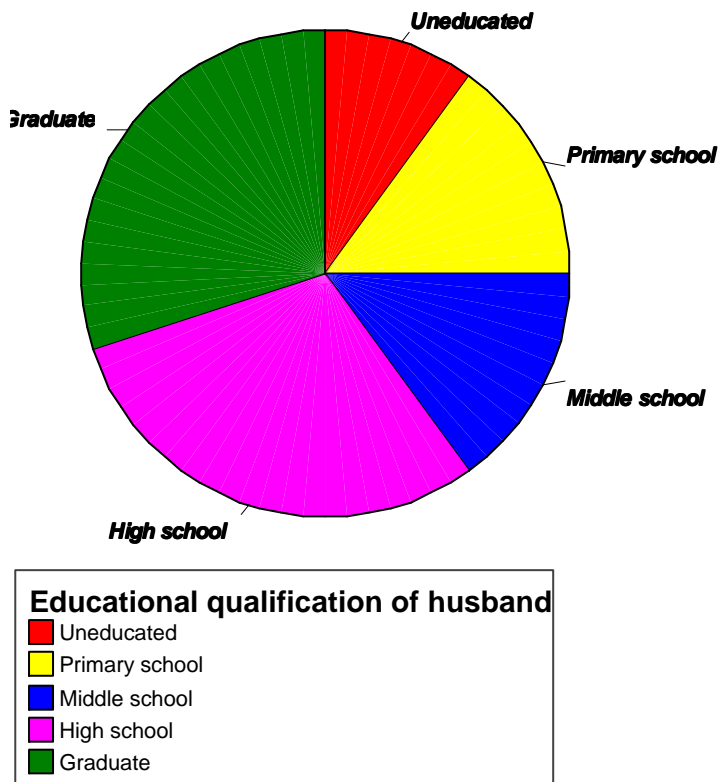


Table 4. Educational qualification of wife

Educational qualification of wife	Place of study		Total
	Bhopal	Sagar	
Uneducated	2	0	2
	10.0%	.0%	10.0%
Primary school	2	2	4
	10.0%	10.0%	20.0%
Middle school	2	2	4
	10.0%	10.0%	20.0%
High school	2	6	8
	10.0%	30.0%	40.0%
Graduate	2	0	2
	10.0%	.0%	10.0%
Total	10	10	20
	50.0%	50.0%	100.0%

Educational qualification of victims can be seen in the table 5., which shows 40% of the victim were educated upto high school, 20 % of the victims were educated upto middle school and same 20 % of the were educated upto primary school and only 10 % of the victim were uneducated .

Table 5 Occupation of husband

Occupation of husband	Place of study		Total
	Bhopal	Sagar	
Government service	1	2	3
	5.0%	10.0%	15.0%
Semi-government service	0	1	1
	.0%	5.0%	5.0%
Private service	2	5	7
	10.0%	25.0%	35.0%
Agriculture	1	0	1
	5.0%	.0%	5.0%
Unemployed	1	0	1
	5.0%	.0%	5.0%
Labourer	5	2	7
	25.0%	10.0%	35.0%
Total	10	10	20
	50.0%	50.0%	100.0%

