

An Analysis of Perceptions of Domestic Violence and Efficacy of the Implementation of the PWDV Act (2005) in Bihar

# AN ANALYSIS OF PERCEPTIONS OF DOMESTIC **VIOLENCE AND** FFFICACY OF THE IMPLEMENTATION OF THE PWDV ACT (2005)

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# Contents

Executive Summary	13
Forword by MD & CEO, CARE India	22
Foreword by Secretary - Mahila Jagran Kendra	24
CHAPTER 1: INTRODUCTION AND CONTEXT	25
1. Violence against Women	25
1.1 Trend analysis of crimes against women source (Crime in India- 2014, NCRB report, Chapter 5)	25
1.2 Domestic Violence	27
CHAPTER 2: GENDER BUDGET	28
2.1 Gender budget	28
CHAPTER 3: STATUS OF IMPLEMENTATION OF PWDVA IN BIHAR	29
3.1 Background of PWDVA 2005	29
CHAPTER 4: OBJECTIVE AND METHODOLOGY	31
4.1 Objective	31
4.2 Methodology of the study	31
CHAPTER 5: OUR FINDINGS	34
5.1 Profile of Respondents	34
5.2 Perception of Domestic Violence	37
5.3 Children's perception of domestic violence	38
5.4 Forms of Domestic Violence	43
5.5 Causes of Domestic Violence	48

5.6 Effects of Domestic Violence on Health	52
5.7 Steps taken after Domestic Violence	59
CHAPTER 6: INTERVIEW OF STAKEHOLDERS	66
6.1 Different stakeholders interviewed at Panchayat, Block, District and State level	66
6.2 Stakeholders at Block and district level	68
6.3 Stakeholders at State Level	69
CHAPTER 7: CONCLUSIONS AND RECOMMENDATIONS	70
7.1 Conclusions	70
7.2 Recommendations	71
ANNEXURES	75



# कार्यशाला

घरेलु हिंसा से पीड़िता के लिए न्याय से महिलाकों का संरक्षण श्विनियम, 20 "घरेलु



## List of Chart

Chart No.	Chart Detail	Page No.
Chart No. 1.1	Year wise Incidence of cognizable Crime Against women	25
Chart No. 5.1	Marriage age of respondents by Male	35
Chart No. 5.2	Marriage age of respondents by Female	35
Chart No. 5.3	Different forms of violence	37
Chart No. 5.4	Quarreling in family	38
Chart No. 5.5	Quarrel between family members	38
Chart No. 5.6	Types of quarrel	39
Chart No. 5.7	Causes of quarrel in family	39
Chart No. 5.8	Weeping in family	39
Chart No. 5.9	Addiction	39
Chart No. 5.10	During quarrel in the family	40
Chart No. 5.11	Beating of Children during quarrel between mother and father	40
Chart No. 5.12	Hindrance in schooling	40
Chart No. 5.13	Fixing responsibility for bad result	40
Chart No. 5.14	Restrictions on eating in house	41
Chart No. 5.15	Restrictions on dressing in house	41
Chart No. 5.16	Love and affection in the house: Mother / Father	41
Chart No. 5.17	Fearing father/ mother/ relatives	41
Chart No. 5.18	Friends making fun of you due to a quarrel in your house	42
Chart No. 5.19	Calling anybody for mediation during Quarrel in House	42
Chart No. 5.20	Children's response	42
Chart No. 5.21	Behavior of family members	44
Chart No. 5.22	Equal opportunity	44
Chart No. 5.23	Participation in decision making	45
Chart No. 5 24	Causes of domestic violence by male	46

Chart No.	Chart Detail	Page No.
Chart No. 5.25	Causes of domestic violence by female	46
Chart No. 5.26	Awareness about PWDVA, 2005	49
Chart No. 5.27	Age of women suffering from domestic violence	50
Chart No. 5.28	Women live with their husband even after domestic violence	51
Chart No. 5.29	Effects of violence on victim's of mental health	51
Chart No. 5.30	Effects of violence on victim's health	53
Chart No. 5.31	Effects on pregnant women and child in womb	53
Chart No. 5.32	Effects on family life	54
Chart No. 5.33	Effects on sexual life	55
Chart No. 5.34	Effects on children	55
Chart No. 5.35	Effects on family members and relatives	56
Chart No. 5.36	Cause of abortion	57
Chart No. 5.37	Taking decision regarding abortion	57
Chart No. 5.38	Caring of pregnant women	58
Chart No. 5.39	Steps of the survivors during violence	59
Chart No. 5.40	Complaints by survivors	60
Chart No. 5.41	Victim's expectation of help	61
Chart No. 5.42	Registration of complaint	62
Chart No. 5.43	Complaints registration under PWDVA 2005	63
Chart No. 5.44	Steps taken by administration for preventing of DV	64
Chart No. 5.45	What special focus on decreasing DV	65

## List of Table

Table No.	Detail of Table	Page No.
Table No. 1.1	Violence against women: Statistics of Crime in India 2014	26
Table No. 4.1	Coverage Area	32
Table No. 5.1	Age of respondent	34
Table No. 5.2	Cast and qualification of respondent	35
Table No. 5.3	Types of family	36
Table No. 5.4	Source of Income	36
Table No. 5.5	Earning members in family	37





# List of Acronyms

AIDS	Acquired Immune Deficiency Syndrome
ANM	Auxiliary Nurse Midwife
ASHA	Accredited Social Health Activist
AWC	Anganwadi Centre
AWW	Anganwadi Worker
BWN	Bihar Women's Network
CDPO	Child Development Programme Officer
CEDAW	Convention on the elimination of All forms of discrimination against women
СНС	Community Health Centre
DIR	Domestic Incidence Report
DPA	Dowry Prohibition Act
DV	Domestic Violence
DWCD	Department of Women and Child Development
FIR	First Information Report
GRC	Gender Resource Centre
HIV	Human Immunodeficiency Virus
ICDS	Integrated Child Development Scheme
ICPD	International conference on Population and Development
ICPS	Integrated Child Protection Scheme
IG	Inspector General
IPC	Indian Penal Code

MDG	Millennium Development Goals
MOIC	Medical Officer In-Charge
NCRB	National Crime Record
NFHS	National Family Health Survey
NGO	Non Governmental Organisation
NSS0	National Sample Survey Organisation
PDS	Public Distribution Service
PHC	Primary Health Centre
PIL	Public Interest Litigation
PO	Programme Officer / Projection Officer
PRI	Panchayati Raj Institution
PWDVA	Protection to Women from Domestic Violence Act
SLL	Special and Local Laws
UDHR	Universal Declaration of Human Rights
UNO	United Nation Organisation
UT	Union Territories
VAW	Violence against Women
WDC	Women Development Corporation
WHO	World Health Organisation
WRVH	World Report on Violence and Health

## **Executive Summary**

In September 2005, the Indian Parliament passed The Protection of Women from Domestic Violence Act (PWDVA), which came into force from October 26, 2006. The PWDVA was the result of a long and concerted campaign against domestic violence by the women's movement in India. It was a landmark legislation as it in some measure vindicated the constitutional promise of equality, non-discrimination and the right to life and liberty for women. It also marked compliance by the Indian state with its international obligations, especially under the Convention against Elimination of All forms of Discrimination Against Women (CEDAW). The Act was a civil law that sought to provide emergency relief to women in the form of protection orders, residence orders, and monetary relief and compensation orders. It also provided for an inbuilt mechanism to facilitate the entire system of access to justice. It identified specific functionaries such as the Protection Officers and Services Providers whose primary duty was to assist women in accessing reliefs provided under the law.

Mahila Jagran Kendra is a woman headed organization, which works on protection of women and child rights and eradication of all types of violence against women. The organization has organized sensitization and training program for different stakeholders and has advocated with policy makers and officials concerned for implementation of different law and schemes related to women.

Mahila Jagran Kendra (MJK) is the implementing partner of the project "Justice to Domestic Violence Survivors" supported by CARE India in two districts - Samastipur and Patna of Bihar state. The project is part of the larger programme of CARE, which is being implemented in three other South Asian Countries - Bangladesh, Nepal and Sri Lanka. One of the objectives of the project in India is to raise awareness among the community and the relevant stakeholders on the PWDV Act 2005. Thus far meetings and workshops with various sections of community and stakeholders organized indicated that the participants (Anganwadi Workers, Mamta, ASHA workers, ANM, local residents, doctor, police officials and PRI members) have low awareness about the legal aspects of domestic violence. Very few participants had information about the PWDV Act, 2005 and most of them were largely ignorant about the Act and its provisions.

This partner led action research is an attempt to analyze the circumstances leading to domestic violence in Bihar. This study is an effort to understand the causes, forms of domestic violence, situation and impact on survivors and their families. It also tries to understand the role and responsibility of various stakeholders and implementing authorities. Apart from these, this study aims to understand people's perception of domestic violence against women and analyze the impact of such violence on health, education, livelihoods of women, their children and other family members. The study also gathers views of AWWs, teachers, PRI members, health workers, CDPOs, local police etc. on domestic violence. It is more than a decade since the PWDV Act came into existence. The study also to understand the implementation status of PWDV Act 2005 in the covered geography under the study.

The present study has been conducted in the rural and urban areas of 9 districts of 9 commissionaries in Bihar. A random sample of 375 families is drawn from different socio-economic backgrounds. The

survey covered 190 male, 185 Female and 386 children in the targeted panchayat. In all targeted panchayats local service providers (161) like- AWW, ASHA, schoolteachers and PRI representatives' like- ward members, ward panch were interviewed. Concerned officials at block, district and state level were also interviewed (Block and district level stakeholders 21 and state level stakeholders 10).

Table No. 4.1

Sl. No.	District	Block	Panchayat	
1	Patna	Barh	Ranabigha	Bhatgaon
2	Gaya	Bodh Gaya	Bakraur	Kanhaul
3	Samastiput	Vidyapatinagar	Garhsisai	Saahit
4	Bettiah	Tarapur	South Telua	Mangalpurgudaria
5	Saran	Parsa	Pachlakh	Bhelchhi
6	Supaul	Kishanpur	Nehasimar	Tulapati
7	Araria	Bhargama	Packpaar	Bhargama
8	Munger	Tarapur	Padvada	Tarapur
9	Bhagalpur	Goradih	Mudhan	Kaseenpur



This study will help us in understanding whether the implementation of this Act has brought positive changes or has affected lives negatively. It is expected that the report will bring forth the actual situation of domestic violence and its impact before the stakeholders and support in designing

interventions to address the issue in the state of Bihar. Various stakeholders in government will get evidence for policy making and improving implementation of the PWDV Act. The report will be useful for institutions and social organizations working on the issue and will give directions to expand their work for ending violence against women. The report can be also used as base to further delve into the topic and analyse factors causing violence against women.

#### **Key Findings of Report**

Socio Economic profile of the respondents revealed women's low status: Illiteracy is as high as 41% among female while it is only 9% among male. Majority of male respondents (32%) are married at the age of 18-20 years while 43% female below 16 years. 30% male and 46% female said that they are unaware about equal rights of male and females. 61% females respondents said females could eat only after other members had taken their meal and 74% females and 46% male respondents informed the study team that women members slept after all had slept

**Perception about Domestic Violence:** There was lack of awareness and understanding about domestic violence and its different forms. The study also revealed that the perception of domestic violence varied among different stakeholders. Though 52% male and 32% female respondents responded that there were survivors of domestic violence in their neighbourhood, still data indicates that there are still 24% male and 42% female respondents who said that they do not understand domestic violence.

**Perception about Domestic Violence among children:** Though most of the children chose not to answer the question but those who have answered indicated that violence is occurring in their



families. On the question of quarrel between persons, 28% said that it happened between mother and father. And on response to the type of quarrel 22% said scolding, 20% said abuse. On the causes of quarrel 23% said that quarrel took place regarding expenses in house. 30% children replied that mother wept most of the time while 38% said that other members of family. 47% children did not respond on addiction behavior in their house. However, 30% children said that their fathers were addicted. Though 52% children replied that they were not beaten, 13% said that they were beaten during quarrel. 62% children said that there was no hindrance in school study due to quarrel between mother and father but 4% children did felt their education was getting disturbed due to quarrel at home. 50% children said that they themselves were blamed for bad results while 35% children said that father took responsibility for their poor result. During quarrel 44% children said that neighbours were called upon for mediation during quarrel in family.

Forms and Causes of Domestic Violence: There has been similarities in views among male and female on their perception regarding forms and causes of violence. As per men views, 19% males thought of suspicion as one of the many causes of domestic violence and 15% males also stated addiction as a cause of violence. Economic problems have been cited as cause of violence by 13% male and interestingly jealousy of female's high income has been also quoted as a cause of violence. Apart from these, dowry by 5% male and desire for son by 5% male have been also considered as causes of violence in the family. Whereas among women, causes of domestic violence ranged from economic problems to suspicion to drug addiction to dowry to desire for son etc. 76% respondents were of the view that verbal abuse did not affect a victim as severely as physical violence. And 47% male and 42% female respondents responded that sexual violence is a form of domestic violence. Interestingly, divorce as the form of domestic violence is accepted by 71% male respondents but negated by an equal percentage of female respondents. Only 25% female respondents accepted divorce as a form of violence. 51% respondents accepted that females ware harassed on one pretext or another while 48% respondents, responded negatively. 61% male and 56% female respondents were of the view that women living as housewives suffer less domestic violence. 38% male and 42% females agreed that women who depend on their husbands suffer from domestic violence. Interestingly, almost an equal number of men and women felt economically self-dependent women facing domestic violence prefer staying with her husband. 87% male and 89% female respondents replied that economically selfdependent women did not leave their husband's house despite domestic violence. And 63% female and 48% male respondents agreed that females have no right over their earning.

There is low awareness among the respondent about the law on protection from domestic violence among the community. Only 20% male and 8% female respondents replied that they are aware about the Law on protection from domestic violence.

Effect of Domestic Violence on Health: A large number of respondents agreed that domestic violence negatively affecte the survivors. 89% Males and 83% females responded that domestic violence affects working capacity of survivors. 75% respondents replied that female of early age are susceptible to domestic violence, however only 20% respondents said that female of middle age were survivors of domestic violence. Interestingly, 79% respondents replied that women who marry at early age are vulnerable to domestic violence, though 20% respondents did not agree with this. 56% respondents also accepted that survivors suffered from blood pressure followed by anemia. 43% male and 61% female respondents replied that violence had a bearing on the birth of underweight child. 9% Male and 8% female respondents agreed that violence results into miscarriage. Few respondents also said that domestic violence leads to maternal death and abnormal childbirth. 53% respondents reported

that domestic violence leads to quarrel on many trivial excuses. The highest number of respondents 50% (59% male and 41% female) said that wives develop irritation for husband. 67% males and 59% females said that husband was responsible for taking decision regarding abortion. However, some 18% male respondent and 21% females said that women also decided to go for abortion.

Steps taken/seeking support after Domestic Violence: Most of the respondents (83% male and 80% female) said that survivors tried to take support from parents during violence. 40% respondents said that the survivors tried to stop the perpetrator and 20% respondents (24% males and 16% female) said that survivors retorted. 48% respondents (41% males and 56% females) said that survivors did not raise their voice after suffering from domestic violence. However, 34% males and 28% females replied that the survivors raised their voice after suffering from domestic violence. 36% respondents said no steps were taken against culprit of domestic violence by the different institutions and 88% respondents said that survivors registered their complaint in written form. However, 42% male and 57% female said that the police personnel had no knowledge of PWDV Act 2005. Interestingly, 66% respondents did not know that their complaints were registered under PWDVA 2005. 51% respondents said that change in behavior of society; 6% male and 13% female said that change in behavior of police and; 23% respondents said that spread of awareness could mitigate domestic violence against women.

One of the finding indicates that 80% of the respondents had no knowledge about the institutions to which survivors of domestic violence can complain to after suffering from domestic violence. 86% respondents had no information about existence of women help line in their district. Only 21% male and 3% female were aware about existence of women help line in district. 58% respondents said that they did not have any expectation from these institutions. 22% respondents replied that survivors want social security from these institutions where they filed their complaint regarding domestic violence. On type of support expected, 15% female and 16% male said that survivors wanted economic support and small number of respondents (6% male and 2% female) said that survivors wanted sociopsycho counseling in these institutions.

Various stakeholders vs. Domestic Violence: At Panchayat level, 30% teachers, 22% PRI members, 19% AWW, 18% health workers were interviewed. Apart from them, 2% Thakur (Barbar), 1% Purohit, 2% social worker, 3% PDS dealer and 3% others were interviewed.

Data indicates that the highest percentage is of education level among these stakeholders is matriculates (33%), followed by intermediates (25%) and graduates (23%). Some stakeholders are only high school pass while some only literate. Interestingly, 30% of these stakeholders were being approached by survivors for advice. Only 13% of these stakeholders reported that they were part of discussions on domestic violence during any training programme organized by the government. 25 % of the stakeholders responded that institutions or NGOS organized discussions on domestic violence while 75% have never been part of such discussions. On the positive front, 58% of stakeholders were of the view that they could organize awareness programmes on domestic violence, 35% said that they could play the role of counselor and 7% said that they could be mediators.

At block level there is no uniformity in perception of domestic violence among stakeholders. Findings at block and district level indicate that most of them identified that an awareness campaign against domestic violence could support in addressing the issue. Few of them indicated women helpline and police station could be useful in addressing domestic violence. At state level as well, different stakeholders for domestic violence have used a different definition with varied understanding about the PWDV Act.

