



A STUDY ON OBSTACLES TO PREVENT THE IMPLEMENTATION OF DOMESTIC VIOLENCE PROTECTIONS FOR WOMEN

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ABSTRACT

The law gives women the right and the authority to fight against the patriarchal structure of society in a variety of methods, all with the goal of protecting women from discrimination. The results of the research have been presented to the WCD Department, which has pledged its support for the full implementation of the Act, which will benefit women experiencing domestic abuse. During a session titled "Barriers to Implementation of Women Victims of Domestic Violence," the study's results were presented. The goal of this consultation was to assess the current PWDV act implementation in the states of Odisha, Chhattisgarh, Telengana, Tamil Nadu, Karnataka, and Kerala. The Consultation resulted in suggestions for improving the PWDV act's implementation in different jurisdictions. It is our sincere hope that the government would use these efforts to finally put the PWDV Act into effect in its entirety, allowing more women to receive its protections and making Odisha the first state in India to be completely free of violence against women.

KEYWORD: protect, women, implementation, against.

INTRODUCTION

By definition, sexual violence may occur anywhere, including but not limited to the workplace, and can be committed by anybody, regardless of their connection to the victim. Thus, sexual assault is a violation of human rights and leaves victims open to a wide range of harms, both physical and mental. The vast majority of those affected by sexual assault are women, particularly young women.

The Protection of Women from Domestic Violence Act (PWDVA), 2005 was the result of the efforts of the Indian Women's Movement to get a rights-based legislation that would demonstrate the government's willingness to meet its responsibilities under CEDAW. An Indian civil law that guarantees women safety from intimate partner abuse and the option to live in a "shared home" has just gone into effect. A victim of domestic violence may seek injunctive relief from a magistrate's court under the PWDVA, which protects women of all religions. It requires the State Government to designate a protection officer, inform service providers, and set up a support system for victims of violations of protection orders and impose sanctions for doing so. The statute protects women against violence in all relationships, not just those inside the family.

No nation is immune to the pervasive and growing problem of domestic abuse against women. Despite the lack of a definitive gender profile for domestic violence victims,



it is commonly accepted that women are disproportionately affected. The victims of domestic abuse span the socioeconomic spectrum, impacting women of all backgrounds. They suffer emotional and physical abuse at the hands of their husbands' relatives in the marital household. The Indian Constitution provides various protections for women to ensure they are free from discrimination, and it also seeks to elevate women's status and empower them more fully. In addition to a large corpus of domestic law, this constitutional clause ensures women are protected against male dominance and supremacist acts. The Domestic Violence Act of 2005, the Hindu Succession Act of 1956, the Improvement of Nikah 15 Nama Act of 2006, the Maternity Act of 1961, the Gender Budgeting Programme, the National Policy of Empowerment of Women Programme, and the Indian Penal Code, as amended and revised through Articles 376, 374, and 498 all provide important protections for women.

LITERATURE AND REVIEW

Jo Aldridge (2013) Global research on violence against women shows that, despite progress in understanding the effects of domestic violence on women's lives, more research is needed that not only places women at the center of research praxis but also engages them more collaboratively in genuine dialogue about their experiences, including their agency. This is particularly true for women who are socially and economically marginalized, such as those who are not recognized or who do not present to services, and who endure abusive relationships alone or with little assistance from others. This article reports on two studies that suggest that women's capacity for agency is compromised by a number of critical factors, and that these tensions are also reflected in micro-macro analyses and understanding of the impact of domestic violence on women. The first study is a secondary analysis of women with severe and enduring mental health problems; the second is a collaborative narrative project with unsupported women victims of domestic violence. This article examines the factors that limit women's agency from the women's point of view and in the context of larger, systemic dynamics, such as the government and state's denial or obscuring of abuse and the effects of severe fiscal retrenchment that put women at increased risk of domestic violence.