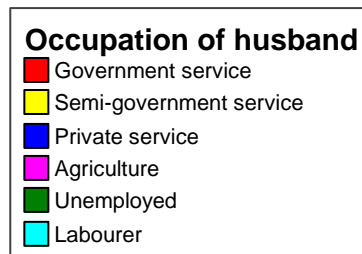
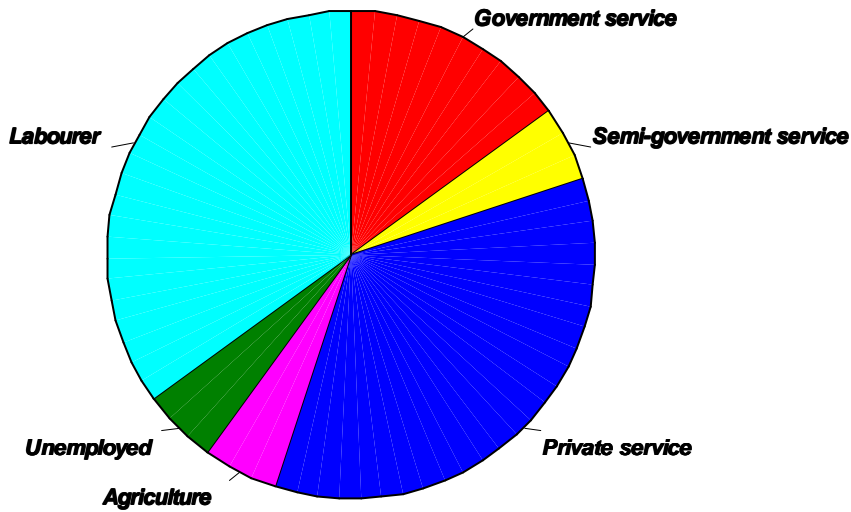


Table 5 shows that 35% of the victims' husbands are engaged in private services and same

35% are labourers whereas as only 15 % victims husbands are from the government service while the others are from 5 % each from unemployed , agriculture and in semi government service .

Table 6. Type of marriage

Type of marriage	Place of study		Total
	Bhopal	Sagar	
Love marriage	2	4	6
	10.0%	20.0%	30.0%
Arranged marriage	8	6	14
	40.0%	30.0%	70.0%
Total	10	10	20
	50.0%	50.0%	100.0%

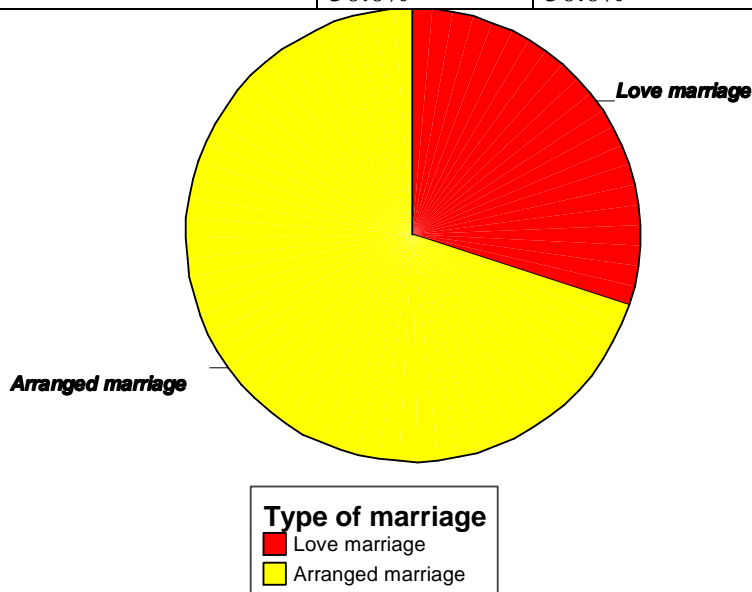


Table 6. Shows that 70 % of the victim who faced the problem of domestic violence had arranged marriage whereas as 30 % of the victim had love marriage.

Table 7. Which type of family did the victim belong to before marriage

Which type of family did the victim belong to before marriage	Place of study		Total
	Bhopal	Sagar	
Nuclear	7	9	16
	35.0%	45.0%	80.0%
Joint	3	1	4
	15.0%	5.0%	20.0%
Total	10	10	20
	50.0%	50.0%	100.0%

The table 7. Shows that majority of the victim i.e. 80 %, who faced domestic violence

came from nuclear family whereas only 20 % come from joint family.