#### **Conclusion**

A decade of experience in implementation of PWDV Act shows some positive results at all levels in the state of Bihar. Bihar has been one of the pioneer states in implementing the PWDVA, 2005; it is also one of the states to have set up the first women helpline in Patna 1996. Currently the desk review indicates that the state has operational helplines and short stay homes in 35 and 21 districts respectively for responding to violence survivors and women in distress. The Women Development Corporation has been appointed as the nodal agency for implementation of women empowerment programmes in the state including the effective implementation of the PWDVA, 2005. Bihar has been also the pioneer state in filing a Public Interest Litigation (PIL) for having Protection Officers to operate under the PWDVA. The government has notified Project Managers of helplines to doubly act as Protection Officers under the Act. The state has developed an Operational Plan and developed Compendium of case studies under the PWDVA to benefit women who may want to approach the court under PWDVA. An institutional assessment has been conducted to strengthen the helplines and Short Stay Homes and the state is in the process of developing State Rules under Domestic Violence Act, 2005. Bihar has also recently drafted Policy for Empowerment of Women. The Hon'ble Chief Minister has announced the Policy on 22nd March, 2015 and currently it is in the process of setting up of the Gender Resource Centre to deal with gender issues in the state.

On the other hand, what is disappointing is that there is low level of awareness and understanding on domestic violence and the PWDV Act among all the stakeholders. There are gaps and challenges on various fronts and execution of orders under the law are not properly enforced. Formulation of rules and regulation of the policy is still to happen in the State. The study also brings enough evidence with suggests that there is a need for more amount of coordination and also ensuring convergence of services among various institutions/departments and stakeholders to achieve the goals of the policy. The study team could also not find any system of research, data collection, reporting of data collection at local level, which could support in monitoring the implementation of Act. It is also evident from the study that the available structure (judicial and administrative) is less accessible to survivors and there is no sufficient allocation of fund for implementation of PWDVA. The Study also points out the need of expanding the services both at rural and urban area to ensure the effectiveness of implementation of the Act.

There is, however, a need to further investigate to understand how much the survivors are benefitting with the final outcome and the institutional arrangements envisaged within the law.

#### Recommendations

On the basis of finding of the present study the study team would like to make the following recommendations.

#### Recommendation for PWDV Act and implementing agency

A. Allocation of adequate budget by the central and state Government:

Timely and sufficient budget allocation is vital to translate the legal provisions into actions. The desk review revealed that there is no exclusive allocation for prevention

of domestic violence and effective implementation of the PWDV Act 2005. Towards this, it is suggested that special budget allocation must be made for Service Providers, Counselors and other actors. Budget allocation for wider legal awareness among general public about the provision of PWDV Act, training for capacity building and improvement of infrastructure is essential.

## B. Additional & special efforts by implementing department of State/central Government:

- Bihar state does not have a separate Department for Women and Child unlike
  other states in India. Currently the Department of Social Welfare (DoSW) is an
  independent department to deal with the subject of Women and Child Development,
  which also responsible for other vulnerable groups old, disabled etc. It is
  recommended to have an exclusive department working for women and child in
  the state.
- The State Government should come up comprehensive strategies and Standard Operating Procedures to address domestic violence against women.
- It is recommended that The Central and State Governments should develop, enlarge
  and strengthen the social support services programmes for women who are survivors
  of domestic violence. The Central and State Governments should also come up with
  innovative community driven interventions to support and address the needs of
  survivors of domestic violence.

#### Recommendations to improve the effectiveness of implementation of Act

- (A) Generate awareness about the Act among the community: During discussions with women survivors of domestic violence it was evident that the level of awareness about the law is low. The interaction with various community level stakeholders also indicated that the awareness about the Act was significantly low. Whereas, Section 11 of the PWDV Act itself delivers on legal awareness through publicity in media including television, radio and print media. Therefore, it is suggested that a systematic legal awareness programme must be launched.
  - A massive awareness campaign involving the community and different stakeholders, social organizations, government agencies, institutions etc. for behaviour change and gender equality is required.
  - Proper publicity of different acts relating to prevention of violence against women, particularly PWDVA 2005 is essential.
  - Media has to be considered as critical stakeholder for generating a massive awareness and education on the issue of ending all kinds of violence against women. The Government of Bihar should allocate adequate resources for implementation of such a comprehensive media strategy for social change.
  - Inclusion of gender equality and rights of women in the Education system from primary to higher level will contribute immensely.

#### (B) Increase access of survivors to institutions and its coverage:

- Various institutions like the Service Provider, Office of the Protection Officer and Short Stay use Shelter and Help lines are mostly present in the district headquarters. During the discussion with survivors, one of the difficulties quoted was access to these services. On the other end, due to vast geographical areas of a district, it is also difficult for a single Protection Officer and Service Provider to cover the entire area for various purposes. Therefore, it is recommended that the institutional arrangement like appointment of Protection Officer and Service Provider should be extended to block level in the rural area and cities in urban areas. It is also recommended that there is a need to expand a system, which is available and accessible as well as, easy to deliver services.
- Most of the short stay and shelter homes are not fully equipped. It is recommended
  to strengthen and make functional short stay home and shelter at district level.
  Notification of the service providers needs to be completed.
- Strengthening of local body like Gram Kachahari for taking up domestic violence related cases and authorizing to issue protection order for survivors as per the Act will increase the efficiency of the services for the survivors. DIR can be made available at Gram Kachahari, Local Thana and local NGOs level to extend the services to the survivors within stipulated timeframe

#### (C) Emphasis on Skill building Training programmes for various actors on the Act

Counsellors need to be equipped with necessary skills and other requirements:

Section 14 of the Act deals with the provision for counselling. As per the provision, the Magistrate may direct the respondent or the aggrieved person either singly or jointly, at any stage of the proceeding, to undergo counselling with any member of a Service Provider who possesses such qualification and experience in counselling as may be prescribed. However during the study it was noticed that counsellors have varied understanding on the issues of domestic violence and the various provisions of the Act. It is recommended that the Service Providers engage one of their members having prescribed qualification as counsellor and the Counsellors are made to undergo regular training programme on domestic violence issues along with their role prescribed in the Rules made under PWDV Act.

It is also recommended to holding training programme for capacity building of different actors /law enforcement officers, police, judges, other court personnel, prosecutors, PRI members, service providers, counsellors and other stakeholders to identify and respond more effectively to the cases of violence against women. Different types of training modules may be used for different actors keeping in view the type of role conferred on them under PWDV Act.

#### (D) Coordination among the various actors/institutions:

There are various actors operating under the PWDV Act like the Protection Officer, Service Provider, Shelter Home, Medical System, Legal Service, Counselling and Police etc. Effective coordination among these stakeholders and convergence of services will improve the efficiency of service delivery. Therefore, **following is** 

**recommended to constitute coordination mechanism at all level** for bringing about responsiveness and accountability in the institutions.

- Formation of district and state level coordination committee for regular evaluation of the implementation of Act and convergence of the related programme. Thana, Superintendent of Police and Coordination Committee should review quarterly reports on filing of FIR and redressal of violence against women.
- Establishment of Data collection and communication systems, linking police, prosecutors and courts for the purpose of identifying cases of domestic violence against women should be introduced.
- Coordination among Law enforcement officers, police, judges, other court
  personnel, prosecutors, PRI members, service providers, counsellors and other
  stakeholders is critical for speedy trial and justice to survivors of domestic violence.

#### (E) Effective Delivery of Legal Services:

Legal services are made available to the survivors through the Legal Services Committees operating at different level. However, most of the time it is difficult for the Protection Officer to ensure legal services to the aggrieved person and the aggrieved has to approach various institutions for any single case. In this situation to ensure services can be easily made available and accessible, it is recommended that **accountability on officials concerned for preventing domestic violence against women should be fixed**. All cases of domestic violence should be tried according to the time frame provisions of the PWDVA.

#### (F) Ensure medical assistance within Health System:

The study has highlighted how domestic violence is affecting the overall health of the women. And during discussions, it was evident that getting medical assistance from various actors under the PWDV Act is one of the challenges women are facing. Bearing this in mind it is recommended to appoint a particular person in the health system, who can be approached by the actors under PWDV Act as and when required.

#### **Recommendation for Civil society and CBOs**

#### Networking and alliance building:

Civil society organizations has been active in Bihar and have been effective in advocating together to bring the Act in the state. There is a need to once again create such a forum to join hands to advocate on the gaps at policy and implementation level with government and also for effective implementation of law in the state.

#### Joint efforts to raise awareness among the community and all stakeholders:

Civil society organizations in Bihar have been implementing various interventions to generate awareness about the issues and the Act since decades. There is a need to collaborate among all agencies along with the actors and support in raising awareness and ensuring timely redressal of cases registered under the Act.

## **Foreword**

CARE has been operational in India since 1950 and currently operates in 14 states of India, focusing on ending poverty and social injustice. In India, CARE focuses on the empowerment of women and girls because they are disproportionately affected by poverty and discriminations; and suffer abuse and violations in the realization of their rights, entitlements and access and control over resources.

CARE's mandatory approaches across all programming, includes fighting gender inequality and Gender Based Violence (GBV), and strengthening women's voice. CARE supports voices from marginalized communities to represent and negotiate their rights in district, national, regional and global forums. CARE works through multiple entry points to prevent GBV at household, community and broader levels with a focus on transforming drivers and triggers of GBV, including women's economic empowerment, engaging men/boys, facilitating community dialogues, strengthening community governance, research on GBV for advocacy and practice, and supporting movements and national advocacy for policy change. This includes making existing laws better known and stronger, while advocating for new laws or policies where they don't exist. The strategy of CARE clearly articulates "the right to a life free from violence" as among one of the outcomes against which CARE will measure its work and be held accountable. CARE's experience working in communities around the world has shown us that addressing gender based violence (GBV) is possible through coordinated engagement and action by government and civil society actors across a range of sectors including health, social services, security and legal sectors.

Domestic violence is widespread in South Asia. In India, Nepal, Bangladesh and Sri Lanka, promulgation of several laws to criminalise domestic violence over the past decade have taken place, which represents a major breakthrough in the struggle for freedom from domestic violence. However, the implementation of these laws remains a major challenge and their potential has not yet been. Multiple barriers exist that impede the implementation of these laws. The regional effort of CARE would entail advocacy for the effective implementation of national laws pertaining to the prevention, prohibition and criminalisation of domestic violence. Working in alliances and generating and using evidence will be critical in lobbying for such changes in addressing the barriers faced by women in accessing justice through the existing domestic violence laws.

To advocate for effective implementation of the Protection of Women Against Domestic Violence Act (PWDVA), 2005, CARE India is implementing a project "Justice to Domestic Violence Survivors" through our partner Mahila Jagran Kendra (MJK) in two districts of Bihar- Patna and Samastipur.

As a part of this project, our partner MJK had undertaken an action research in 9 districts of Bihar to gain a deeper understanding of people's perception of domestic violence against women and its

impact on health, education and livelihoods of women. Via this research, we also aimed to understand awareness of the PWDV Act amongst the community and relevant stakeholders and identify gaps in its implementation.

The study report developed will benefit key stakeholders like peer NGOs, Government agencies, academicians as well as implementing agencies nationally and internationally in increasing their knowledge and understanding on impact of domestic violence on women and scope to develop relevant interventions to address the issue.

I understand this as the beginning of an onward journey to ensure a safer society for our women and girls with a prime objective to respect their fundamental right to Life with Dignity. I also see this as an important tool to advocate for effective implementation of PWDV Act 2005. On behalf of CARE we are very excited and pleased to take the report forward and work closley with the other organisations and critical stakeholders on this important issue.

Mr. Rajan Bahadur Managing Director & Chief Executive Officer CARE INDIA

## **Foreword**

Mahila Jagran Kendra (MJK) has been striving hard for the rights of women for the last 25 years. Gender equality to ending all forms of violence against women has been the core agenda of MJK. To achieve its objective of equality of rights for both man and women, it organizes various awareness campaigns, imparts training to community members and the stakeholders and collaborates with other civil society organizations to advocate with governments and its agencies. In the last one decade, Domestic violence and sexual harassment at work place have surfaced as serious concern for everyone and MJK has put in endless efforts to highlight the cases in public domain through various democratic means to facilitate redressal of complains and influence the government for enactment of laws for preventing violence against women in Bihar.

In last few decades many women organizations and activist launched movements for equality of rights and ending violence against women all over the country. This resulted into various laws for protection of constitutional rights of women. Towards this, Protection of Women against Domestic Violence Act came into existence on 26th October 2006. However, in Bihar after filing of Public Interest Litigation (PIL) for having Protection Officers to operate under the PWDVA, the Patna High Court directed the Bihar Government to take measure for effective implementation of PWDVA 2005.

At present, Mahila Jagran Kendra is implementing the project "Justice to Domestic Violence Survivors" with the support of CARE India in Patna and Samastipur districts of Bihar. The project aims on generating awareness about the PWDV Act and sensitize the stakeholders on issue of domestic violence.

While implementing the project, the need emerged to conduct a study to delve deeper to understand the people's perception of domestic violence against women and its impact on women lives. MJK also wanted to understand the efficacy of implementation of PWDV Act and its access to the survivors from both rural and urban areas. MJK had conducted this action research in 9 districts of Bihar.

I Hope this study becomes a step forward, towards the direction of research on women related issues and is useful for all organizations and stakeholders working on the subject.

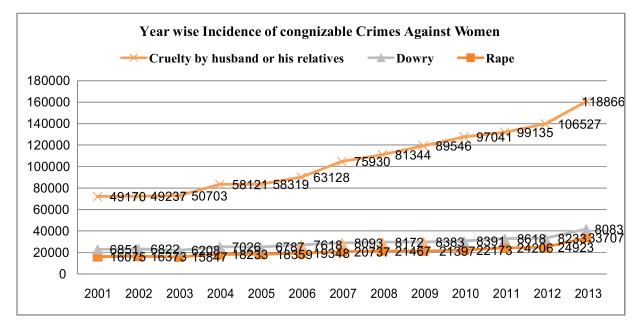
**Ms. Neelu** Chairperson Mahila Jagran Kendra

# CHAPTER 1 Introduction and Context

#### 1. Violence against Women

Violence against women is present across the world cutting across boundaries of culture, class, education, income, ethnicity and age.

In India 3,37,922 cases of crime against women (under various sections of IPC and SLL) were reported in the country during the year 2014 as compared to 3,09,546 in the year 2013, thus showing an increase of 9.2% during the year 2014.<sup>1</sup>.



## 1.1 Trend analysis of crimes against women (Source: Crime in India- 2014, NCRB report, Chapter 5)

The crime head-wise details of reported crimes increased from 213585 in year 2010 to 337922 in year 2014. The crimes against women during the year 2014 increased by 9.2% over the year 2013 and by 58.2% over the year 2010. The IPC component of crimes against women has accounted for 96.3% of total crimes and the remaining 3.7% were SLL crimes against women.

The proportion of IPC crimes committed against women towards total IPC crimes has increased during the last 5 years from 9.6% in the year 2010 to 11.4% during the year 2014.

<sup>&</sup>lt;sup>1</sup> Crime in India – 2014 (NCRB): Chapter 5- Crime against women

The cases of dowry deaths have increased by 4.6% during the year 2014 over the previous year (8,033 cases). 29.2% of the total cases of dowry deaths were reported in Uttar Pradesh (2,469 cases) alone followed by Bihar (1,373 cases). The highest crime rate in respect of dowry deaths was reported in Bihar (2.8) followed by Uttar Pradesh (2.5) as compared to the national average of 1.4.

The cases of cruelty by husband or his relatives have increased by 3.4% during 2014 over the previous year (1,18,866 cases). Most of these cases were reported in West Bengal (23,278 cases) followed by Rajasthan (15,905 cases), Uttar Pradesh (10,471 cases) and Assam (9,626 cases). These four States together accounted for 48.2% of total such cases (59,280 out of 1,22,877 cases). The highest crime rate (62.1) was reported from Assam as compared to the national rate at 20.5.

#### 1.1.2 Violence against women: Statistics of Crime in India 2014

	Rape Case	Dowry deaths	Sexual Harassment	Cruelty by husband or his relatives	Case under DPA 1961	Cases under PWDVA 2005
India	36735	8455	21938	122877	10050	426
Bihar	1169	1394	271	4768	2262	112

According to NCRB's report, "Statistics of Crime in India 2014" under the PWDV Act 2005 at National Level- 36735 cases of rape; 8455 cases of dowry death; 21938 cases of sexual harassment; 122877 cases of cruelty by husband or his relatives; 10050 cases under dowry prohibition act 1961 and 426 cases have been reported.

In Bihar, survivors of different women related crimes in 2014 were: 1169 in rape case (2.3); 1394 in dowry death (2.8); 271 in sexual harassment (0.6); 4768 cruelty by husband and his relatives; 2262 in Dowry prohibition Act 1961 (4.5) and; 112 in PWDVA 2005 (0.2).

Data on Protection of Women from Domestic Violence Act, 2005 has been collected for the first time in 2014. A total of 426 cases were reported under this Act during 2014. Four States together accounted for 91.1% of total such cases reported in the country during 2014- Kerala (140 cases) followed by *Bihar (112 cases)*, Uttar Pradesh (66 cases), Madhya Pradesh (53 cases) and Rajasthan (17 cases).

#### 1.1.3 Disposal of crimes reported under crime against women by police

Out of the 4,61,609 cases, police completed investigation in 3,15,722 cases during 2014. A total of 8,144 cases of cruelty by husband or his relatives, 6,497 cases of kidnapping and abduction of women, 4,641 cases of assault on women with intent to outrage her modesty and 2,540 cases of rape were such cases in which the final report submitted by the police showed them as false. In 25,040 cases, chargesheets were not laid but final reports were submitted showing them as true cases by the police during 2014. A total of 1,44,938 cases remained pending for investigation at the end of the year 2014, showing pendency rate of 31.4%.

#### 1.1.4 Disposal of crimes reported under crime against women by courts

A total of 26,660 cases were convicted during the year 2014, showing a conviction rate of 21.3%. The highest conviction rate was observed under the Immoral Traffic (P) Act (48.6%) (75.7% under section 8 of this Act) and the Indecent Representation of Women (P) Act (46.7%) whereas a low conviction rate was observed in cases under the Dowry Prohibition Act (10.2%) and cruelty by husband or relatives (13.7%). A total of 9,82,516 cases remained pending for trial at the end of the year 2014.