Ursula Till-Tentschert (2017) Women's future exposure to violence and risk of victimization may be influenced by their experiences of abuse as children. Although the prevalence of childhood abuse has been studied, comparable statistics are still uncommon. The first EU-wide comparative study on violence against women was undertaken in 2012 by the European Union Agency for Fundamental Rights (FRA). This article analyzes the prevalence and consequences of women's reports of experiencing violence as children in the FRA violence against women survey across all 28 EU Member States. Since the FRA survey used as a foundation for this article's research only questioned respondents aged 18 and above, it does not address child abuse and violence against other children. Women who reported being victims of physical or sexual assault by an adult before the age of 15 were at a higher risk of being abused again in later life. Later victimization of women is affected by factors such as the degree and frequency of childhood violence and the kind of perpetrator of abuse. This article looks at how having a violent upbringing in childhood might

increase one's risk of experiencing relationship and non-partner violence as an adult, taking into account the intensity, frequency, and perpetrator type of the abuse. The findings show that even one incident of violence in infancy raises the risk of being victimized again in adulthood. The results also suggest that women are disproportionately affected by intimate partner and non-partner violence when they were sexually or emotionally abused as children. Results are discussed in the context of breaking abusive patterns.

Kim M Anderson et al (2017) The goal of this research was to better understand rural women's experiences with intimate partner abuse and the coping mechanisms they used to be safe. Convenience sampling comprised women presently in an abusive relationship (N = 22), who were getting mental health care at a rural victim-service provider. Participants in the research shown more resilience than typical PTSD patients while showing signs of despair, anxiety, and PTSD on standardized assessments. Participants used a wide range of tactics to prevent, flee from, and fight back against violent encounters. Though resistance and placating methods were more prevalent, informal and safety planning strategies were ranked as the most useful. Higher levels of resilience and fewer depressive symptoms were seen in individuals who used formal procedures, while people who made more use of safety planning and resistance techniques showed higher levels of resilience. Consequences for rural victim support providers include helping women cope with the emotional toll of being in an abusive relationship and giving them the tools, they need to feel comfortable leaving the situation.

Mohammad Nadeem (2022) For centuries, the so-called patriarchal culture has abused and exploited the world's half-billion women because of gender prejudice and sexism. From the beginning of time, India's deeply rooted cultural norms have subjected women to every kind of social, political, mental, psychological, and sexual violence. A prevalent argument against laws in India that are associated with brutality against women in the past 20 years of the reform in criminal law has been that women break these laws. The police, the general public, government officials, and even specific authorities from the High Courts and the Supreme Court have all challenged these legal violations with great zeal. There has been a dramatic increase in the number of cases of domestic violence in India. Behind locked doors, women are being tormented, beaten, and murdered. All around the nation, people are victimized by domestic violence, in both rural and urban areas. It's becoming into a cultural norm that's being passed down from one generation to the next. Domestic violence (which, incidentally, has a high recurrence rate) can take many forms, including psychological, physical, sexual, financial, and emotional abuse, with symptoms including physical harm, lack of food, money, or other resources, coercion, humiliation, and degradation, and outcomes including hedonism, discomfort, fatigue, loneliness, alienation, depression, fear, and decryption.

Lalita et al (2021) There has been a global increase in reported incidences of domestic violence (DV) as a consequence of the nationwide lockdown that has been imposed because to the Novel Corona virus (COVID-19) pandemic. The Protection of Women from Domestic Violence Act, 2005 (PWDVA, 2005) was approved by the Indian government to combat DV and went into effect on October 26, 2006. The

purpose of this article is to investigate the causes behind the increase in reported occurrences of DV in Haryana and to analyze the situation before and during the shutdown. There includes a discussion of the literature review in this area, as well as some of the special difficulties, dangers, and ethical conundrums that the female victims of this epidemic have had to confront. Considering the danger of such a pandemic, the report closes with recommendations for improving the PWDV Act of 2005's implementation.

METHODOLOGY

The research included a wide range of qualitative and quantitative methods. Methods for this study included a literature review, an analysis of budgetary allocations, in-depth interviews with key stakeholders in the state structure responsible for protecting women from domestic violence, a review of case studies, and a focus group discussion with harmed women and non-governmental organizations. The following methods were employed for the research; however, they were not used exclusively:

Focus Group Discussion: To better understand the difficulties faced by survivors of violence in accessing accessible redress mechanisms and the preexisting attitudes, beliefs, and practices at the community level, the Study included the conduct of six Focus Group Discussions (FGD), one in each district.

Analysis of Domestic Incident Report (DIR): The research looked at 108 domestic violence reports over the course of three years from six different jurisdictions. This included 18 DIRs from each jurisdiction each year (six per year) for a total of 360 DIRs during the study's three-year time frame.