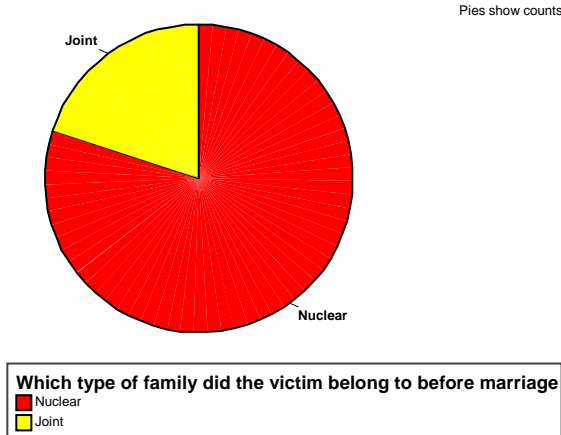


Table 8. What was the cause of violence according to victim

What was the cause of violence according to victim	Place of study		Total
	Bhopal	Sagar	
Due to dowry demand	0 .0%	2 10.0%	2 10.0%
Husband extra marital relation	3 15.0%	1 5.0%	4 20.0%
Bad habits (Drinking, Smoking, Gambling)	0 .0%	2 10.0%	2 10.0%
Economical	3 15.0%	2 10.0%	5 25.0%
Interference by other members of husband family	3 15.0%	0 .0%	3 15.0%
Suspicion by husband of wife having an extra marital affairs	1 5.0%	3 15.0%	4 20.0%
Total	10 50.0%	10 50.0%	20 100.0%

The above table 8 reflects the causes of domestic violence according to the victim that, The major cause is economical which comprise of 25 % and Suspicion by husband of wife having a extra marital affair 20%. And same 20 % is due to the extra marital affair of their husband while the interference by the other members of the family is 15% and dowry demand comprises of only 10 %.

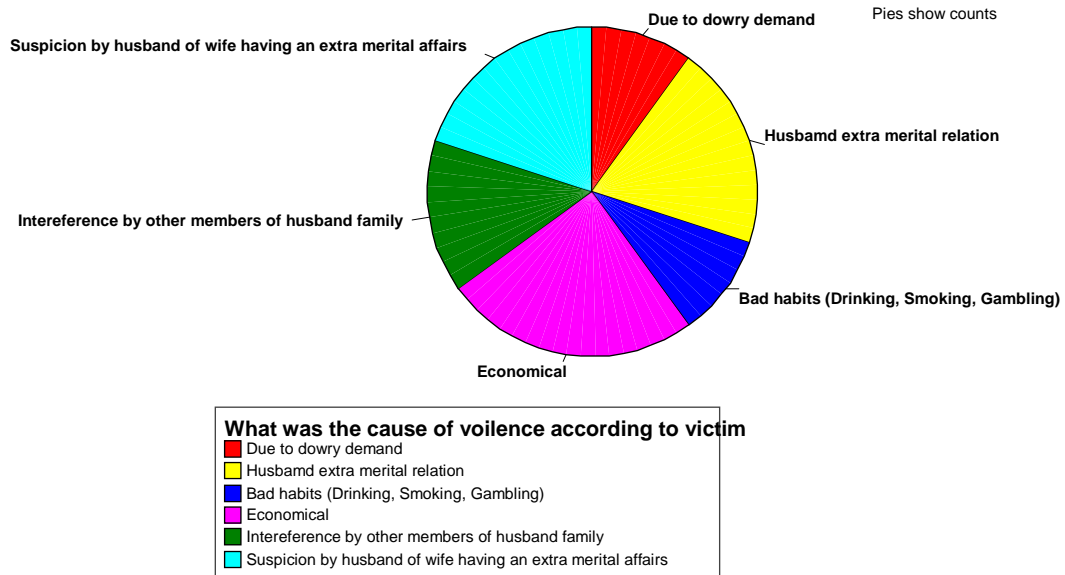
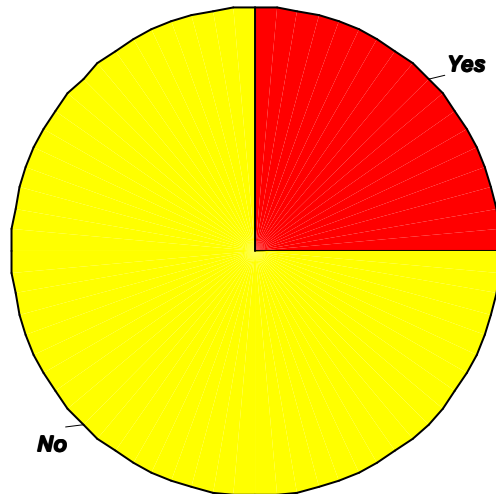