A total of 19,56,693 persons (consisting of 17,68,350 males and 1,88,334 females) were either under custody or on bail for trial, out of which 47,145 persons were convicted by the courts. A total of 1,83,983 persons were acquitted from all charges by courts and 9,032 persons were discharged by court for want of evidence or otherwise during 2014.

#### 1.1.5 Disposal of person arrested by Police & Court

A total 5, 12,980 persons (consisting of 4, 51,299 males and 61,681 females) were arrested under crime against women during the year. A total of 46,916 persons were released or freed by police or Magistrate before trial for want of evidence or any other reason. A total of 4,33,017 persons (consisting of 3,79,859 males and 53,158 females) were charge-sheeted during the year 2014. Maximum persons were charge-sheeted for offences of cruelty by husband or his relatives (1,96,893 persons) and assault on women with intent to outrage her modesty (92,615 persons).

#### 1.2 Domestic violence

Domestic violence against women is a serious crime in all sections of the society all over the world. Statistics show that the situation is not improving as fast as it should. For the majority of the women in India, the overall picture of progress is bleak and is getting bleaker. The sex-disaggregated data on education levels, work force participation and life expectancies show male-female gaps. Female foeticide, child marriage, sexual assault and sexual harassment, discrimination at home and workplace, unequal pay scale for the same work etc. are plaquing women as well as the society.

It is pitiable to report that independence has not brought freedom for a majority of women. Even today patriarchy continues to control women's interests and desires. It is painful to note that despite the constitutional guarantee of equality for all (men & women) women are not on an equal footing with men.

# CHAPTER 2 Gender Budget

### 2.1 Gender Budget

Gender Budgeting is a tool for gender mainstreaming that uses the Budget as an entry point to apply a gender lens to the entire policy process.

Gender Budgeting is concerned with gender sensitive formulation of legislation, policies, plans, programmes and schemes; allocation and collection of resources; implementation and execution; monitoring, review, audit and impact assessment of programmes and schemes; and follow-up corrective action to address gender disparities.

#### 2.1.1 Gender budget of India

The government of India had adopted gender budgeting (or gender-responsive budgeting) in 2005 to help advance gender equality through comprehensive and integrated planning by several government departments. Since then, 57 Ministries/departments have set up Gender Budgeting Cells. The Budget of Ministry of Women and Child Development is reduced by 55%.

The 2015-16 budget pledged a 'top-up' of Rs.1, 000 crore to the already existing Nirbhaya Fund for ensuring safety of women, while slashing the allocation to the Ministry of Women and Child by over half.

Desk review reveals that in terms of gender budgeting, the allocation to women in this budget has dropped from Rs. 90,000 crore to Rs. 80, 000 crore (a cut of almost 20 percent).

The Nirbhaya fund, set up by the government in the aftermath of the December 16 Delhi gang rape, has made more news for being alarmingly under utilised than for making any significant improvement to women's safety.

#### 2.1.2 Gender budget in Bihar

The Bihar government started gender budgeting in 2008-09. Desk review indicate that since then the government has been allocating a minimum of 30 per cent in all budgetary allocations for every department. However it has not developed any tools regarding expenditure of the gender budget (Budget speech, Finance Department, Government of Bihar). Besides, there is no allocation for prevention of domestic violence and effective implementation of the PWDVA 2005.

There are many schemes namely Mukhyamantri Mahila Sashaktikaran Yojana, Mukhyamantri Kanya Vivah Yojana, Mukhyamantri Saikil Yojna, Mukhyamantri Chhatravriti Yojna etc. designed by the government for empowerment of women from all socio-economic classes. Experiences on ground indicates that these schemes are inadequate and in the absence of a robust implementing system, do not reach the intended beneficiaries.

# Status of Implementation

### 3.1 Background of PWDVA 2005

In the 1980s and 1990s many women's organizations started movements to prevent violence against women all over the country. This led to enactment of many acts and amendment in criminal laws such as- The Indecent Representation of Women (Prohibition) Act, 1986, The Commission of Sati Prevention Act, 1987, The Protection of Women from Domestic Violence Act, 2005, Prevention, Protection and Rehabilitation of Sexual harassment at Workplace Act 2013.

PWDVA 2005 came into existence on 29<sup>th</sup> October 2006. To pressurise Bihar government for effective implementation of the Act, the Bihar Women's Network filed a PIL (Civil Writ Petition, no. 14051-2006) in the Patna High Court. The hon'ble court passed an order on 30<sup>th</sup> July 2008, directing the state government to appoint a Protection Officer in every district and provide short stay homes with essential amenities and health services by 30<sup>th</sup> November 2008.

In the beginning, CDPOs were authorized to work as Protection Officers, but later with continuous efforts of civil society organizations in Bihar the government of Bihar notified project Managers of helplines to doubly act as protection Officer under the Act.

The Bihar Women's Network (BWN) is regularly advocating with the government for adequate budget, effective mechanisms and training to the different stakeholders (Police officers, Protection officers, advocates, magistrates etc.). Besides, it also undertakes training of the above officers.

#### 3.1.1 PWDVA in Bihar

The Women Development Corporation is the nodal agency for the implementation of the PWDVA. Protection officers and service providers are appointed in every district. A Helpline is established in every district and is under the direct supervision of the district magistrate. All districts have short stay homes according to the government record.

BWN and other women organizations launched a movement for appointment of independent & separate Protection Officers, arrangement of short stay homes, establishment of women's helpline, separate adequate budget etc. In 2010, Bihar Government authorized the Programme Officer of the Women's Help Line to work as Protection Officer. In the same year many NGOs were selected to run Short Stay Homes in all districts, but these could not be operationalized due to lack of budget and other factors.

Evidence from field indicate that even today, Stay Homes are functioning in only 4-5 districts. Service providers are yet to be identified and listed in every district. FIRs are not written, domestic violence cases are transferred to the local police station and solved through mediation, not according to the provisions of the PWDVA. Protection orders from the magistrate take six months as against three days stipulated in the Act while judgment takes more than a year as against three months stipulated in the Act. There is lack of effective steps for publicity by Government, resulting in a lack of awareness about the Act among the common people and stakeholders.

For poor and working families (male/female) in the unorganized sector, the government is silent on provisions for their rehabilitation and maintenance.

# Objective and Methodology

The study has been conducted by MJK with support from Care India with the purpose of understanding the perceptions of domestic violence against women and status of implementation of the PWDVA 2005 in the existing project "Justice to Domestic Violence Survivors".

### 4.1 Objective

- To study the nature, extent and incidence of domestic violence against women and perception of domestic violence among community and all stakeholders.
- To study the level of awareness of the law, its impact and its challenges.
- To understand women's experience and perception about seeking justice from formal and informal institutions.
- To suggest steps to address the issue of domestic violence against women improve the effectiveness of implementation of PWDV Act.

#### 4.2 Methodology of the study

#### 4.2.1 Sampling Design

The present study was conducted in the rural and urban areas of 9 districts of 9 commissioneries in Bihar. A random sample of 375 families was drawn from different socio-economic backgrounds. The sample of 50 families was drawn from rural and urban areas representing from different castes, religions and socio-economic groups.

#### 4.2.2 Area of study

The survey covered 190 males, 185 females and 386 children in the targeted panchayat. In all targeted panchayats we interviewed 161 local service providers like- AWW, ASHA, schoolteacher and PRI representatives like- ward members, ward panch. Concerned officials at block, district and state level were also interviewed-21 Block and district level stakeholders and 10 state level stakeholders.

Sl. No.	District	Block	Panchayat	
1	Patna	Barh	Ranabigha	Bhatgaon
2	Gaya	Bodh Gaya	Bakraur	Kanhaul
3	Samastiput	Vidyapatinagar	Garhsisai	Saahit
4	Bettiah	Tarapur	South Telua	Mangalpurgudaria
5	Saran	Parsa	Pachlakh	Bhelchhi
6	Supaul	Kishanpur	Nehasimar	Tulapati
7	Araria	Bhargama	Packpaar	Bhargama
8	Munger	Tarapur	Padvada	Tarapur
9	Bhagalpur	Goradih	Mudhan	Kaseenpur



### **Tools & Techniques of Data Collection**

A Mixed method approach was adopted for the study, utilizing both quantitative and qualitative data. The following tools and techniques were used for collection primary and secondary data.

#### 4.2.3 Primary Data

- 1. Interview Schedule for female, male and children respondents.
- 2. Observation by Investigators
- 3. Collection of information from social activists, Anganwadi, CDPO, ANM, ASHA, Healthcare groups, doctors, teachers, PRI members, social workers and police officials.
- 4. For Case study- the victim and the other associated people were approached.

The interview schedule was divided in four sections i.e. personal profile; family profile; nature and incidence of domestic violence and; the impact of domestic violence on the survivors, children in the family, relatives and neighbours.

Field-testing of the schedule was carried out with 10 women, 10 men and 10 children in slums of Patna in order to know the gaps and limitations of the interview schedule.

On the basis of the findings of the study and the difficulties faces by the respondents and investigators, necessary changes and modifications were carried out in the text of the interview schedule.

The investigators also contacted the social activists in the locality to seek information about the known cases of domestic violence and their views on the problem. PRI members, AWWs, Teachers and Health workers at panchayat level, CDPO, MOIC, Thana in-charge at block level and Superintendent of Police, Mahila Samakhya, Program Officer (social welfare department), Protection Officer, Women Help Line at district level were contacted. Different institutions- WDC, IG Police, Mahila Samakhya, other women's organizations and NGOs were contacted to know about the policies and status of their implementation.

#### 4.2.4 Secondary data

Data was collected from different archives, government offices, state government, laws, NSSO, NCRB, Census, NFHS-IV and various other surveys.

#### 4.2.5 Data Collection and Processing

Teams of investigators collected data. They were given training for collecting data. The coordinator and research associates duly supervised the work of investigators.

Interviews were filled on tab and master sheets were prepared digitally to ensure smooth data processing. The data analysis plan was designed in such a way that all possible errors during data processing would be excluded. Codes were verified and rechecked for each and every case.

# CHAPTER 5 Our Findings

In the present study, efforts were made to find out the association between socio-economic status of the family and the incidence and extent of domestic violence against women.

### **5.1 Profile of Respondents**

This Section contains the personal profile and family background of respondents. On the basis of responses received from respondents: family type, socio-economic groups, age of female respondents, educational and occupational status, was analyzed and interpreted.

#### 5.1.1 Age of respondents

Data shows different age groups of male and female. The respondents' age ranged from 18 to 65 years. 17% respondents are in the age group of 31-35. The highest number of male respondents (18%) was in the age group 46-50 years and 21% female respondents were in the age group 25-30 and 31-35 (as tabulated below). The number of respondents in the age group 18-24 was only 4%.

18-24 25-30 36-40 41-45 46-50 51-55 61-65 Age 31-35 55-60 Group Female 9 33 33 22 28 16 10 4 3 Male 5 19 27 34 17 35 32 14 7 52 (15%) 60 (17%) 56 (16%) 45 (13%) 51 (15%) 42 (12%) 18 (5%) **Total** 14 (4%) 10 (3%)

Table No. 5.1

#### 5.1.2 Caste and qualification of respondent

To understand the extent of domestic violence, classification of interviewees was done under various socio-economic groups. 21% of total interviewees (male-25% and female-17%) were from General Category. Only 1% came from ST and 2% from Minority. Thus, all socio-economic classes were covered.

The highest number of surveyed persons was from SC (39%: Male-31% and Female-46%) followed by 37% OBC (male- 41% and female-33%).

Data on educational qualification shows that males were

more educated than

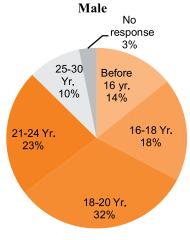
Illiteracy was as high as 41% among females while it was only 9% among males.

females. 26% females were literate while 23% had reached primary level. Only 7% females had completed matriculation while 5% males more than females have done matriculation.

Only 3% women had reached intermediate level and not a single female was a graduate, whereas 14% males were graduates. Overall education level of the respondents was therefore below average.

Table No. 5.2

Caste and religion	Gen	080	SC	ST	Minority	Education	Illiterate	Literate	Primary	Matriculation	Inter	Graduation
Female	31 (17%)	62 (33%)	86 (46%)	3 (2%)	3 (2%)		76 (41%)	47 (26%)	43 (23%)	13 (7%)	6 (3%)	0
Male	48 (25%)	78 (41%)	59 (31%)	1 (1%)	4 (2%)		18 (9%)	52 (27%)	59 (31%)	22 (12%)	13 (7%)	26 (14%)
Total	79 (21%)	140 (37%)	145 (39%)	4 (1%)	7 (2%)		94 (25%)	99 (27%)	102 (27%)	35 (9%)	19 (5%)	26 (7%)



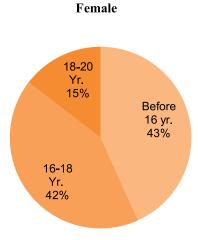


Chart No. 5.1

Chart No. 5.2

#### 5.1.3 Marriage age of respondent

The majority of male respondents (32%) were married at the age of 18-20. 43% females below 16 years and 42% between 16-18 years were married. Only 15% male respondents were married in the age group of 18-20 years.

43% female respondents were married before 16 years.

Responsibilities imposed on females at an early age, like looking after husband and other members and fulfilling husbands' wishes made them vulnerable to DV.

#### **5.1.4** Type of family of respondent

Tabulated data indicates the nature of families. In a joint family, women have to adjust with many members in comparison to those living in nuclear family. The patriarchal nature of family makes women subservient to men. Moreover, all male members are likely to come together on issues against women.

60% of male respondents and 45% of female respondents came from joint families while 40% male and 55% females belonged to nuclear families.

Table No. 5.3

Respondent	Nuclear family	Joint family		
Female	102 (55%)	83 (45%)		
Male	76 (40%)	114 (60%)		
Total	178 (40%)	197 (60%)		

#### 5.1.5 Main source of income

The data analysis showed that 84% of the respondents, including 91% females and 77% males made a living by doing wage labour. This indicates that majority of the respondents came from lower middle class. The percentage of women engaged in domestic work was negligible, thereby indicating that women worked at home as well as outside the home to support their families.

Other occupational backgrounds included service sector: 1% (2% female and 1% male) of the total respondents, business 6% (5% female and 9% male) of the total respondents (375).

Economic status of male and female respondents determines the socio-economic background. All respondents worked in unorganized sectors like agriculture, construction and other menial works with no regular income.

Table No. 5.4

	Other	Domestic work	Job	Labour	Business	Service
Female	2 (1%)	1	5 (3%)	169 (91%)	5 (3%)	3 (2%)
Male	10	2	13	146	18	1
	(5%)	(1%)	(7%)	(77%)	(9%)	(1%)
Total	12	3	18	315	23	4
	(3%)	(1%)	(5%)	(84%)	(6%)	(1%)

#### 5.1.6 Earning members in family

The analysis of this data (Table 5.5 below) showed that 57% of the respondents informed that male members were the breadwinners for the family. 19% respondents informed that female members were the breadwinners for their families. Though the percentage of earning females was small, it was significant considering the patriarchal society. 2% respondents also said that children contributed to the family income. 20% of the respondents stated that both males and females contributed to the family income.

Earning in the rural economy was extremely low. 81% respondents had an annual family income of less than Rs. 60,000 per annum. Due to uncertainties in agriculture and rising inflation often it was difficult for a family of four to live a dignified life with quality education and health services.

Table No. 5.5

	Male	Female	Male and female	Children	All
Female	98	83	60	4	5
Male	152	2	30	3	3
Total	250 (57%)	85 (19%)	90 (20%)	7 (2%)	8 (2%)

#### **5.2 Perception of Domestic Violence**

Respondents differed on the definition of domestic violence. Generally they considered verbal abuse and beating as the only forms of violence. Emotional and economic forms of violence were not recognised.

The percentage of respondents that were aware about domestic violence was higher. While 76% male and 58% female respondents knew about domestic violence, only 24% male and 42% female respondents had no understanding about domestic violence.

#### 5.2.1 Awareness about different forms of domestic violence

The data in the Chart 5.3 below showed the perception of various forms of domestic violence by male and female respondents.

31% male respondents and 33% female respondents said that assault was a common form of physical violence. Rebuke was recognized as as a form of violence by 25% male and 32% female respondents. Males had no information about sexual harassment, suspicious character and bad behavior while 6% females knew that bad behavior is also a form of domestic violence.

In conclusion we can say that respondents did not have clear perception about the domestic violence.

#### Different forms of domestic violence

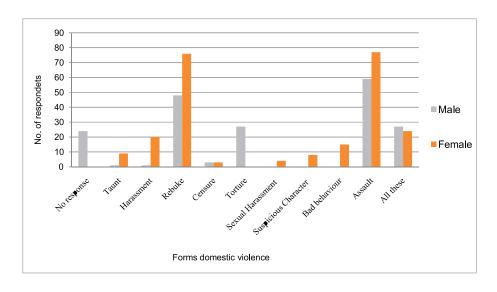


Chart No. 5.3

#### 5.2.2 Equal status of male and female according to the Indian Constitution

Our Constitution guarantees equal economic and social status to all human beings irrespective of gender, caste, religion and so on. Article 21, Right to Life ensures that all men and women live with dignity.

Analysis of the data showed that 70% male and 54% female respondents understood that males and females have equal status according to the constitution. Only 30% male and 46% female respondents had no knowledge about equal rights of male and females.

#### 5.3 Children's perception of domestic violence

Children expressed mixed views on different aspects of domestic violence and its impact on their lives. Most of the children did not answer questions relating to quarrel in the family, types of quarrel, causes of quarrel, beating by parents. This might have been because they did not want to reveal internal family matters. To understand their views, questions with multiple answers were asked.

#### 5.3.1 Quarreling in the family

Data analysis showed different responses by children on domestic violence. 61% children responded that quarrels did not take place in the family. Regarding question on quarrels between persons, 48% children did not respond, while 25% said that it happened between mother and father. 13% children said that fights happened between other members.

25% children said quarrel happened between mother and father

Around 45% children did not respond on the type of quarrels. 22% said scolding, 20% said abuse and only 7% said thrashing as form of quarrel happened in their house.