Sample size: The research included interviews with one Security Officer, one Judicial Magistrate, one Lawyer, two NGO Functionaries, and two Police Officers in each of the six areas where Oxfam India intervenes through local partner organizations, including four in the tribal belt and two in the coastal region. We used a random sample of 12 police officers, 12 judges, 12 attorneys, 24 NGOs, and 24 police officers from the following 12 districts: Kandhamal, Kalahandi, Rayagada, Cuttack, Dhenkanal, Khurda, Bhadrak, Jajpur, Keonjhar, Puri, Jharsuguda, and Nawarangapur.

Implementation of the Act

To this end, a questionnaire has been designed to solicit feedback from Protection Officers on the current state of Domestic Violence Act cases. Additionally, it was verified by asking Magistrate's opinions on the total number of cases filed and closed during a three-year period. Kandhamal, Rayagada, Dhenkanal, and Kalahandi district statistics are presented systematically below:

Information obtained from Protection Officers;

A. Numbers of Cases Registered:

Sl No.	Name of District:	Year wise registration of Cases.		
		2013	2014	2015
1.	Kandhamal	7	5	10
2.	Rayagada	12	1	0
3.	Dhenkanal	74	89	31
4.	Kalahandi	12	18	16

B. Numbers of DIR prepared:

Sl No.	Name of District:	Year wise Number of DIR made on cases registered.		
		2013	2014	2015
1.	Kandhamal	7	5	10
2.	Rayagada	8	N/A	N/A
3.	Dhenkanal	59	60	31
4.	Kalahandi	04	07	12

C. Counselling rendered on registered cases:

Sl No.	Name of District:	Year wise counselling have been rendered on cases registered.		
		2013	2014	2015
1.	Kandhamal	N/A	N/A	N/A
2.	Rayagada	N/A	N/A	N/A
3.	Dhenkanal	N/A	N/A	N/A
4.	Kalahandi	04	03	07

D. Numbers of cases registered in the Court:

Sl No.	Name of District:	Year wise cases registered in the Court.		
		2013	2014	2015
1.	Kandhamal	7	5	10
2.	Rayagada	N/A	N/A	N/A
3.	Dhenkanal	74	89	31
4.	Kalahandi	03	03	04

E. Number of Protection order issued by the Court:

Sl No.	Name of District:	Year wise Protection Order issued by the Court.		
		2013	2014	2015
1.	Kandhamal	4	1	1
2.	Rayagada	N/A	N/A	N/A
3.	Dhenkanal	N/A	N/A	N/A
4.	Kalahandi	02	01	02

F. Number of Residence order issued by the Court:

SI No.	Name of District:	Year wise Residence Order issued by the Court.		
		2013	2014	2015
1.	Kandhamal	N/A	N/A	N/A
2.	Rayagada	N/A	N/A	N/A
3.	Dhenkanal	N/A	N/A	N/A
4.	Kalahandi	07	06	03

ANALYSIS OF DOMESTIC INCIDENT REPORTS

The PWDV Act mandates the creation and submission of Domestic Incident Reports (DIRs). Reports filed in response to a complaint of domestic violence must be submitted using the official form, Form-A. When an application is submitted to the Magistrate for relief under the Act, the Magistrate will rely heavily on the Domestic Incident Report (DIR). The Domestic Incident Report (DIR) must be submitted in accordance with section 9(1)(b) by the Protection Officer or section 10(2) by the Service Provider (a).

1. Nature of Violence: According to DIR research, the following acts of violence fall under the umbrella of each kind of abuse:

Table no. 1. Nature of Violence and its types

SI No	Nature of Violence and its types	Number	Percentage
1	Sexual Violence:	12	11.11 %
2	Verbal and Emotional Abuse	48	44.44 %
3	Economic Violence	32	29.63 %
4	Dowry Related Harassment	16	14.81 %

2. Nature of Relief Claimed: In response to a petition filed with the Magistrate, the PWDV allows for a variety of orders to be issued. There are many different kinds of orders that may be issued: protection orders (under Section 18), residence orders (under Section 19), monetary relief orders (under Section 20), custody orders (under Section 21), and compensation orders (under Section 22).