Table 9. Was the victim aware of the domestic violence act 2005

Was the victim aware of the domestic violence act 2005	Place of study		Total
	Bhopal	Sagar	
Yes	2	3	5
	10.0%	15.0%	25.0%
No	8	7	15
	40.0%	35.0%	75.0%
Total	10	10	20
	50.0%	50.0%	100.0%



Was the victim aware of the domestic violence act 2005
 Yes (Red)
 No (Yellow)

Table 10. If yes than from where did you get the information

If yes than from where did you get the information	Place of study		Total
	Bhopal	Sagar	
From media	2	3	5
	40.0%	60.0%	100.0%
Total	2	3	5
	40.0%	60.0%	100.0%

The table 9 and table 10 shows that the 75 % of the victim are not aware of the domestic violence act and only 25 % of the victims are aware of the act .and the same 25 % who are aware of the act regard media as the source of information.

Table 11. What type of relief did the victim expect from the police

What type of relief did the victim expect from the police	Place of study		Total
	Bhopal	Sagar	
Wants your husband to be arrested and punished	1	4	5
	5.0%	20.0%	25.0%
Wants a compromise between both	9	4	13
	45.0%	20.0%	65.0%
Wants divorce	0	2	2
	.0%	10.0%	10.0%
Total	10	10	20
	50.0%	50.0%	100.0%

The table 11 shows that 65 % of the victim who faced the domestic violence wants a compromise with the aid of the police while the 25 % of the victim wants their husband

to be arrested and punished and remaining 10 % of the victim wants a divorce .

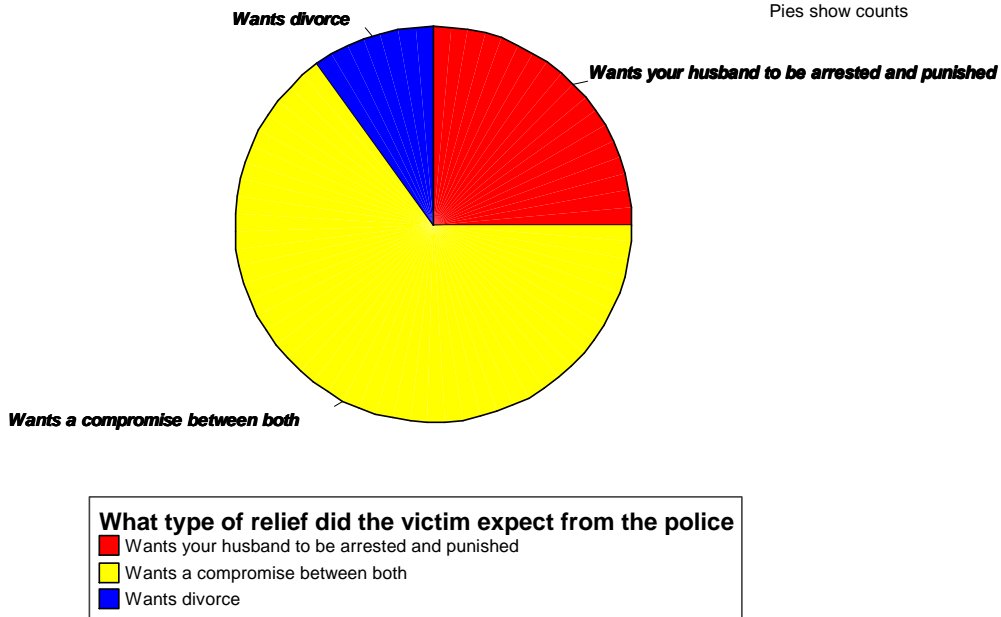
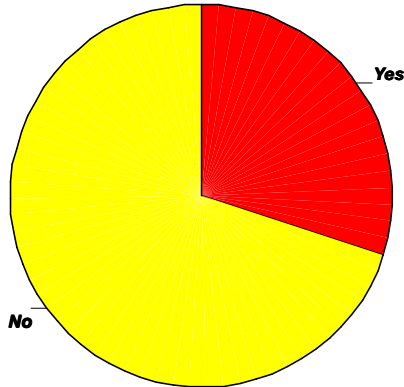