49% of children did not respond on the causes of quarreling but 23% said that quarrels happened regarding house expenditure. A small number of children cited causes of quarrel: cleaning house and clothes, arrival of relatives at home, eating etc.

In conclusion half of the respondent children did not want to speak about violence in their houses.

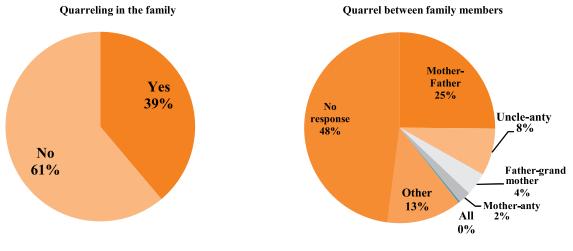
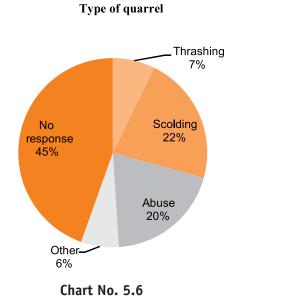


Chart No. 5.4 Chart No. 5.5



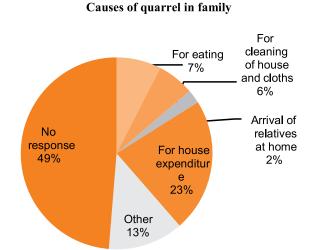
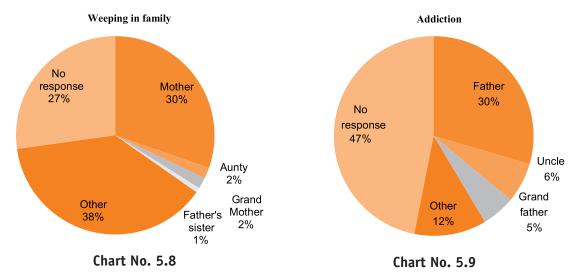


Chart No. 5.7

#### 5.3.2 Weeping and addiction in family

Data analysis showed children's views on who wept in the family most of the time and who had an addiction. 30% children said that mother wept most of the time while 38% said that other members of family wept. 27% children did not respond. Some children also said that their grandmother and father's sister wept.

47% children did not respond on addiction behaviour in their house. However, 30% children said that their fathers were addicted. 6% children said uncle, 5% children said grandfather and 12% children said that other members of family were addicts.



#### 5.3.3 Quarrel in family causing hindrance in study

Data analysis showed that children suffered in the family in terms of beating, study loss and other psychological disturbances. 47% children did not respond while 29% children said that they remained quiet, 7% said that they left the house and 5% said that they wept during quarrels between their father and mother.

36% children did not respond to the question of whether they got beaten during quarrels. 52% children replied that they were not beaten while 13% said that they were beaten.

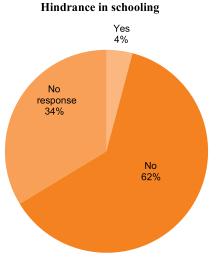
62% children said that there was no hindrance in schooling due to quarrels between mother and father while 34% respondents did not like to respond to this question, only 4% said that schooling was disturbed.

13% children said they are beaten up during quarrels at home and 4% children said their schooling was disturbed

In the case of bad results, 50% children said that they were blamed while 35% children said that father took responsibility for poor marks in examination. Only 3% children said that mother was blamed.

# No response 47% Weeping Leaving the house 7% Keep quiet 29%

Chart No. 5.10



**Chart No. 5.12** 



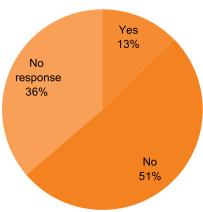


Chart No. 5.11

Fixing responsibility for bad result

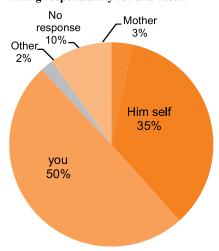
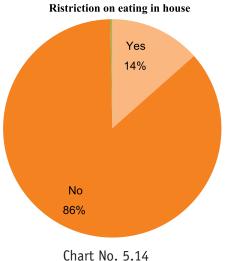


Chart No. 5.13

#### 5.3.4 Restriction in Family

Data analysis of eating and dressing showed that child respondents had no restriction on eating and dressing in the house. 86% children said that there was no restriction on eating and 89% children said that there was no restriction on dressing. Only 14% children and 11% children said that eating and dressing was restricted in their families.



Ristriction on Dressing in house Yes 11% No 89%

Chart No. 5.15

#### 5.3.5 Love and affection in family

Data analysis showed that children felt more loved from mother and feared their fathers. 82% children said that mother loved them more than father and other family members. Only 14% children responded that father loved them. 71% children said that they were afraid of their father while 12% children said that they were afraid of mother.

Love and affection in the house: Mother / Father

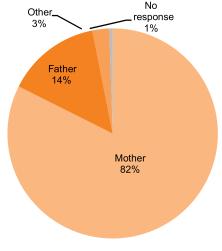


Chart No. 5.16

Fearing father/ mother/ relatives No Other response Uncle 4% 5% 1% Grad mother Mother 2% 12% Grand Pa 5% Father 71%

Chart No. 5.17

41

#### 5.3.6 Quarrel in family

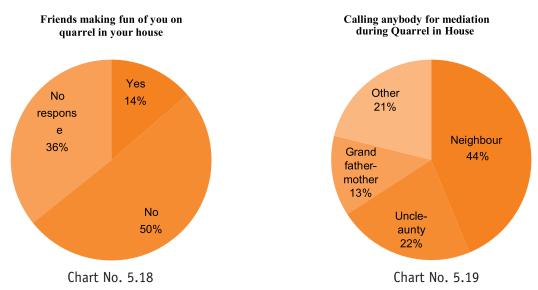
36% children did not respond to the question of whether their friends made fun of them if a quarrel took place in their families. Only 14% children replied affirmatively while 50% children replied

negatively.

14% children said that their friends made fun of them if a quarrel took place in their families

44% children said that neighbours were called for mediation during quarrels in the family.

44% children said that neighbours were called for mediation during quarrels in the family. 21% children said others, 13% said grandfather and grandmother and 22% said uncle and aunty mediated during quarrel.



#### 5.3.7 Time of eating of female in family

Children said that children ate first followed by the father. Only 2% children responded that mother ate first.

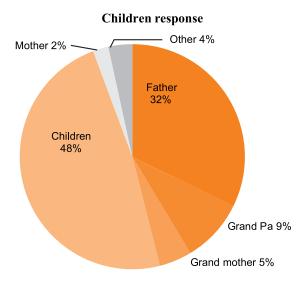


Chart No. 5.20

#### 5.4 Forms of Domestic Violence

In the present section an attempt was made to examine the different types of domestic violence against women as well as the nature and extent of such violence in the daily life of the respondents.

In order to understand nature, incidence and extent of domestic violence, different forms of violence used by the perpetrators was considered.

Types of violence included: verbal abuse; beating; stopping her meeting with parents, friends and relatives; withdrawing her salary; stopping her taking jobs and so on. Behaviours like not interacting with her, refusal of food, coming late at night and drinking etc. could be termed as violence.

These different forms of violence do not and may not occur all the time. It also does not mean that one kind of violence is less harmful than the other.

The different categories of violence are done only for the purpose of analytical study.

#### 5.4.1 Views of female members regarding income distribution of family

Analysis of the data showed that 91% male and 84% female respondents did not have an opinion in distribution of family income. Only 9% males and 16% females do not have say in income distribution in family.

Denying the right of say in distribution of family income to a woman is a kind of emotional violence. However, majority of women do not suffer from this emotional stress.

#### 5.4.2 Contribution of family members in domestic work

Contribution of all members to household works maintains peace and harmony in the family. Majority of respondents 86% stated that all members contributed to the domestic work of family. Only small number of male and female members replied negatively.

#### 5.4.3 Behavior of family members with you

Generally it is perceived that females are not treated properly in the family.

A good number of male respondents 97% and 84% females said that behavior of family members with them was good. 13% female respondents reported normal behavior.

We may say that, females were not ready to disclose the manner in which family members behaved with them.

#### **Behavior of family members**

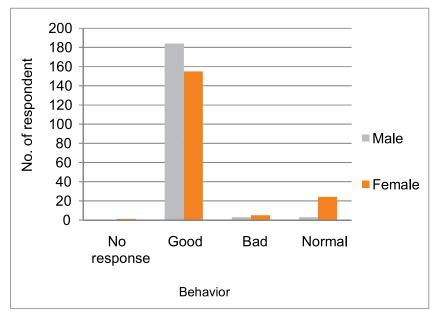


Chart No. 5.21

# 5.4.4 Equal opportunity are provided to male and female in your family at all levels

If one sex is given more opportunities than other, then it is violence. In the family, females are not given equal opportunities.

The graph shows that 93% males and 83% females responded that equal opportunities were provided to them at all levels. Surprisingly, only a small number of respondents responded negatively.

93% males and 83% females responded that equal opportunities were provided to them at all levels.

#### **Equal opportunity**

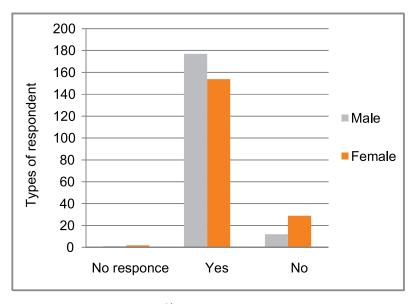


Chart No. 5.22

#### 5.4.5 Female participation in decision making of family

Data showed that 87% male and 84% female responded that females participated in decision making of family. However, during field discussions with women it emerged that females were mostly not allowed to interfere with decision-making.

# 180 160 140 120 100 80 60 40 20 No responce Yes No

#### Participation in decision-making

Chart No. 5.23

#### 5.4.6 Time of eating of female in family

Females ate and slept after all the other family members. This was a common practice in families of all socio- economic groups.

Data analysis indicated that 61% females responded that females ate only after all the other members had eaten their meal. 33% males also responded in their favour. Only 5% females responded that females ate before other members in the family. However, 23% male respondents stated that female was given priority over others.

Children said that children ate first and then the fathers. Only 2% children responded that mother ate first.

#### 5.4.7 Sleeping time in family

Women cannot decide when they have to sleep. 74% females and 46% male respondents informed that women members slept after everyone else had gone to bed. Only 7% female respondents said that female members were the first who went to bed. This was supported by 22% male respondents.

#### 5.4.8 Permission for shopping

Freedom for females is guaranteed in the constitution, but most of the families do not allow females to even buy things of their interest.

65% male and 69% female respondents replied that freedom to shop was given to females while 33% males and 29% females said it was not given.

#### 5.4.9 Survivors of domestic violence in neighborhood

52% male respondents responded that there were survivors of domestic violence in their neighbourhood, which was supported by 32% female respondents. However, 66% female respondents were of the view that there were no cases of domestic violence in their neighbourhood and 46% male

had the same opinion. The reason behind women having no knowledge about survivors in their neighborhood is that they were forced to the confines of their homes by male members and did not speak to avoid male's anger.

Though 66% female & 46% male said there were no cases of domestic violence but 52% male and 32% female said there were survivors of domestic violence in their neighbourhood

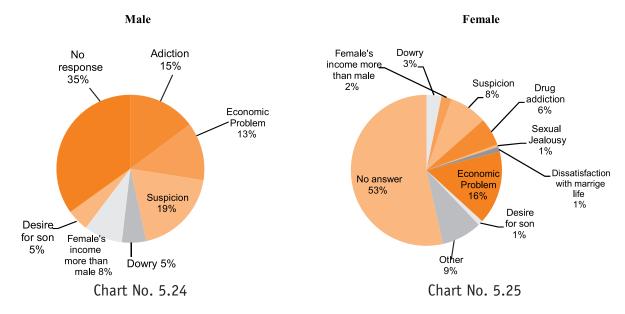
#### 5.4.10 Causes of domestic violence

There is no definite cause of domestic violence. Any trivial excuse or behavior can become a cause of violence. Tabulated data points to more than one cause of domestic violence; economic problems, suspicion, addiction, desire for son, female's income more than male's, dowry, sexual jealousy, dissatisfaction with marital life and others. The respondents interviewed by the research team were asked to state one or more of the above causes responsible for violence against women.

Majority of the male respondents 35% and female respondents (53%) did not like to cite any of the causes of domestic violence.

19% males believed that suspicion was one of the many causes of domestic violence. 15% male thought that addiction also caused violence. Economic problems, were cited by 13% males while jealousy of female's income as a cause of violence was cited by 8% male The other causes were dowry (5% male) and desire for son (5% male). All these excuses cited by males pointed to cruelty of male dominated society.

In females' views causes of domestic violence ranged from economic problems to suspicion to drug addiction to dowry to desire for son etc. 1% female believed that dissatisfaction with marriage life was also a cause but this was negated by male. 8% women cited suspicion, 6% women cited drug addiction and 1% cited desire for son as causes of violence.



#### 5.4.11 Verbal abuses are less severe than physical abuse

Whether it is physical violence or verbal abuses, both damage a victim severely. The comparison between physical violence and different forms of emotional violence in terms of severity of its impact on survivors is not easily to be determined.

Most of the male and female respondents responded that verbal abuses were as severe as physical violence. 76% respondents were of the view that verbal abuse did not affect a victim as severely as physical violence.

#### 5.4.12 Sexual violence is also a domestic violence

On the issue of sexual violence as a form of domestic violence, respondents were equally divided. 47% male and 42% female respondents responded in its favour while 49% male and 47% female respondents replied negatively. It showed that sexual violence, as a form of domestic violence is still not accepted.

#### 5.4.13 Divorce is a domestic violence

Divorce in patriarchal society is not considered a good practice. Majority of males do not approve this practice in order to control females.

Divorce as a form of domestic violence is accepted by 71% male respondents but negated by the equal number of female respondents. Only 25% female respondents accepted divorce as a form of violence while 26% male replied that they did not accept that divorce had an impact.

#### 5.4.14 Harassment on one pretext or another

Harassment of any kind is a form of domestic violence. It may not harm physically but can harm a victim psychologically for long time. Analysis of the data reflects that harassment was accepted

as a cause of violence by a good number of male and female respondents. At the same time there were many respondents who did not agree with this notion. 51% respondents accepted that females were harassed on one pretext or another while 48% respondents, responded negatively.

51% respondents accepted that females were harassed on one pretext or another

#### 5.4.15 Salary forcibly taken by husband or any family member

Female members are not allowed to work outside their home. If they are allowed to work, they have no right over their income. This is the worst form of economic violence.

63% female and 48% male respondents agreed that females had no right over their earnings and that this was forcibly taken away by their husbands. 44% male and 33% female respondents, however, responded negatively.

#### **5.4.16** Household work apart from jobs

The Common notion among the community is that economically independent women also have to shoulder household chores such as cleaning, cooking, caring for old 63% female and 48% male respondents agreed that females had no right over their earnings and that this was forcibly taken away by their husbands.

members and so on. This kind of domestic violence and gender inequality is common in the society. This is reflected in the answers of 42% respondents. However, 56% respondents negated this fact.

#### 5.4.17 Prohibition for meeting with friends and relatives

In urban areas women are relatively free to mingle with friends and relatives. In comparison women in rural areas are restricted in meeting friends and relatives. 67% respondents replied that there was no restriction on female members meeting friends and relatives than those who replied negatively.

#### 5.4.18 Blaming for anything wrong in the family on the victim

Blaming females for any wrong in family is rampant in among the community. More than half of the respondents (66%) told the study team that survivors of violence were blamed for problems in the family.

#### 5.4.19 Provocation for DV by some family member

Instigators of violence are present in all families. S/he may provoke violence against female members. There are many causes of instigating violence against females but the most common cause emerged is rivalry among members.

40% male and 29% female respondents replied that domestic violence was provoked by any family member. 54% male and 65% female respondents did not support this opinion.

#### 5.5 Causes of Domestic Violence

There are uncountable causes of domestic violence, which are trivial and meaningless. Excuses range from bad cooking, house cleaning to dowry demands. No action, behaviour or expression will be justified as a cause for domestic violence against women. Findings disclose that financially dependent women or financially independent women both are vulnerable to domestic violence. Males take advantage of lack of knowledge of law of women and use all tricks to subjugate them.

#### 5.5.1 Dependent Women on Husband likely to suffer domestic violence

Most of the respondents favour the notion that women dependent on husband do not suffer from

domestic violence. 61% male and 56% female respondents supported the idea that women living as housewife suffer less domestic violence. This reflects the patriarchal attitude of respondents. Dependent women on husband suffer from domestic violence had been agreed by 38% male and 42% females.

61% male and 56% female respondents supported the idea that women living as housewife suffer less domestic violence.

# 5.5.2 Women supported by their parents leave their husbands after domestic violence.

Wives do not leave their husband's house for the sake of family's prestige, children's care and so on. Moreover, after their marriage they become property of husbands in a patriarchal society.

89% respondents replied that women do not leave their husband's house after domestic violence even when they are supported by their parents.

# 5.5.3 Self-dependent women leave their husband's house after domestic violence

Patriarchal society does not give the required freedom even to the economically independent women. Despite domestic violence they stay at their husband's house.

87% male and 89% female respondents replied that economically independent women did not leave their husband's house even when they were subjected to violence. However a small number of respondents male (13%) and female (10%) replied affirmatively.

#### 5.5.4 Knowledge of law relating to protection from domestic violence

Only a small percentage of respondents – 20% male and 8% female, replied that they had knowledge about Law on protection from domestic violence. However a large percentage of respondents (85%) replied negatively.

#### 5.5.5 Awareness about PWDV Act, 2005

This evidence show there is lack of awareness among almost all respondents- 86% male and 95% female respondents.