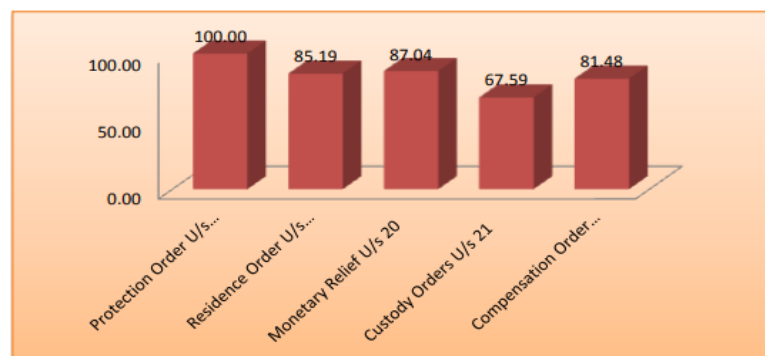


fig 1. Nature of Relief Claimed

BARRIERS TO IMPLEMENTATION

The Act is historic in its scope. Women in India had no legally recognized rights prior to the passage of the Act. Nonetheless, there are a number of significant restrictions on the Act's ability to protect women from domestic abuse.

1. Limitations of the Act

The Act's primarily civil nature is its biggest drawback for women seeking protection from domestic abuse. It was a deliberate policy choice by the Act's authors to limit redress under the Act to civil law. However, since the Act is a civil act, it does not provide criminal penalties for male perpetrators of domestic abuse. Because of this, notwithstanding the Act, women still only have the Anti-Cruelty Statute and the Dowry Death Statute to file criminal charges for domestic abuse. For the reasons stated above, these laws do not provide victims of domestic abuse adequate criminal redress. Moreover, the Act does not provide domestic abuse victims long-term relief. The Act's Protection Restrictions and other temporary orders are meant to allow women time to consider their alternatives, but they are simply a stopgap measure. After this time period, the Act no longer affords any protection to victims of domestic abuse, however the woman still has the right to remain in her house during this time. Even when a woman seeks protection under the Act, the perpetrator of domestic violence has no meaningful incentive to change his or her violent conduct because of the Act's temporary nature and the absence of comprehensive criminal provisions penalizing domestic abuse. Another restriction of the Act is that it provides women with just one right, namely the ability to live in a joint home with males. As we've seen, each new right for women represents a major milestone in the fight for human rights in India, and a crucial first step toward the establishment of even more rights for women. A woman is safe from eviction as long as she has the right to be in the joint household, but this does not guarantee that she will be safe from physical abuse. Protection orders issued under the Act are temporary and prevent the respondent from committing any act of domestic abuse and compel the offender to have no contact with the victim. This means that the Act does not provide protection from physical harm.

2. Structural and Procedural Barriers to Successful Implementation

While the Act has the potential to protect women from domestic abuse, its effective implementation is threatened by a lack of knowledge about the Act, a lack of training, and police and court corruption. The government is tasked for educating the public and training security guards and magistrate judges in accordance with the Act. The Act will be no more effective in lowering rates of domestic violence than the Dowry Death Act was in eradicating dowry violence if these actions are not followed out, and if existing corruption among public officials is not addressed. The Act and the safeguards it provide are probably still unknown to the typical Indian citizen. Government "must take all means to ensure that the provisions of the Act are given broad attention via public media including television, radio, and print media at regular intervals," according to Section 11 of the Act.

It is hard to tell whether the government is meeting this requirement, but women's rights organizations in New Delhi have complained repeatedly that they have not received enough information about the Act. Since the Act did not become law until October 2006, it is probable that the necessary media campaigns are still in the planning stages. However, more people need to be aware of the Act and the safety it affords via the development and frequent sharing of information. There have been a few news stories on the Act, despite the absence of official government PR. However, anecdotal data suggests that early media coverage was mostly negative, underlining the potential for misuse and abuse of the Act. Even if this coverage of the Act is regrettable, some women's rights organizations are relieved that the Act's passing is being publicized at all. Media coverage has also been more even-handed, with more attention being paid to the Act's actual provisions rather than the possibility of abuse.

CONCLUSION

In spite of the fact that the government of India has enacted several laws meant to safeguard women, the issue of women's oppression remains a pervasive and difficult one. Educators, social workers, health professionals, and members of women's organizations, as well as government officials, NGOs, police, and members of a wide range of professions and the society at large, must work together to reduce domestic violence. Since its adoption in 2005, the PWDV Act has been in effect for a full decade, during which time many fresh starts have been made. The Protection Officers have been hired, the Shelter Homes are open for business, the Service Providers are rendering their services, and the court has adopted a pliable legal method for dealing with cases involving women who have been victims of abuse. As a result, working in this area of law has left many people feeling conflicted. The analysis provides sufficient data to support the idea that more coordination and the guarantee of service convergence are required. Ultimately, a more responsive system will develop if the study's conclusions are adopted by state authorities to enhance the current situation.

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