Table 12. Was any type of legal aid provided by the police

Was any type of legal aid provided by the police	Place of study		Total
	Bhopal	Sagar	
Yes	4	2	6
	20.0%	10.0%	30.0%
No	6	8	14
	30.0%	40.0%	70.0%
Total	10	10	20
	50.0%	50.0%	100.0%



Was any type of legal aid provided by the police
 Yes
 No

The table 12 shows that 70 % of the victim did not received any type of legal aid from the police. Whereas as only 30 % of the victims are provided by the legal aid by the police officer.

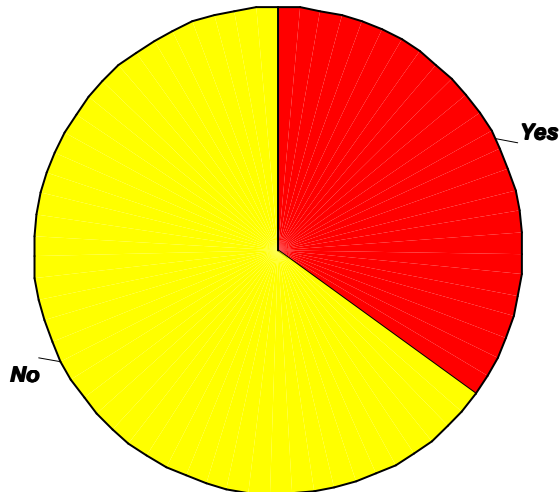
Table 13. If yes than are you satisfied with the legal aid provided by the police

If yes than are you satisfied with the legal aid provided by the police	Place of study		Total
	Bhopal	Sagar	
Yes	2	1	3
	33.2%	16.6%	49.8%
No	3	0	3
	49.8%	.0%	49.8%
Total	5	1	6
	83.0%	16.6%	100.0%

The table 13 shows, the 50 % of the victims are not satisfied with the legal aid provided by the police.

Table14. Whether victim had approached a lawyer

Whether victim had approached a lawyer	Place of study		Total
	Bhopal	Sagar	
Yes	4	3	7
	20.0%	15.0%	35.0%
No	6	7	13
	30.0%	35.0%	65.0%
Total	10	10	20
	50.0%	50.0%	100.0%



Whether victim had approached a lawyer
 Yes
 No

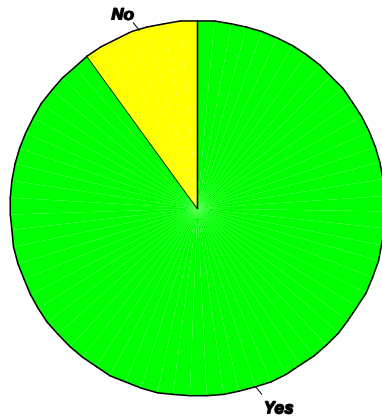
Table 14 shows that 65 % of women who are victims of domestic violence had not consulted any lawyer and only 35 % of the victims consult a lawyer before coming to the police station.

Table 15. If yes then which type of advice was given by the lawyer

If yes then which type of advice was given by the lawyer	Place of study		Total
	Bhopal	Sagar	
Advice to file a case under section 498 A	4 50.0%	3 37.5%	7 87.5%
Advice for counselling	0 .0%	1 12.5%	1 12.5%
Total	4 50.0%	4 50.0%	8 100.0%

Table 15 shows that the victims who consult a lawyer before approaching a police station: in 87 % of cases the lawyer gives advice to file a case under section 498 A instead of filing a case under the domestic violence act. And in 12.5 % of cases he gives an advice for counselling.