#### Awareness about PWDVA, 2005

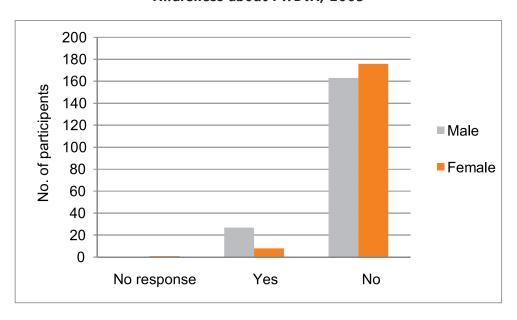


Chart No. 5.26

#### 5.5.6 Violence to a female living under one roof is a legal crime

Data analysis indicates that almost half of the respondents understand legal implications of crime against women living with male members under one roof. 55% females and 47% male (89) did not know that violence against women was a legal crime. However, 48% respondents (52% male and 45% female) were aware that violence against women is a crime.

55% females and 47% male (89) did not know that violence against women was a legal crime.

#### 5.5.7 Age of women suffering from domestic violence

Most of the respondents replied that female of early age suffered from domestic violence. 75% respondents replied that female of early age are susceptible to domestic violence. Only 20% respondents said that female of mid age also suffer from domestic violence.

#### 180 160 140 120 No. of respondent 100 80 Male 60 Female 40 20 0 Old No response New age Mid age **Axis Title**

Age of women suffering from domestic violence

Chart No. 5.27

#### 5.5.8 Female marrying at early age suffering from violence

Early marriage of male and female burdens them with problems of family life very early. Burden of giving birth to maintaining family on females make them vulnerable to violence in a patriarchal society.

Data analysis indicates that 79% respondents (77% male and 81% female) replied that women who marry at early age were likely to be a victim of domestic violence. Some respondents 20% (76) did not agree that women marrying at early age suffered from domestic violence.

#### 5.5.9 Women live with their husbands even after domestic violence

Women live with their husband even after domestic violence due to various reasons. 44% of respondents identified childcare as the cause of living with their husband even after violence. 23% respondents believed that for the sake of their parents' prestige, females suffered from violence and

did not leave their husband's house. Self-prestige was also one of the reasons given by 18% female respondents for living with their husband even after violence.

#### 90 80 70 60 No. of respondent 50 40 ■ Male 30 Female 20 10 0 Self Old For her Hope of No Prestige prestige ideology of their child cause response change parents Causes

#### Women live with their husband even after domestic violence

Chart No. 5.28

#### 5.5.10 Survivors feeling ashamed in meeting friends and relatives

91% respondents replied that survivors felt ashamed in meeting friends and relatives. But a small number of respondents negated this fact.

# 5.5.11 Attitude and action of members of family during domestic violence on survivors

During violence against women, there is mixed reaction from members of the family. Some members try to help the victim while some stand as mute spectators. Some members even favour the perpetrator. 76% respondents responded that they tried to stop perpetrator from committing violence.

#### Action of members of family during domestic violence

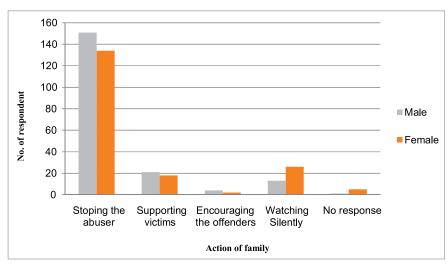


Chart No. 5.29

# 5.5.12 Regular scolding of victim's lowers the importance of her in the eyes of other members

Scolding is a form of domestic violence. Women are generally scolded by male members on one pretext or another at any place and before any person.

More than half of the 68% respondents replied that survivors lost their importance in the eyes of other members of the family.

#### 5.5.13 Women treated as domestic help in families

Discussion with the survivors indicated that in some families, they are treated as badly as domestic helps.

However, 91% respondents replied that women were not treated as domestic help in families. It seems that respondents lack perception on the idea of women's position in the house.

#### 5.5.14 Working and understanding capacity of women

42% respondents said that women have the same working capacity as men. However, 42% respondents were of the view that women work less than men.

56% males and 64% females replied that male and female have equal capacity to think and understand.

#### 5.6 Effects of Domestic Violence on Health

Domestic violence has a short-term and a long-term impact on survivors' lives. Short-term effects may be considered simple body injury and other health problems but the scar of violence on her mind and heart is indefinable and long lasting. Violence causes stress, irritability, lack of sleep, physical fatigue, blood pressure, hormonal disorder etc. Not only is a victim affected but her children, parents and other members suffer silently and ignominiously. The study has tried to find out various aspects of impact.

#### 5.6.1 Effects of violence on victim's of mental health

Domestic violence causes mental disturbance to a victim. Women gets badly disorganized and is unable to perform daily chores and suffers from different kinds of mental ailments, which have short term as well as long-term impacts on her life.

Various types of mental problems: physical fatigue, lack of sleep, stress, irritability, tension etc. affect survivors. According to 52% respondents stress affects most of the survivors followed by irritability and tension.

#### Effects of violence on victim's of mental health

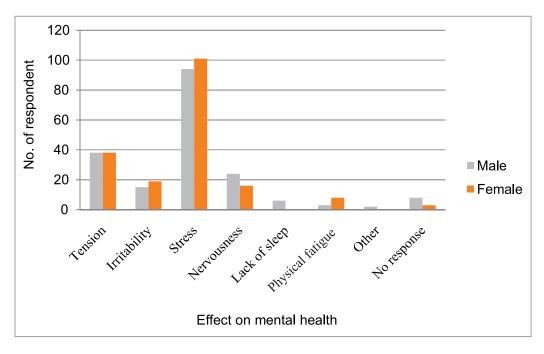


Chart No. 5.30

#### 5.6.2 Effects on health survivors of violence

Survivors develop many kinds of life threatening health problems on account of violence. Data analysis reveals that blood pressure, anemia, hormonal disorder etc. are health problems affecting a victim. 56% respondents, (53% Male, 59% Female), responded that survivors suffered from blood pressure followed by 34% respondents (37% Male and 31% Female) suggesting anemia as the next serious health problem.

#### Effects of violence on victim's health

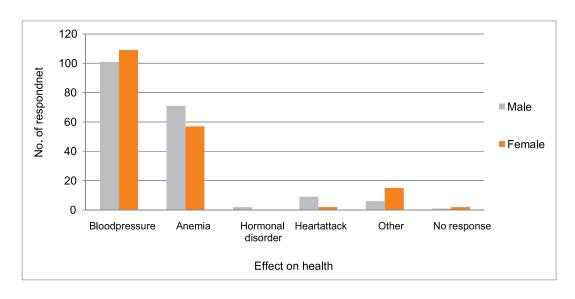


Chart No. 5.31

#### 5.6.3 Effects on working ability of survivors

Domestic violence reduces working capacity of survivors. Violence disturbs her concentration and capacity of doing everyday work, leave alone occupation. In the long run her working capacity decreases gradually.

89% Males and 83% females responded that domestic violence affects working capacity of survivors.

#### 5.6.4 Effects on pregnant women and child in womb

Violence on pregnant women and the child in their womb affects both mother and child. This fear is shared by majority of respondents. 83% respondents replied that this is a serious concern. 43% Male and 61% female respondents said that violence causes birth of underweight child. 9% male and 8% female respondents believed it causes miscarriage. Some respondents also said that domestic violence results in maternal death and abnormal

43% Male and 61% female respondents said that violence causes birth of underweight child. 9% male and 8% female respondents believed it causes miscarriage.

child. Thus, prevention of violence against women is essential to prevent harm to mother and child.

#### 120 100 80 No. of respondent 60 Male 40 Female 20 Miscarriage Maternal Abnormal Underwaight No response death child at the time of birth

#### Effects on pregnant women and child in womb

Chart No. 5.32

#### 5.6.5 Effects on family life of survivors

Violence not only affects a female but also has adverse impact on family. Intra-cordial family relation is damaged. Communication gaps and misunderstanding between husband and wife, and other members has been noticed.

Data analysis of the below graphs shows that majority of the respondents replied that domestic violence led to tension in marital life, quarrel on trivial matters, misunderstanding and so on.

53% respondents believed that domestic violence caused quarrel on many small excuses. 32% respondent said that domestic violence caused tension in marital life; 5% said that it led to misunderstanding and 7% said that it created lack of trust in family.

#### Effect on family life

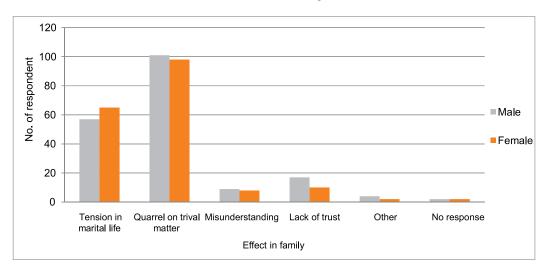


Chart No. 5.33

#### 5.6.6 Effects on sexual life of survivors

Data analysis indicates that sexual life of survivors is also affected by domestic violence. 51% respondents (54% male & 48% female) have agreed to this but 40% respondents (38% male & 42% female) responded negatively.

The highest number of respondent 50% (59% male and 41% female) said that wives develop irritation for husband. 19% respondents (20% male and 18% female) replied that affected wives do not have love for their husband.

#### Effect on sexual life

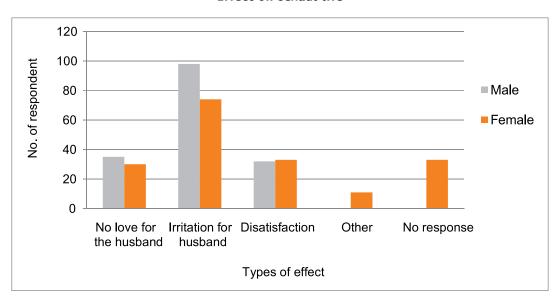


Chart No. 5.34

#### 5.6.7 Effects of domestic violence on children

Children are the worst sufferer after females of domestic violence. Their young mind is not strong enough to bear violence being perpetrated on mothers.

Almost 88% respondents said said that children are affected from domestic violence. Regarding different kind of effects, respondents (59%) said that the child is not properly taken care of. Others said that children did not have respect for their parents, did not have proper personality development, had bad effects on studies and also lacked in self-confidence.

#### 120 100 No. of respondent 80 60 ■ Male 40 Female 20 All the Lack of Lack of Effects on Feeling Lack of Became a No ashamed confidence respect for proper care criminal in studies of above response their of the personality life parents cheldren Types of effect

#### Effect on children

Chart No.5.35

#### 5.6.8 Effects of domestic violence on family members and relatives

Tabulated data indicates that family members and relatives of survivors are not treated with due respect if the female related to them is a victim. They are also blamed along with her parents for any of her mistakes.

Effects of domestic violence on family members and relatives, was confirmed by 81% respondents, (41% males and 40% females). Only a small number of respondents denied this fact. Family members and relatives of survivors are taunted and misbehaved by members of the husband's family and relatives. They put blame on them for one pretext or another.

#### 5.6.9 Main cause of abortion

Abortion is closely connected with the life of female member. It can even cause her death if it does not take place at the right time.

Majority of respondents (78% males and 81% females) said that birth of girl child was the main reason of abortion. Girls are still cursed. Some of the respondents also stated domestic violence as a cause for abortion.

Majority of respondents (78% males and 81% females) said that birth of girl child was the main reason of abortion.

#### Cause of abortion

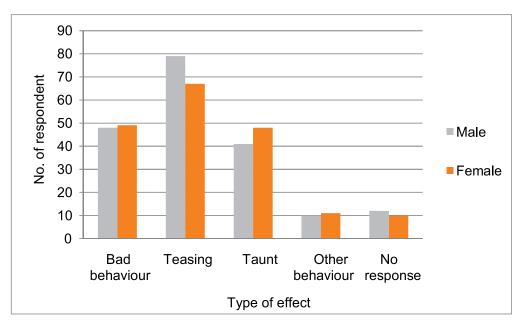


Chart No. 5.36

#### 5.6.10 Responsible for taking decision regarding abortion

Tabulated data shows that the Right to abortion for females is a dream. Decision regarding abortion still lies with male members.

During interview, respondents 67% male and 59% female said that the husband was responsible for taking decision regarding abortion. However, 18% males and 21% females said that women also took decision for abortion.

67% male and 59% female said that the husband was responsible for taking decision regarding abortion.

#### Taking decision regarding abortion

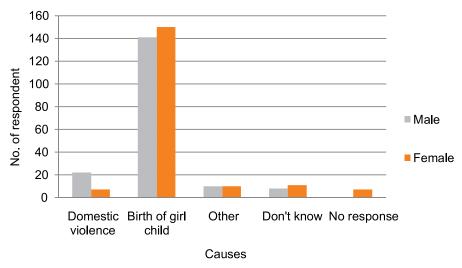


Chart No. 5.37

# 5.6.11 Information about miscarriage and death of woman due to domestic violence

In some cases domestic violence causes miscarriage and death to females. Almost all respondents (91%) said that they had no knowledge about any miscarriage and 96% respondents replied that they did not know any case of death of pregnant woman due to domestic violence.

#### 5.6.12 Need for Pre-natal care for pregnant women

For the sake of child and mother pre-natal check up of pregnant women is essential. Respondents were also aware of the need. 94% males and 85% females stressed the need for pre-natal care for pregnant women. Only 4% male and 12% females did not feel the need of this kind of care.

94% males and 85% females stressed the need for pre-natal care for pregnant women.

#### 5.6.13 Availability of pre-natal care for women

Existence of pre-natal care facility, an essential facility, to keep mother and baby healthy, has been reported by almost 90% respondent said they are aware of existence of pre-natal care facility.

### 5.6.14 Caring of Pregnant Women; Parents/Father-in-laws/mother-in-laws/

Data analysis indicated that pregnant women were were taken care of husband, parents, father-in-law/ mother-in-law, 37% respondents replied that husbands took care of pregnant women. 30% respondents said that father-in-laws and mother- in- laws and 24% respondents spoke in favour of parents as caregivers of pregnant women.

#### Caring of pregnant women

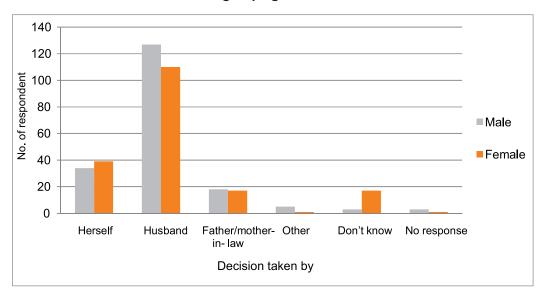


Chart No. 5.38

#### 5.6.15 Regular medical check-up for pregnant women

79% respondents (84% male & 75% female) replied that regular medical check-up of pregnant women was done. However, 19% respondents disagreed on this.

79% respondents (84% male & 75% female) replied that regular medical check-up of pregnant women was done.

#### 5.6.16 Nutritious Food for pregnant women

97.5% respondents believed that nutritious food was necessary for pregnant women.

97.5% respondents believed that nutritious food was necessary for pregnant women. 86% respondents (84% male and 89% female) replied that pregnant women received nutritious food.

#### 5.7. Steps taken after Domestic Violence

Survivors of Domestic Violence take different steps. In most cases, they stay at their husband's home for the sake of family's prestige, childcare and so on. Sometimes, they leave their husband's house and go to live in their parents' or relatives' house. Sometimes, they complaint to the local authority, police thana, local judicial body and even to NGOs. As far as the redressal of complaints is concerned, findings prove the percentage is extremely low.

#### 5.7.1 Steps of the survivors during violence

40% respondents said that the survivors tried to stop the perpetrator. 20% respondents (24% males and 16% female) said that survivors retorted. Only 9% respondents replied that survivors felt ashamed and sad. And equal percentage respondents said that survivors had hatred for husband. Interestingly, 18% males responded that survivors called neighbours for help.

#### 100 90 80 70 60 50 Male 40 Š Female 30 20 10 0 Retort Other Feeling sad Feeling of Neighbour's No response Hatred for Stopping the abuser abuser or ashamed revenge support Stateps to be taken

#### Steps of the survivors during violence

Chart No. 5.39

#### 5.7.2 Survivors seeking support from parents

Survivors first turn to their parents for help. Whether they are satisfied with them or not, survivors' expectation is very high due to attachment to their natal home. Most of the respondents (83% male

and 80% female) said that survivors sought support from parents. Only 17% respondents replied that survivors did not seek support from parents during violence.

#### 5.7.3 Complaint by survivors after suffering from domestic violence

48% respondents (41% males and 56% females) said that survivors did not raise their voice after suffering from domestic violence. However, 34% males and 28% females replied that the survivors raised their voice after suffering from domestic violence. 21% respondents had no response on this matter.

Most of the respondents (60% male and 73% female) said that survivors did not complain anywhere after suffering from domestic violence. Only 6% respondents said that survivors complained after suffering from domestic violence. A big number of respondents (33% male and 22% female) replied nothing.

79% respondents (84% male & 75% female) replied that regular medical check-up of pregnant women was done.

Most of the respondents (60% male and 73% female) said that survivors did not complain anywhere after suffering from domestic violence.

# 5.7.4 Complaint filed and victim's expectation from institutions

80% of the respondents did not respond about the institution to which survivors' complained after suffering from domestic violence. Only 4% of respondents replied that survivors filed their complaint in police station.

The government must make information available regarding complaints redressal authorities/ organization/ institutions to the public. Data analysis shows that majority of respondents did not answer as to which organization / institution they had lodged complaints. However, 8% respondents said that the survivors filed complaint in gram panchayat.

58% respondents did not have expectation from these institutions. 22% respondents replied that survivors wanted social security from those institutions where they filed their complaint regarding domestic violence. 15% female and 16% male said that survivors wanted economic support and small number of respondents (6% male and 2% female) said that survivors wanted socio-psycho counseling in these institutions.

#### Complain by survivors

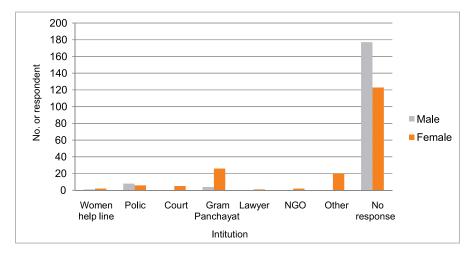


Chart No. 5.40

#### Victim's expectations from institutions

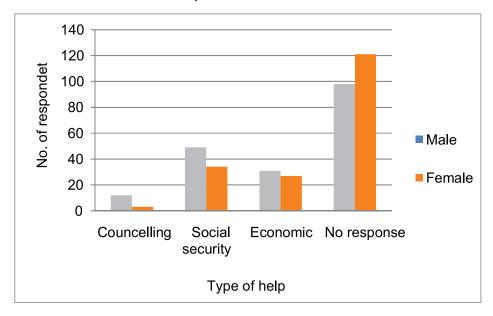


Chart No. 5.41

#### 5.7.5 Judicious redressal of complaints

Judicious redressal of complaints by institutions is essential for bolstering the morale of survivors as well as keeping their faith in judicial institutions.

55% of the respondents did not respond on judicious redressal of complaints from the institutions where survivors filed their complaints. 31% respondents said that complaints were not redressed judiciously in these institutions.

# 5.7.6 Victim's satisfaction in regard to redressal of complaint in different institution

Institutions should redress complaints to the survivors' satisfaction. 53% respondents did not respond on victim's satisfaction in regard to redressal of complaint in different institutions. However, 30% male and 33% female said that survivors were not satisfied with redressal of their complaints. Small number of respondents (22% and 9% female) said that survivors were satisfied with redressal of complaints in different institutions.

#### 5.7.7 Steps taken against perpetrator

Cooperation of different institutions is inevitable for ending violence against women. Such institutions should be advertised to the knowledge of common people. Survivors' complaints should be addressed promptly.

52% of the respondent did not reply on steps taken against culprit in different institutions where survivors filed their complaint. 36% respondents said no steps were taken against culprit of domestic violence by the different institutions.

#### 5.7.8 Existence of Women Help Line in district

Existence of women help line is an important component to provide succor to survivors of domestic violence. According to PWDVA all districts should be equipped with a "Women's Help Line".

86% respondents had no information about existence of women help line in their district. Only 21% male and 3% female were aware about the existence of women help line in district.

86% respondents had no information about existence of women help line in their district.

#### 5.7.9 Knowledge of police station staff regarding PWDVA

42% male and 57% female said that police personnel had no knowledge of regarding PWDV Act 2005. Only 26% respondents said that the police personnel had any information about the Act.

# 5.7.10 Registration of complaint: Verbal / Written

88% respondents said that survivors registered their complaint in written form. 7% respondents said that survivors registered their complaint verbally. 88% respondents said that survivors registered their complaint in written form.

#### Registration of complaint

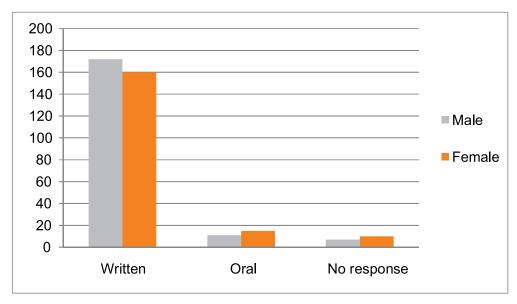


Chart No. 5.42

#### 5.7.11 Registration of complaints under PWDVA 2005

66% respondents did not know that their complaints were registered under PWDVA 2005. However, small number of respondents (24% male and 24% female) said that complaints were not registered under PWDVA 2005. This shows lack of awareness about the PWDVA.

66% respondents did not know that their complaints were registered under PWDVA 2005.

#### Complaints registration under PWDVA 2005

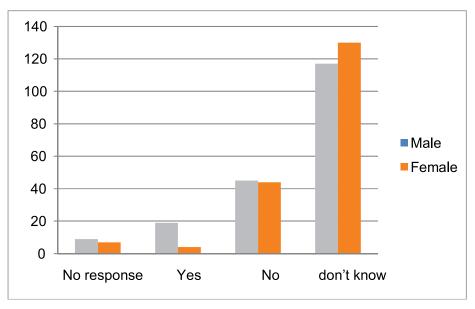


Chart No. 5.43

#### 5.7.12 Steps taken by administration for preventing Domestic Violence

The role and responsibilities of administration in preventing violence against women is imperative. An active and efficient administration can be of great assistance to women suffering from violence. They can deter men from indulging in harassment, physical and psychological violence.

Most of the respondents, 54% male and 58% female, said that a few steps were taken by administration for prevention of domestic violence. However, 31% respondents said that no effective steps were taken by administration for prevention of domestic violence.

31% respondents said that no effective steps were taken by administration for prevention of domestic violence.

#### Steps taken by administration for preventing of DV

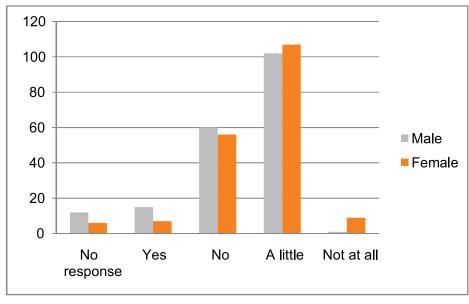


Chart No. 5.44

#### 5.7.13 Compulsory of women constable during arrest of women

According to the law, women constables are compulsory at the time of arrest of women.

54% respondents (42% male and 68% female) said that they were not aware about the compulsory presence of women constables during arrest of women. However, 57% males and 31% females had knowledge about presence of women constables during arrest of women.

54% respondents (42% male and 68% female) said that they were not aware about the compulsory presence of women constables during arrest of women.

#### 5.7.14 Knowledge of lawyer regarding Domestic Violence act

Lawyers who plead cases on behalf of people should have knowledge about laws, particularly PWDV Act, 2005. However, finding from the study indicates that they were not aware about the Act.

52% respondents said that lawyers had knowledge regarding PWDV act 2005 but 39% male and 49% female said that the lawyers had no knowledge about this Act.

#### 5.7.15 Increase in incidence of Domestic Violence in the past few years

A mixed response regarding increase in incidence of domestic violence in the past few years has been reported.

66% respondents said that there was no increase in incidence of domestic violence but 37% male and 27% female said that incidence of domestic violence had increased in the past few years.

#### 5.7.16 Supportive factors in reducing Domestic Violence

Ending all kinds of violence against women and establishing gender equality is an uphill task. To achieve this task, society, administration and various stakeholders are required to be aware, sensitized and trained.

Findings from the study indicate that behavioral change in individuals, police and society can make huge difference in mitigating domestic violence.

51% respondents said that change in behavior of society could decrease incidences of domestic violence against women. 6% male and 13% female said that change in behavior of police, 23% respondents said that spread of knowledge could mitigate domestic violence against women.

#### Supportive factors in reducing domestic violence

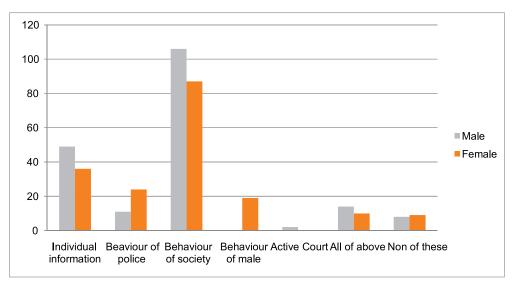


Chart No. 5.45

# Interview with the Stakeholders

# 6.1 Interviews with various stakeholders at Pachayat Panchayat, Block, District and State level

A total of 161 community front line workers and stakeholders performing various social services were interviewed in all targeted panchayats. These were health workers, social workers, purohits, barbar, PDS dealer, AWW, PRI Members, teachers and others. All these stakeholders are attached with society through myriad of services and have understanding of families, social groups and institutions. Thus, they can influence community level various institutions on equal footing, and support in generating awareness on laws on gender equality. Their efforts can lead to prevention of domestic violence.

#### 6.1.1 Panchayat level stakeholders

The stakeholders like PRI members, AWW, health workers, Social workers PDS dealers and other service providers live in symbiotic relation with the society. Their essential services are indispensible to the society. Especially PRI members, AWW, health workers, and social workers have the potential to educate and make people aware about evils of violence, particularly domestic violence against women.

Data shows that 30% of the teachers, 22% PRI members, 19% AWW, 18% health workers were interviewed. Apart from them, 2% thakur (Barbar), 1% purohit, 2% social worker, 3% PDS dealer and 3% others were also interviewed.

#### 6.1.2 Education level of stakeholders

It is expected that stakeholders have awareness in order to understand the adverse impacts of violence against women on individuals, family and society, as well as different aspects of laws concerned with prohibition of violence against women.

Unfortunately, education level of stakeholders is not up to standard which might hamper their ability to

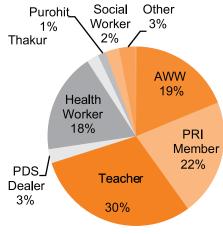


Chart No. 6.1

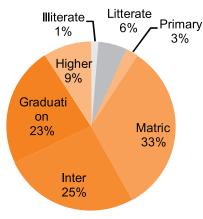


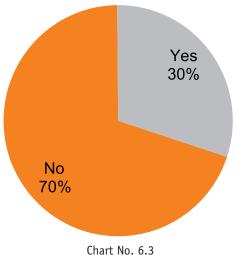
Chart No. 6.2

understand and propagate awareness about the law. Data indicates that the highest percentage is of matriculates (33%), followed by intermediates (25%) and graduates (23%). Some stakeholders are only high school pass while some only literate. There is miniscule percentage of literate also.

# **6.1.3** Stakeholders supporting survivors with counseling

Only 30% of them reported of being approached by survivors for any advice.

Data shows that 70% of the stakeholders are not approached by survivors of domestic violence for counseling. Only 30% of them reported of being approached by survivors for any advice. This shows that



survivors do not visit them for counseling as stakeholders are not authorized to decide domestic violence related

disputes at panchayat level. Nevertheless, PRI members use their limited power to deal with cases of domestic violence.

#### 6.1.4 Stakeholders attended any training on domestic violence

Only 13% of the stakeholders reported discussion on domestic violence during any training programme organized by the government and 25% of the stakeholders said they participated training on domestic violence organized by local NGOs. It also indicate there is huge scope to work with these stakeholders to use them to generate awareness and propagate on PWDV Act.

#### 6.1.5 Perception of domestic violence

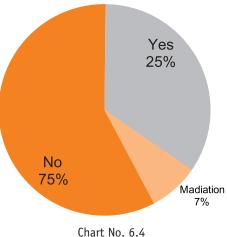
Majority of stakeholders at panchayat level had the opinion that domestic violence means fight between husband and wife within the premises of home.

Some stakeholders had different perception about domestic violence. They (AWW, PRI member, teachers and health workers) understand the domestic violence as a family dispute, discrimination, any fight among members of family and quarrel between two women. The interesting fact came from a teacher who said that fight between husband and wife is not a domestic violence but love and affection. In his opinion domestic violence is fight between two women.

#### 6.1.6 Role of stakeholders in prevention of domestic violence

Stakeholders providing various services at community level can be used as effective resource persons, counselors, campaign organizers and mediators in preventing all kinds of violence against women.

Data shows that 58% of stakeholders were of the views that they could organize awareness programmes on domestic violence, 35% said that they could play the role of counselor and 7% of mediator. Thus, stakeholders are ready to take up any role for educating people and community.



#### 6.2 Stakeholders at Block and district level

#### 6.2.1 Understanding of domestic violence at Block and district Level officials

Block and district level officials from police station, primary health centre, women help line, block office and others (21 persons) were interviewed. There was no uniformity in perception of domestic violence among the stakeholders. Majority of them pointed that domestic violence meant physical (beating, thrashing etc.) and emotional (abusive language, taunting, discrimination) violence by husbands and their family members; mothers-in-law and fathers-in-law.

Some of the stakeholders like assistant at women help line, Assistant Sub Inspector (ASI) and even the advocate for that matter had bizzarre knowledge of domestic violence. Assistant at women help line who had an MSW degree replied that domestic violence meant quarrel between two women while ASI said that society provokes domestic violence. An advocate who has MA. LLB degree called family dispute domestic violence. Medical Officer In-charge (MOIC) at Primary Health Centre (PHC) noted that domestic violence covers all kinds of violence against women.

#### 6.2.2 Role of stakeholders at block and district level in prevention of domestic violence

Findings at block and district level indicate most of the stakeholders opined that awareness campaign against domestic violence could lead to mitigation of this menace. They want to aware husbands and their family members. One of the stakeholders said that educating and economically empowering women would prevent domestic violence. Some stakeholders said that they would take help from women helpline and police station to address domestic violence.

#### 6.3 Stakeholders at State Level

#### 6.3.1 Understanding of domestic violence

State level officials interviewed were from Women Development Corporation (WDC), Bihar Judicial Academy, Women Help Line, IG office (Weaker Section). They perceived domestic violence as physical violence between husband and wife, two women, mother-in-law and daughter in-law. It is therefore evident that there is varied and different level of understanding about the issue and the law.

During the course of study representatives of NGOs like Mahila Samakhya, Short Stay Home (Alpawas Grih) and Gharelu Kamgar Union were also interviewed. This revealed that different stakeholders had different level of understanding about the definition of domestic violence and PWDVA.

#### 6.3.2 Role of stakeholders at state level in prevention of domestic violence

The state level stakeholders have views that awareness campaign, counseling and mediation could prevent domestic violence.

# Conclusions and Recommendations

#### 7.1 Conclusions

A decade of experience in implementation of PWDV Act shows some positive results at all levels in the state of Bihar. Bihar has been one of the pioneer states in implementing the PWDVA, 2005; it is also one of the states to have set up the first women helpline in Patna 1996. Currently the desk review indicates that the state has operational helplines and short stay homes in 35 and 21 districts respectively for responding to violence survivors and women in distress. The Women Development Corporation has been appointed as the nodal agency for implementation of women empowerment programmes in the state including the effective implementation of the PWDVA, 2005. Bihar has been also the pioneer state in filing a Public Interest Litigation (PIL) for having Protection Officers to operate under the PWDVA. The government has notified Project Managers of helplines to doubly act as Protection Officers under the Act. The state has developed an Operational Plan and developed Compendium of case studies under the PWDVA to benefit women who may want to approach the court under PWDVA. An institutional assessment conducted to strengthen the helplines and Short Stay Homes and the state is in the process of developing State Rules under Domestic Violence Act, 2005. Bihar has also recently drafted Policy for Empowerment of Women. The Hon'ble Chief Minister has announced the Policy on 22nd March, 2015 and currently it is in the process of setting up of the Gender Resource Centre to deal with gender issues in the state.

On the other hand, what is disappointing is that there is a low level of awareness and understanding on domestic violence and the PWDV Act among all the stakeholders. There are gaps and challenges on various fronts and execution of orders under the law are not properly enforced. Formulation of rules and regulation of the policy is still to happen in the State. The study also brings enough evidence to suggest that there is a need for more coordination and convergence of services among various institutions/departments and stakeholders to achieve goals of the policy. Also study team could not find any systemic research, being conducted to collate data at all levels, which could support in monitoring the implementation of Act. It is also evident from the study that the available structure (judicial and administrative) is less accessible for the survivors and there is no sufficient allocation of fund for implementation of PWDVA. The Study also points out the need of expanding the services both at rural and urban area to ensure the effectiveness of implementation of the Act.

There is, however, a need to further investigate to understand how much the survivors are benefitting with the final outcome and the institutional arrangements put in place by state and has been also envisaged within the law.

#### 7.2 Recommendations

On the basis of finding of the present study the study team would like to make the following recommendations.

#### 7.1.1 Recommendation for PWDV Act and implementing agency

#### A. Allocation of adequate budget by the central and state Government:

Timely and sufficient budget allocation is vital to translate the legal provisions into actions. The desk review revealed that there is no exclusive allocation for prevention of domestic violence and effective implementation of the PWDV Act 2005. Towards this, it is suggested that special budget allocation must be made for Service Providers, Counselors and other actors. Budget allocation for wider legal awareness among general public about the provision of PWDV Act, training for capacity building and improvement of infrastructure is essential.

#### B. Additional & special efforts by implementing department of State/central Government:

- Bihar state does not have a separate Department for Women and Child unlike other states in India. Currently the Department of Social Welfare (DoSW) is an independent department to deal with the subject of Women and Child Development, which also responsible for other vulnerable groups – old, disabled etc. It is recommended to have an exclusive department working for women and child in the state.
- The State Government should come up comprehensive strategies and Standard Operating Procedures to address domestic violence against women.
- It is recommended that The Central and State Governments should develop, enlarge
  and strengthen the social support services programmes for women who are survivors
  of domestic violence. The Central and State Governments should also come up with
  innovative community driven interventions to support and address the needs of
  survivors of domestic violence.

### 7.2.2 Recommendations to improve the effectiveness of implementation of Act

- (A) Generate awareness about the Act among the community: During discussions with women survivors of domestic violence it was evident that the level of awareness about the law is low. The interaction with various community level stakeholders also indicated that the awareness about the Act was significantly low. Whereas, Section 11 of the PWDV Act itself delivers on legal awareness through publicity in media including television, radio and print media. Therefore, it is suggested that a systematic legal awareness programme must be launched.
  - A massive awareness campaign involving the community and different stakeholders, social organizations, government agencies, institutions etc. for behaviour change and gender equality is required.

- Proper publicity of different acts relating to prevention of violence against women, particularly PWDVA 2005 is essential.
- Media has to be considered as critical stakeholder for generating a massive awareness and education on the issue of ending all kinds of violence against women. The Government of Bihar should allocate adequate resources for implementation of such a comprehensive media strategy for social change.
- Inclusion of gender equality and rights of women in the Education system from primary to higher level will contribute immensely.