Table 16. Had the police referred you to a counselling centre.



If the police referred you to a counselling centre
 ■ Yes
 ■ No

It is good to see that 90 % of the victims were sent to the counseling centre by the police when the victims made an approach to the police station

Table 17. Whether the counselor was objective and impartial in his/ her approach

Whether the counselor was objective and impartial in his/ her approach	Place of study		Total
	Bhopal	Sagar	
The counselor was partial to the husband	1 5.0%	2 10.0%	3 15.0%
The counselor was partial to the victim	4 20.0%	4 20.0%	8 40.0%
The counselor was helping the family to arrive at a settlement	5 25.0%	4 20.0%	9 45.0%
Total	10 50.0%	10 50.0%	20 100.0%

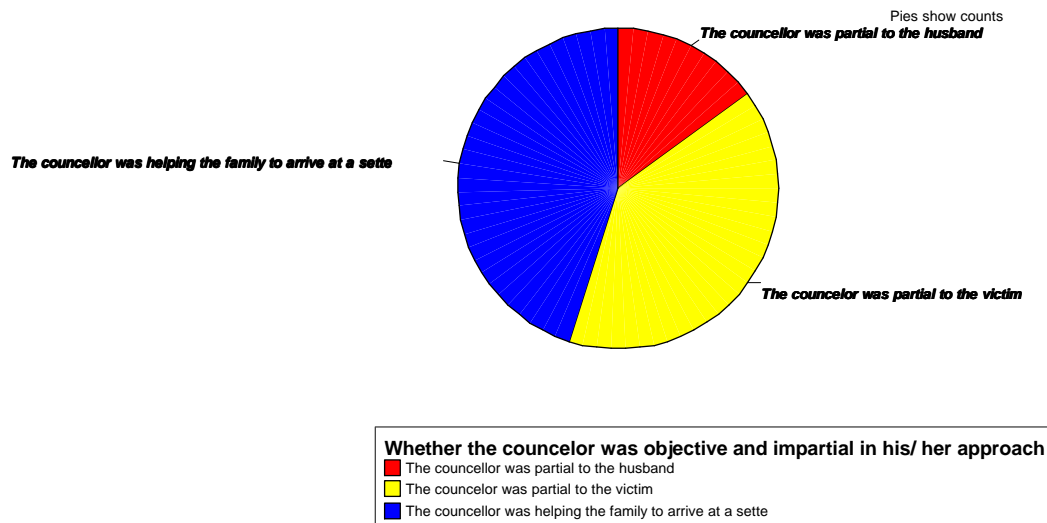


Table 17 shows that 45 % of the victims agreed that the counsellor was objective and impartial in resolving the dispute whereas as 40 % believed that the counsellor was partial towards victim and only 15 % believed that the counsellor was partial towards the husband.

CONCLUSION

On the basis of data analysis and major findings the following conclusion may be drawn as follows:-

The researcher, in this study, found that the women who were of the age group of 18 to 30 years are most likely to be the victim of domestic violence. It was also observed that the percentage of Muslim women suffering from the domestic violence is (50. %) where as the percentage of Hindu women suffering from domestic violence is (40.0 %) only. Thus, it is the Muslim women who are facing the domestic violence most. (30.0 %) women in their reply said that the reason for the domestic violence being committed against them is the extra marital affairs of their husband. However, the researcher after through study of the cases of the domestic violence registered in different police stations had observed that the reason of high rate of domestic violence with the Muslim women is not the extra marital affair of their husbands but it is the custom, prevalent in the Muslim Religion, of having four wives. From the study it is found that the interference by the other members of the husband's family (15%) in the internal matters of the husband and wife is also one of the causes of domestic violence. The joint families have higher rate of domestic violence 80 percent. (Here, by joint family we mean families with their parents and unmarried/married brothers or sisters). The women from the families of low monthly income, less than Rs. 5000 a month, are more likely to be the victim of domestic violence (30.0%). Further, 30.0 % of the ladies who were living in urban area prior to her marriage but were living in rural area after marriage had complained the incidences of domestic violence. Even after 3 years of implementation of the Domestic Violence Act 75% of the victims of the domestic violence said that they were not aware about this Act. However, the remaining who said that they are aware about the Act owes the credit to the media. It