#### (B) Increase access of survivors to institutions and its coverage:

- Various institutions like the Service Provider, Office of the Protection Officer and Short Stay use Shelter and Help lines are mostly present in the district headquarters. During the discussion with survivors, one of the difficulties quoted was access to these services. On the other end, due to vast geographical areas of a district, it is also difficult for a single Protection Officer and Service Provider to cover the entire area for various purposes. Therefore, it is recommended that the institutional arrangement like appointment of Protection Officer and Service Provider should be extended to block level in the rural area and cities in urban areas. It is also recommended that there is a need to expand a system, which is available and accessible as well as, easy to deliver services.
- Most of the short stay and shelter homes are not fully equipped. It is recommended
  to strengthen and make functional short stay home and shelter at district level.
  Notification of the service providers needs to be completed.
- Strengthening of local body like Gram Kachahari for taking up domestic violence related cases and authorizing to issue protection order for survivors as per the Act will increase the efficiency of the services for the survivors. DIR can be made available at Gram Kachahari, Local Thana and local NGOs level to extend the services to the survivors within stipulated timeframe

# (C) Emphasis on Skill building Training programmes for various actors on the Act Counsellors need to be equipped with necessary skills and other requirements: Section 14 of the Act deals with the provision for counselling. As per the provision, the Magistrate may direct the respondent or the aggrieved person either singly or jointly, at any stage of the proceeding, to undergo counselling with any member of a Service Provider who possesses such qualification and experience in counselling as may be prescribed. However during the study it was noticed that counsellors have varied understanding on the issues of domestic violence and the various provisions of the Act. It is recommended that the Service Providers engage one of their members having prescribed qualification as counsellor and the Counsellors are made to undergo regular training programme on domestic violence issues along with their role prescribed in the Rules made under PWDV Act.

It is also recommended to holding training programme for capacity building of different actors /law enforcement officers, police, judges, other court personnel, prosecutors, PRI members, service providers, counsellors and other stakeholders to

identify and respond more effectively to the cases of violence against women. Different types of training modules may be used for different actors keeping in view the type of role conferred on them under PWDV Act.

#### (D) Coordination among the various actors/institutions:

There are various actors operating under the PWDV Act like the Protection Officer, Service Provider, Shelter Home, Medical System, Legal Service, Counselling and Police etc. Effective coordination among these stakeholders and convergence of services will improve the efficiency of service delivery. Therefore, **following is recommended to constitute coordination mechanism at all level** for bringing about responsiveness and accountability in the institutions.

- Formation of district and state level coordination committee for regular evaluation of the implementation of Act and convergence of the related programme. Thana, Superintendent of Police and Coordination Committee should review quarterly reports on filing of FIR and redressal of violence against women.
- Establishment of Data collection and communication systems, linking police, prosecutors and courts for the purpose of identifying cases of domestic violence against women should be introduced.
- Coordination among Law enforcement officers, police, judges, other court
  personnel, prosecutors, PRI members, service providers, counsellors and other
  stakeholders is critical for speedy trial and justice to survivors of domestic violence.

#### (E) Effective Delivery of Legal Services:

Legal services are made available to the survivors through the Legal Services Committees operating at different level. However, most of the time it is difficult for the Protection Officer to ensure legal services to the aggrieved person and the aggrieved has to approach various institutions for any single case. In this situation to ensure services can be easily made available and accessible, it is recommended that **accountability on officials concerned for preventing domestic violence against women should be fixed**. All cases of domestic violence should be tried according to the time frame provisions of the PWDVA.

#### (F) Ensure medical assistance within Health System:

The study has highlighted how domestic violence is affecting the overall health of the women. And during discussions, it was evident that getting medical assistance from various actors under the PWDV Act is one of the challenges women are facing. Bearing this in mind it is recommended **to appoint a particular person in the health system**, who can be approached by the actors under PWDV Act as and when required.

#### 8.2.3 Recommendation for Civil society and CBOs

#### Networking and alliance building:

Civil society organizations has been active in Bihar and have been effective in advocating together to bring the Act in the state. There is a need to once again create such a forum to join hands to advocate on the gaps at policy and implementation level with government and also for effective implementation of law in the state.

#### • Joint efforts to raise awareness among the community and all stakeholders:

Civil society organizations in Bihar have been implementing various interventions to generate awareness about the issues and the Act since decades. There is a need to collaborate among all agencies along with the actors and support in raising awareness and ensuring timely redressal of cases registered under the Act.

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Annexure II

# List of Surveyors, Volunteers and Organization

Name	Occupation	Organisation	
Dilip Giri	Social Activist	SEVA, Samastipur	
Archana Kumari	Social Activist	SEVA, Samastipur	
Vinod Tiwari	Community Leader	Koshish Charitable Trust, Patna	
Abodh Singh	Volunteer		
Shubham Kumar	Volunteer		
Sohail Alam	Volunteer	Magadh University	
Rana Ranjeet	Community Mobilizer	Koshish Charitable Trust	
Asfiya Khan	Volunteer	Patna Women's Collecge, Patna University	
Komal Prasad	Volunteer	Patna Women's Collecge, Patr University	
Lisha Gupta	Volunteer	Patna Women's Collecge, Patna University	

# Experiences of one of the Volunteers

I, Shoaib Alam, am part of the team which undertook sample study of domestic violence affecting females in 9 districts. As an Intern I joined the organization in September, 2014. Prabhakar sir introduced me to Babitajee who works in Mahila Jagaran Kendra. She assigned me the task of reporting of consultation on PDWVA, 2005. Then she proposed me to join the team for conducting study on violence against women.

After two day training, I went to Rana Bhiga village of Barh block in Patna district. Reaching there around 11AM, I met Vinod Tiwary, social activist, who guided me and took me to villagers with whom I interacted on the basis of lengthy questionnaire. Some villagers asked me about the purpose of this study. I explained them that domestic violence is a serious problem and we are trying to assess the impact of violence on females, families and society, and status of the implementation of PWDVA,2005. They understood the purpose of study and did not ask any question further. Some of them got bored with so many questions but I persuaded them to answer all questions. In the evening I returned back to Patna.

Thereafter, I went to Samastipur district and there, in guidance from Archanajee who runs her NGO, I interviewed villagers of Garsisai village. Villagers were cooperative and answered all questions patiently.

My next visit was to Betiah district where Mangalpur and Tendua Panchayats were surveyed. When I reached there, assembly election was to be held in few days. This caused some problems in conducting study. In Tendua Panchayat, some people were sitting at one place. When I went to talk to them, police-patrolling jeep came. Seeing police jeep, all moved away and asked us to leave the place. After passing of the jeep, we all gathered at the same place. Bharatjee, local social worker, on seeing schedule, said," There is no domestic violence in my village." In the meantime, one gentleman came and enquired about study. He said," Nobody would inform you about domestic violence". Then, I told him that questionnaire is framed in such manner that respondents would reveal automatically. I also told them that they would be given information on PWDVA. After that they gave interviews patiently and peacefully.

After sometime, I went to Araria and Supaul. I along with another intern Vikas took Bus and reached Arraria. We went to Bhargama block and met Parwatijee who in-charge of Mahila Jagran Kendra. She guided us in Bhargama and Paikapur Panchayats. In both panchayats, people told us that domestic violence did not happen. When I showed them the schedule, they did not say anything and answered all questions. After the completion of interviews, we returned back to Patna.

I went to Supaul district. With the help of local social worker, Mumtaj Begum, I surveyed in Busbitti and Pipra Khurd panchayats. There, I had no problems taking interviews of villagers.

My trip to Chapra district was interesting, where I surveyed in two panchayats; Meldi and Pachlakh. In Pachlakh Panchayat, where one gentleman got irritated when I asked him question on forcible sexual intercourse as sexual violence. He said that he should ask this question to females. Then, I told him that three men and three women from each ward are being interviewed. After this he became calm and said that there was no domestic violence in his village.

My last trip was to Munger. Two panchayats; Nihma and Bheladi Panchayats of Tarapur block were surveyed. I visited one house where males and females were sitting together. When I asked about domestic violence, One person, Dhermendra said that male using sewing machine is a kind of domestic violence and one woman, Meena Devi said that brooming of house is violence. Such bizarre answers were part of my experiences.

I enjoyed research on domestic violence in different districts. As this was my first visit to rural areas, I thoroughly enjoyed living there, observing agriculture practices and village life style, meeting and interviewing people cutting across all sections of society. I would love to undertake research projects in future.

# **List of Short Stay Home in Bihar**

Sl.	Name of District	Partner Agencies for	
No.		Short Stay Home	
1	Araria	Mahila Mother Teresa Seva Sansthan, C/o-Alam Manzil, Moh:-Jai Nagar, Ward No22, DisttKhagaria- 851204, Ph06244-222796	
2	Arwal	Parihar Sewa Sansthan, behind Anchalguard, House of Lalan Ram P.O+Police station-Arwal, Distt- Arwal	
3	Aurangabad	Daudnagar Organisation For Rural Development (DORD), 2nd Floor, Chtkohra House, Dr, Ashraf Lane, S.P. Verma Road, Patna-1. Ph0612-2207606	
4	Banka	Sewa Bharti Sewapuri, Bhagalpur, Sewa Bharti, Sewapuri, (Sasan) P.O-Maniyarpur, (Bounsi), Distt Banka-813104, Ph./Mob06424-237992, 9304523453, 9470421436 (Presently not functional due to some unavoidable reason)	
5	Begusarai	Running agency of SSH has been Terminate	
6	Bhagalpur	WDC has sent a letter to DM, Bhagalpur to terminate running agency of SSH	
7	Bhojpur		
8	Buxar	Mahila Gram Shri, Dumraw, Buxer, Mob9334651803	
9	Champaran West (Betiah)	<b>"Shape"</b> Helpline, Banuchhapar , Betiah W. Champaran,	
10	Darbhanga	<b>Tirhut Lok Sewa Sansthan,</b> White House, At- Manipur, P.O- Sari, Distt Samastipur- 848101 Mob 9430241446, 9430241447, 06274-252051	
11	East Champaran	Under Process	
12	Gaya	Manav Sewashram, Vill- Kapiya Nijamat, P.O_ Mahrajganj, Dist- Siwan (Bihar) Mob 9431439367	
13	Gopalganj	Tapeshwar Rai Gramodyog Vikas Sansthan, At Parsa, P.O- Amardah Via Sadhwarah, Dist Saran- 841421 Ph./Mob06159-224728, 9939698320	

Sl. No.	Name of District	Partner Agencies for Short Stay Home
14	Jamui	Dalit Vikas Bindu, Jamui, Mob94312197225 (Project staffs has not been selected yet by District Administration, hence it is not functional)
15	Jehanabad	Gram Swarajya Samiti Ghoshi, At.+P.O- Bandhu Ganj, Dist Jehanabad- 804432 Mob 9234991095
16	Kaimur	Gram Swaraj Seva Sansthan, Baswan Road, Lalapur Kudra, Kaimur, Bihar-821108, Ph./Mob06187- 255247 (0), 255266 ®, 9431895360
17	Katihar	<b>B. Chand Foundation,</b> Bheriya Rehikha, B.M.P Road-7 Katihar-854106
18	Khagaria	Alpsankhyak Utthan Ewam Kalyan Samiti, Jay Prakash Nagar, Ward No22, Khagaria- 851204 Ph./Mob 06244-222985, 9430042182
19	Kishanganj	Rahat, Line Gulbasti, Khanqhah Road, P.O+Distt-Kishanganj-855107
20	Lakhisarai	Under Process
21	Madhepura	Centre of Social Welfare & Rehabilitation Gulzarbagh, Ward no-20, Infront of Prince Hotel Madhepura
22	Madhubani	Mahila Shilp Kala Kendra, At.+P.O- Bhagwanpur, N.H.28, Muzaffarpur (Bihar) e-mail: baroon.prakash@gamail.com (under process)
23	Munger	Naovality Welfare Society, Sarswati Sadan, Att.+PO-Bhalar, Distt-Munger Mob9430943510
24	Muzaffarpur	Sewa Sankalp Evam Vikash Samiti, Sahu Road, Muzafferpur.
25	Nalanda	Under Process
26	Nawada	Ambapali Hast Shilp Kala Kendra, A-10, Gandhi Nagar, Boring Road, Patna-1 Mob9304827123
27	Patna	Under Process
28	Purnia	Deepalya Mansik Swasthaya avam Biklang Purnarwas Sansthan Kailashpuri, Shrinagar Hata, Purnia.

Sl. No.	Name of District	Partner Agencies for Short Stay Home
29	Rohtas	Parivartan Vilas Tilouthu, Near-Tilothu Thana Chouk, Rohtas, Mob9939158555
30	Saharsa	Mimansa Kalyan Samiti, Krishna Nagar, Batraha, Saharsa. Mob 9304337425
32	Samastipur	Prayas, B-1/26, 3rd Floor, Mauryalok Complex, Dak Banglow Road, Patna Ph0612-2213182
33	Saran	Nari Utthan Kendra, Saidpur Dighwar Chhapara (Saran) Bihar, Mob 9835251339, 9835402558, Ph.06158-281278
34	Sheikhpura	Abhiyan, Birsa Adiveasi Colony, Gulzarbagh, Patna, Mob9431017405, 9931775677
35	Sheohar	
31	Sitamarhi	<b>Sahyogi Sewa Foundation,</b> At Shahbajpur, P.O- Srisia (Bujung) Distt Muzaffarpur - 843108 Ph.No-06223-2666153, Mob 9334496931, 9234114683
36	Siwan	District Administration Red Cross Bhawan, Siwan
37	Supaul	Koshi Pidit Mahila Vikas Mandal Jhingwa, VillJhingwa, P.OParikich, ViaNirmali, DisttSupaul Mob9430017937
38	Vaishali	Nidan, Sudama Bahwan, Boring Road, Patna-1, Ph2570705,2577589

# List of Help Line and Protection Officer in Bihar

Sl. No.	Name of District	Help Line Address Project Manager Cur Protection officer		CUG No.
1	Araria	Women Help Line, Collectoriate Araria.  Ms Madhulika Kumari		9771468001
2	Arwal	Women Help Line Collectoriate, Arwal.	Smt. Simpu Kumari	9771468002
3	Aurangabad	Women Help Line, Ramesh Chowk, Near J.K.Hotel, Aurangabad	Smt. Kanti Kumari	9771468003
4	Banka	Women Helpline, Behind of Banka Thana, Sahaypath, Banka	Ms. Subhashani Kumari	9771468004
5	Begusarai	<b>Women Help Line,</b> Collectoriate Begusarai	Smt. Veena Kumari	9771468005
6	Bhagalpur	Helpline-Cum-Mahila Koshang Bhagalpur, S.S.P office, Kachhari Road, Bhagalpur		9771468006
7	Bhojpur	Women Help Line, Madhubagh, Nawada (Lalatoli), Arah(Bhojpur	Miss. Anupama Srivastva	9771468007
8	Buxar	Women Helpline House of Jawahar Upadhaya, Behind Indian Bank, Collectoriate Road, Buxar	Ms. Pramila Kumari	9771468008
9	West Champaran	Women Helpline, Collectoriate, Bettiah	Mrs. Bindu Rajbhar	9771468009
10	Darbhanga	Women Helpline Near- Garib Nawaj School & Nursing Hostel, Petrol Pump, Pidranagar, Laheriyasarai, Darbhanga	Ms. Yasmit Nisha	9771468010
11	Gaya	Women Help Line, Collectoriate Gaya	Mrs. Aarti Kumari	9771468011
12	Gopalganj	Women Help Line, Colectoriate, Gopalganj	Ms. Nazia Mumtaj	9771468012

Sl. No.	Name of District	Help Line Address	Project Manager Cum Protection officer	CUG No.
13	Jamui	Women Helpline Ashok Town Hall Road, In front of D.A.V High School, Jamui  Ms. Preeti Kumari		9771468013
14	Jehanabad	Help Line Koshang Collectoriate, Jehanabad	Ms. Jyotsana Kumari(PM	9771468014
15	Kaimur	Women Help Line, 10,Chakabandi Road, Near Dr. Mangala singha residence, Bhabua, Kaimur	Kumari Vineeta Gupta	9771468015
16	Katihar	Women Help Line, Bheriya Raika Hospital Road, Po. BMP Katihar	Miss. Samita kumari	9771468016
17	Kishanganj	Women Help Line, Line Gulbasti Kajlamani Road, Kabir Chowk, Subhash Palli , P.O+ Dist- Kishanganj -855107	Mrs. Mamta Kumari	9771468017
18	Madhepura	Women Helpline, Collectoriate Madhepura	Mrs. Payal Prakash	9771468018
19	Madhubani	Women Helpline, Navtoli, Madhubani	1	
20	Munger	Women Helpline Collectoriate, Munger		
21	Muzaffarpur	Women Helpline Sahu Road, Muzaffarpur	· · · · · · · · · · · · · · · · · · ·	
22	Nalanda	Women HelpLine Nalanda, Ms. Poonam Choudary Collectariate, Bihar Sharif, Nalanda.		9771468022
23	Nawada	Mahila koshang cum counselling Mrs. Rajkumari Devi centre Nawada, Collectoriate, 2nd floor, Main Road, Nawada-805110		9771468023
24	Patna	Helpline Patna Ground floor,Indira Bhawan, R.C. Singh Path, Patna	Smt. Parmila Kumari	9771468024
25	Purnia	Women Help Line, Kailashpuri, Shrinagar Hata, Purnia	Smt. Anita Kumari	9771468025
26	Rohtas	Akhil Bharitya Shiksha Berogar Youva Kalyan Sansthan, Nokha- Rohtas, Mob9430268333	ritya Shiksha Berogar Ms. Afreen Trannum yan Sansthan,	
27	Saharsa	Mahila Chetna Vikas Mandal Collectorate	Ms. Pushpa Kumari <b>9771468027</b>	
28	Samastipur	Women Helpline Kashipur, Samastipur	Ms. Abha Sharma <b>977146</b>	
29	Saran	Women Helpline, Collectoriate, Saran	Smt. Madhubala	9771468029

Sl. No.	Name of District	Help Line Address	Project Manager Cum Protection officer	CUG No.
30	Sitamarhi	Women Helpline ADITI C/o Late Takenath Jha Azad Chowk, Dumra, Sitamarhi-843301	Ms. Pushpa Kumari	9771468030
31	Siwan	Women Helpline Siwan Red Cross, Siwan Ms Usha Kiran (CDPO)		9771468031
32	Sheikhpura	Women Helpline Colectrariate, Sheikhpura	Ms Reeta Sinha (CDPO)	9771468032
33	Sheohar	<b>Women Help Line</b> Colectrariate, Sheohar	Ms. Reena Singh	9771468033
34	Supaul	<b>Women Helpline,</b> Vill-Jhingwa, P.O-Parikich, Via-Nirmali, Supaul	Pratibha Kumari	9771468034
35	Vaishali	Women Help Line Colectrariate, Near S.D.O.Office, Hajipur, Vaishali	Ms. Priyanka Kumari	9771468035

## **Legal Rights of Women**

#### **Gender and International Conventions/ Conferences**

A number of international meetings have been convened that have the potential for transforming the reality of women's lives. At many of these meetings Government of India has committed to taking action to improve the situation of women. The following are among the international commitments to which Government of India is party:

- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which Government of India signed in 1980 and ratified on 9th July 1993.
- The Convention on the Rights of the Child that came into force in 1990 and was ratified by India
  in 1992.
- The World Conference on Human Rights in Vienna (1993) asserted that women's rights are human rights.
- The International Conference on Population and Development (ICPD) in Cairo (1994) placed women's rights and health at the centre of population and development strategies.
- At the Fourth World Conference of Women in Beijing (1995), governments declared their determination "to advance the goals of equality, development and peace for all women everywhere in the interest of all humanity".
- In the 1995 Commonwealth Plan of Action on Gender and Development governments declared their vision of a world "in which women and men have equal rights and opportunities in all stages of their lives".
- The UN Millennium Declaration adopted at the Millennium Summit in September 2000. The Millennium Development Goals adopted by all Member States call for progress towards eradication of extreme poverty and hunger, gender equality and empowerment of women, maternal health, reduction in child mortality and universal primary education.
- The United Nations Convention on the Rights of Persons with Disabilities adopted on 13<sup>th</sup> December 2006.
- The Year 2015 declared by United Nations as the year of 'Global Action', for achieving a meaningful Post-2015 Development Agenda. Gender Budgeting can contribute to the attainment of the Post-2015 Development Agenda by tracking public expenditure against gender and development policy commitments made nationally and internationally.

#### **Fundamental Rights of Constitution**

#### Right to Equality

- 14. Equality before law
- **15.** Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth;
- **16.** Equality of opportunity in matters of public employment;
- 17. Abolition of Untouchability;
- 18. Abolition of titles

#### Right to Freedom

- **19.** Protection of certain rights regarding freedom of speech, etc;
- **20.** Protection in respect of conviction for offences;
- 21. Protection of life and personal liberty;
- 21 (A) Right to education;
- **22.** Protection against arrest and detention in certain cases:

#### Right against exploitation

- **23.** Prohibition of traffic in human beings and forced labour;
- **24.** Prohibition of employment of children in factories, etc;
- **25.** Freedom of conscience and free profession, practice and propagation of religion;
- 26. Freedom to manage religious affairs;
- **27.** Freedom as to payment of taxes for promotion of any particular religion
- **28.** Freedom as to attendance at religious instruction or religious worship in certain educational institutions:

#### Cultural and educational rights

29. Protection of interests of minorities:

## Universal Declaration of Human Right (UDHR)

This is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 General Assembly resolution 217 A as a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally protected.

- We Are All Born Free & Equal
- Don't Discriminate
- The Right to Life
- No Slavery
- Nobody has any right to hurt us or to torture us
- No Matter Where You Go
- We're All Equal Before the Law
- All Human Rights Are Protected by Law
- No Unfair Detainment
- The Right to Trial
- We're Always Innocent Till Proven Guilty
- The Right to Privacy
- Freedom to Move
- The Right to Seek a Safe Place to Live
- Right to a Nationality
- Right to Marriage and Family
- The Right to Your Own Things
- Freedom of Thought.
- Freedom of Expression.
- The Right to Public Assembly
- The Right to Democracy
- Right to Social Security
- Workers' Rights
- The Right to Play
- Right to Food and Shelter
- The Right to Education
- Copyright- Copyright is a special law that protects one's own artistic creations and writings; others cannot make copies without permission. We all have the right to our own way of life and to enjoy the good things that art, science and learning bring.
- A Fair and Free World
- Responsibility- We have a duty to other people, and we should protect their rights and freedoms.
- No One Can Take Away Your Human Rights

Right of minorities to establish and administer educational institutions;

#### **Directive Principles of state policy**

- 39. Certain principles of policy to be followed by the State
  - (a) that the citizens, men and women equally, have the right to an adequate means of livelihood;
  - (b) that there is equal pay for equal work for both men and women;
  - (c) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;
- 39A. Equal justice and free legal aid
- 42. Provision for just and humane conditions of work and maternity relief
- 47. Duty of the State to raise the level of nutrition and the standard of living and to improve public health

#### The crimes under the Indian Penal Code (IPC)

- 1. Rape (Sec. 376 IPC)
- 2. Attempt to commit rape (Sec 376/511 IPC)
- 3. Kidnapping & abduction of women (Section 363,364,364A, 366 IPC)
  - 3.1 K&A under section 363 IPC
  - 3.2 K&A in order to murder
  - 3.3 K&A for ransom
  - 3.4 K&A of women to compel her for marriage
  - 3.5 K&A for other purposes
- 4. Dowry deaths (Section 304B IPC)
- 5. Assault on woman with intent to outrage her modesty (Sec. 354 IPC)
  - 5.1 Sexual harassment (Sec.354A IPC)
  - 5.2 Assault on woman with intent to outrage her modesty (Sec. 354C IPC)
  - 5.3 Voyeurism (Sec. 354D IPC)
  - 5.4 Others
- 6. Insult to the modesty of women (Sec. 509 IPC)
  - 6.1 at office premises
  - 6.2 at places related to work
  - 6.3 in public transport
  - 6.4 in other places\*
- 7. Cruelty by husband or his relatives, (Sec. 498A IPC)

- 8. Importation of girl from foreign country (up to 21 years of age) (Sec. 366 B IPC)
- 9. Abetment of suicide of women (Sec. 306 IPC)

#### The crimes under the Special & Local Laws (SLL)

Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. The gender specific laws for which crime statistics are recorded throughout the country are –

- (i) The Dowry Prohibition Act, 1961
- (ii) The Indecent Representation of Women (Prohibition) Act, 1986
- (iii) The Commission of Sati Prevention Act, 1987
- (iv) The Protection of women from domestic Violence Act, 2005
- (v) The Immoral Traffic (Prevention) Act, 1956
- (V) Prevention, Protection and rehabilitation of sexual harassment at workplace act 2013

#### **National Women's Right Convention**

The National Women's Rights Convention has been organizing annual series of meetings that increased the visibility of the early women's rights movement in the United States. First held in 1850 in Worcester, Massachusetts, the National Women's Rights Convention combined both male and female leadership, and attracted a wide base of support including temperance advocates and abolitionists. Speeches were given on the subjects of equal wages, expanded education and career opportunities, women's property rights, marriage reform and temperance. Chief among the concerns discussed at the convention was the passage of laws that would give suffrage to women.



## Protection of Women from Domestic Violence Act 2005

The Protection of Women from Domestic Violence Act, 2005 (hereinafter the PWDVA) was brought into force on October 26, 2006. The enactment of this law marks an unprecedented move of providing civil relief in cases of violence. Nevertheless, the effective functioning of the Act has been left to the discretion of the Central and State governments.

# **Protection of Women from Domestic Violence Act** 2005

#### Definition of domestic violence

According to **section 3 of PWDVA 2005**, any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it –

- (a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental
  or physical, of the aggrieved person or tends to do so and includes causing physical abuse,
  sexual abuse, verbal and emotional abuse and economic abuse; or
- (b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or
- (c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or (d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person.

#### Who can Complain: Aggrieved Person [Section 2(a)],

Any woman (sisters, widows, mothers, daughters, women in relationships of cohabitation, survivors of bigamous marriages, single women, etc.) has been subjected to acts of domestic violence. Children are also covered. Any person can file a complaint on their behalf.

#### Against Whom Can A Complaint be Filed: "Respondent" [Section 2 (q)]

Respondent is an any adult male member (relatives of the husband and male partner) who has been in a domestic relationship with the woman.

#### • Domestic Relationship [Section 2(g)]

Domestic Relationship has been defined as a relationship between two persons who live, or have at any point of time lived together in the shared household. It includes relations of consanguinity, marriage, or relationships in the nature of marriage, adoption, or joint family.

#### Shared Household [Section 2(s)]

A household where the aggrieved person lives/has lived in a domestic relationship, either singly or along with the respondent is a 'shared household' under Section 2(s) of the Act.

#### Includes a household

- (a) Whether owned or tenanted either jointly by the person aggrieved and the respondent, or by either of them;
- (b) Where joint family lives with aggrieved person and respondent.
- Power and duties of protection officers, service providers, TC

Information to Protection Officer and exclusion of liability of information [Section 4]

- (a) Any person who has reason to believe that an act of domestic violence has been, or is being, or is likely to be committed, may give information about it to the concerned Protection Officer
- (b) No liability, civil or criminal, shall be incurred by any person for giving information in good faith for the purpose of sub-section (1)

# Duties of police officers, service providers and Magistrate [Section 5]

Police officers, service providers and Magistrate.-A police officer, Protection Officer, service provider or Magistrate who has received a complaint of domestic violence shall inform the aggrieved person-

- (a) of her right to make an application for obtaining a relief by way of a protection order, an order for monetary relief, a custody order, a residence order, a compensation order or more than one such order under this Act:
- (b) of the availability of services of service providers;
- (c) of the availability of services of the Protection Officers;
- (d) of her right to free legal services under the Legal Services Authorities Act, 1987 (39 of 1987);

(e) of her right to file a complaint under section 498A of the Indian Penal Code (45 of 1860), wherever relevant:

Provided that nothing in this Act shall be construed in any manner as to relieve a police officer from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognizable offence.

#### Duties of shelter homes [Section 6]

Protection Officer or a service provider requests the person in charge of a shelter home to provide shelter to an aggrieved person.

#### Duties of medical facilities [Section 7]

Protection Officer or a service provider shall ask the person in charge of a medical facility to provide any medical aid to an aggrieved person.

#### • Duties and functions of Protection Officers [Section 9]

- (a) to assist the Magistrate in the discharge of his functions under this Act;
- (b) to make a domestic incident report to the Magistrate, in such form and in such manner as may be prescribed, upon receipt of a complaint of domestic violence and forward copies thereof to the police officer in charge of the police station within the local limits of whose jurisdiction domestic violence is alleged to have been committed and to the service providers in that area;
- (c) to make an application in such form and in such manner as may be prescribed to the Magistrate, if the aggrieved person so desires, claiming relief for issuance of a protection order;
- (d) to ensure that the aggrieved person is provided legal aid under the Legal Services Authorities Act, 1987 (39 of 1987) and make available free of cost the prescribed form in which a complaint is to be made;
- (e) to maintain a list of all service providers providing legal aid or counselling, shelter homes and medical facilities in a local area within the jurisdiction of the Magistrate;
- (f) to make available a safe shelter home, if the aggrieved person so requires and forward a copy of his report of having lodged the aggrieved person in a shelter home to the police station and the Magistrate having jurisdiction in the area where the shelter home is situated;
- (g) to get the aggrieved person medically examined, if she has sustained bodily injuries and forward a copy of the medical report to the police station and the Magistrate having jurisdiction in the area where the domestic violence is alleged to have been taken place;
- (h) to ensure that the order for monetary relief under section 20 is complied with and executed, in accordance with the procedure prescribed under the Code of Criminal Procedure, 1973 (2 of 1974);

#### Service providers [Section 10]

A service provider registered under sub-section (1) shall have the power to [Section 10 (2)]

- (a) record the domestic incident report in the prescribed form if the aggrieved person so
  desires and forward a copy thereof to the Magistrate and the Protection Officer having
  jurisdiction in the area where the domestic violence took place;
- (b) get the aggrieved person medically examined and forward a copy of the medical report to the Protection Officer and the police station within the local limits of which the domestic violence took place;
- (c) ensure that the aggrieved person is provided shelter in a shelter home, if she so requires and forward a report of the lodging of the aggrieved person in the shelter home to the police station within the local limits of which the domestic violence took place.
- No suit, prosecution or other legal proceeding shall lie against any service provider or any member of the service provider who is, or who is deemed to be, acting or purporting to act under this Act, for anything which is in good faith done or intended to be done in the exercise of powers or discharge of functions under this Act towards the prevention of the commission of domestic violence. [Section 10 (3)]

#### • Duties of Government [Section 11]

The Central Government and every State Government, shall take all measures to ensure that-

- (a) the provisions of this Act are given wide publicity through public media including the television, radio and the print media at regular intervals;
- (b) the Central Government and State Government officers including the police officers and the members of the judicial services are given periodic sensitization and awareness training on the issues addressed by this Act;
- (c) effective co-ordination between the services provided by concerned Ministries and Departments dealing with law, home affairs including law and order, health and human resources to address issues of domestic violence is established and periodical review of the same is conducted;
- (d) protocols for the various Ministries concerned with the delivery of services to women under this Act including the courts are prepared and put in place.

Provisions of Relief (Sections 18-23)

18. Protection orders.-The Magistrate may, on hearing both the parties pass a protection order in favor of the

Aggrieved person and prohibit the respondent from-

- (a) committing any act of domestic violence;
- (b) aiding or abetting in the commission of acts of domestic violence;
- (c) entering the place of employment of the aggrieved person or, if the person aggrieved is a child, its school or any other place frequented by the aggrieved person;

- (d) attempting to communicate in any form, whatsoever, with the aggrieved person, including personal, oral or written or electronic or telephonic contact;
- (e) alienating any assets, operating bank lockers or bank accounts used or held or enjoyed by both the parties, jointly by the aggrieved person and the respondent or singly by the respondent, including her stridhan or any other property held either jointly by the parties or separately by them without the leave of the Magistrate;

#### 19. Residence orders -

- (1) While disposing of an application under sub-section (1) of section 12, the Magistrate may order
  - (a) restraining the respondent from dispossessing or in any other manner disturbing the possession of the aggrieved person from the shared household,
  - (b) directing the respondent to remove himself from the shared household;
  - (c) restraining the respondent or any of his relatives from entering any portion of the shared household in which the aggrieved person resides;
  - (d) restraining the respondent from renouncing his rights in the shared household except with the leave of the Magistrate; or
  - (e) directing the respondent to secure same level of alternate accommodation for the aggrieved person as enjoyed by her in the shared household or to pay rent for the same, if the circumstances so require:
  - i. Provided that no order under clause (b) shall be passed against any person who is a woman.
  - ii. The Magistrate may impose any additional conditions or pass any other direction which he may deem reasonably necessary to protect or to provide for the safety of the aggrieved person or any child of such aggrieved person.
  - iii. The Magistrate may require from the respondent to execute a bond, with or without sureties, for preventing the commission of domestic violence.
  - iv. An order under sub-section (3) shall be deemed to be an order under Chapter VIII of the Code of Criminal Procedure, 1973 (2 of 1974) and shall be dealt with accordingly.
  - v. While passing an order under sub-section (1), sub-section (2) or sub-section (3), the court may also pass an order directing the officer in charge of the nearest police station to give protection to the aggrieved person or to assist her or the person making an application on her behalf in the implementation of the order.
  - vi. While making an order under sub-section (1), the Magistrate may impose on the respondent obligations relating to the discharge of rent and other payments, having regard to the financial needs and resources of the parties.

- vii. The Magistrate may direct the officer in-charge of the police station in whose jurisdiction the Magistrate has been approached to assist in the implementation of the protection order.
- viii. The Magistrate may direct the respondent to return to the possession of the aggrieved person her stridhan or any other property or valuable security to which she is entitled to.

#### 20. Monetary reliefs -

- (1) While disposing of an application under sub-section (1) of section 12, the Magistrate may direct the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person as a result of the domestic violence and such relief may include, but not limited to,-
  - (a) the loss of earnings;
  - (b) the medical expenses;
  - (c) the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and
  - (d) the maintenance for the aggrieved person as well as her children, if any, including an order under or in addition to an order of maintenance under section 125 of the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force.
- (2) The monetary relief granted under this section shall be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved person is accustomed.
- (3) The Magistrate shall have the power to order an appropriate lump sum payment or monthly payments of maintenance, as the nature and circumstances of the case may require.
- (4) The Magistrate shall send a copy of the order for monetary relief made under sub-section (1) to the parties to the application and to the in charge of the police station within the local limits of whose jurisdiction the respondent resides.
- (5) The respondent shall pay the monetary relief granted to the aggrieved person within the period specified in the order under sub-section (1).
- (6) Upon the failure on the part of the respondent to make payment in terms of the order under subsection (1), the Magistrate may direct the employer or a debtor of the respondent, to directly pay to the aggrieved person or to deposit with the court a portion of the wages or salaries or debt due to or accrued to the credit of the respondent, which amount may be adjusted towards the monetary relief payable by the respondent.
- 21. Custody orders Notwithstanding anything contained in any other law for the time being in force, the Magistrate may, at any stage of hearing of the application for protection order or for any other relief under this Act grant temporary custody of any child or children to the aggrieved person or the person making an application on her behalf and specify, if necessary, the arrangements for visit of such child or children by the respondent:

Provided that if the Magistrate is of the opinion that any visit of the respondent may be harmful to the interests of the child or children, the Magistrate shall refuse to allow such visit.

**22. Compensation orders** - In addition to other reliefs the Magistrate may on an application being made by the aggrieved person, pass an order directing the respondent to pay compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of domestic violence committed by that respondent.

#### 23. Power to grant interim and ex parte orders -

If the Magistrate is satisfied that an application prima facie discloses that the respondent is committing, or has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence, he may grant an ex parte order on the basis of the affidavit in such form, as may be prescribed, of the aggrieved person under section 18, section 19, section 20, section 21 or, as the case may be, section 22 against the respondent.



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