was also found in the study that contrary to the provisions of the Act that in 90 % of the cases the Police officers never bother to inform any victim of the domestic violence, who comes to the Police Station to register their grievances, about their legal rights as well as the provisions of the Domestic Violence Act. 60.0% of the women said that the behavior shown by the police towards them was bad, whereas, only 30.0 % of the victim women reported normal behavior of the police. 70.0% of the women suffering from domestic violence said that no legal aid had been provided to them and they had been simply referred to the legal service authority for the legal aid.

From the study it is found that the women who had registered the case of domestic violence (in the Police Station) can take the complaint back in following conditions:

1. If the demand for dowry which was consistently been made, either by their husbands or by her in – laws, to them has been stopped (25% women)
2. If the incidences violence stops (35%)
3. If their husband shows their willingness and promise to discard the extra marital affairs (15 %)
4. If the husband leaves his parents and start living independently with his wife only (20 %)

The victims when approaches the police station expect the following relief that the Police make the husband take the responsibility towards their children .35% of the victim thinks that the Police strongly reprimand the husband and leave him on promise of good conduct towards the victim whereas as 30% of the victim agree that the Police help the victim to provide the maintenance from the husband(10%) and 10% of the victim wants their husband to be arrested .

Role of protection officer

Section 9 of the PWDVA (2005) addresses the duties and the functions of POs.

This provision is further elucidated under Rules 8 and 10 which divide the role of the PO into two stages:

- Pre-litigation role: To assist the woman in accessing the courts and support services as well as taking steps to prevent further violence.
- Post-litigation role: As per the directions of the court; assisting the court in arriving at a decision and in the enforcement of orders.

Present situation :

- The POs appointed thus far in Bhopal is holding a M.sc degree and the protection officer of Sagar had M.Com.degree. This situation can be explained by the fact that the PWDVA (2005) does not specify educational qualifications for POs and the majority of appointments are of existing officers who are not required to have a social work or law background.
- The PO does not go to visit the police station, and the victim's were not satisfied with the protection officer.
- The protection officer are not provided by the list of service providers and the shelter homes, as the shelter homes is not there and no medical facilities is available this constraints their ability to fulfill their responsibilities under section 9(e) of the PWDVA (2005) .

SUGGESTIONS

With the prevailing status of the domestic violence against women in Bhopal and Sagar the following suggestions have been drawn, based on the interaction with the victims and key personnel through interviews and Discussions.

1. Special courts must be set up for cases of violence against women.
2. To handle domestic violence cases the services of women magistrates should be made use of.
3. Mobile courts should be introduced as an effective strategy for reaching out to more and more victims in the rural/ urban areas.
4. Specific budgetary allocations have to be made by the state government for implement the PWDVA (2005) effectively.
5. There should be co-ordinated efforts of police, administration and judiciary for enforcing measures against atrocities on women.
6. Government Agencies/department should made use of the assistance of NGOs to create awareness on Domestic violence among the public.
7. All police stations should be equipped with special legal aid cells to provide assistance to victims of domestic violence.
8. They should be provided with information regarding support network of judiciary, Govt. agencies/departments, and NGOs handling domestic violence, to make their work more effective and efficient.
9. There should be a separate wing of police dealing with women's issues, attached to all police stations and should be excluded from any other duty.
10. More counseling centers with professionally qualified counselors should be started at the rural/urban areas focusing more on domestic violence victims. .
11. List of NGOs and other governmental organisations dealing with women's issues should be made known to the public.
12. A PO's post should be full-time; and should have an educational degree in social work and/or law.
13. The PO must assist the Magistrate in the discharge of his/her duties, each Magistrate's Court should have one dedicated PO assigned to it.

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