

## **ROLE OF THE CIVIL SOCIETY IN ELIMINATING DOMESTIC VIOLENCE IN METROPOLITAN CITIES: CASE STUDY.**

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'Domestic Violence against women', is a term which has now a very common stance when it we talk of India. But the question what exactly we mean by this very term or to what extent we scale this term Domestic Violence as? The general Definition of Domestic Violence says that it is that form violence that is faced by a person from her relative mostly from the male member of the family. As informed by the National Family and the health survey of 2005 the entire lifetime predominance of domestic violence was 33.5% and 8.5% for sexual violence among women aged 15–49. The illustration of this form violence was testified to be the lowest among Buddhist women, and it is highest amid the Muslim women in India. Despite a study in the year 2014 namely "*The Lancet reports that the reported sexual violence rate in India is among the lowest in the world, the large population of India means that the violence affects 27.5 million women in their whole lifetime*"(). In the earlier statement I have quoted "*the Lancet Report states the reported Sexual Violence rates in India are Lowest Among the world*", but that reported rate may not be the original rate because most of the cases of Domestic Violence does not get reported at all.

Now we can look into the matter that what include within this sphere of Domestic Violence –

Section III of the Domestic Violence Act of 2005 states that the clause that constitutes Domestic Violence follows, which we can say Domestic Violence includes -

(a) Threats to health, safety, life etc, whether mental or physical including physical Abuse, Sexual abuse, emotional or verbal abuse or any form of economic abuse; or

(b) Any forms of Harassment through harm such as injuries to the aggrieved person by coercing her or any other person related to any unlawful demand for dowry or other property or any form of security which is valuable; or

(c) Otherwise injuring or causing harm, through physical or mental means to the distressed person.

When look at the section (a) we find the two terms sexual abuse and physical abuse has been used separately. So from this we can deduce that physical abuse does not necessarily mean sexual abuse. Or many a times these two terms are been used interchangeably. But in section (a) these falls also under the category of mental abuse but here my question is how we include sexual or physical abuse with in this broader term of mental abuse. It necessarily may not mean so. A woman who is getting physically or sexually abused may have a stronger mind, she might be strong enough to overcome these abuses mentally and fight against it when required. Or it is also possible that her mental strength gives her the necessary strength to fight against these wrong doings.

Again looking at the section (b) I have to raise a question that why unlawful demand includes only demanding 'dowry' or 'other property'. Unlawful demand can also be defined as demand to celebrating the wedding ceremony in an exaggerated manner. These forms of demand are often raised from the family of the groom. The few customs that a girl has to follow during the occurrence of the marriage is disparaging for the dignity of the girl. For instance in West Bengal in Bengali marriages there is a custom '*somprodaaan*' that means a father hands over the girl from himself to the groom. Here my question is the girl an object who can be handed over to someone by someone else? This very notion is also very pejorative for the woman which is equivalent to violence against her. Rather I would say these customs are inbuilt in the society is to demean a woman and helps to build the root of violence.

The Protect against Domestic Violence Act was taken up in the year 2005. This is an Act to provide for more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto. How far the implementation was done is matter of question now.

The subaltern school has also developed theory of feminism which is mainly built to reveal these wrong doings against women in the society, to upgrade the status of the women, to bring in woman empowerment. But why did we need a separate discipline to bring about this awareness? Another question which is very pertinent over here even after developing such theories has the position of women improved in the Indian Society. Cases of Domestic violence are very much applicable in the rural sectors and metropolitans of the country. Education brings in awareness with in society.

In the metropolitans of the society as in the urban space the rate of Domestic Violence has increased in the due course of time. The World Health Organization reports that the proportion of women who had ever experienced physical or sexual violence or both by an intimate partner ranged from 15% to 71%, with the majority between 29% and 62%. (The report of 2005 -2010)

India's National Family Health Survey-III, carried out in 29 states during 2005-06, has found that a substantial proportion of married women have been physically or sexually abused by their husbands at some time in their lives. The survey indicated that, nationwide, 37.2% of women “experienced violence” after marriage. Bihar was found to be the most violent, with the abuse rate against married women being as high as 59%. Strangely, 63% of these incidents were reported from urban families rather than the state's most backward villages. It was followed by Madhya Pradesh (45.8%), Rajasthan (46.3%), Manipur (43.9%), Uttar Pradesh (42.4%), Tamil Nadu (41.9%) and West Bengal (40.3%).(6)The trend of violence against women was recently highlighted by the India's National Crime Records Bureau (NCRB) which stated that while in 2000, an average of 125 women faced domestic violence every day, the figure stood at 160 in 2005.

In most of the cases only violence that the women face after marriage gets reported officially, but a woman also face domestic violence before marriage. In some cases we witness that many girl before marriage also faces these forms of violence ad also at their old ages. These reports does not get reported, supposedly a girl staying at a metropolitan space, educated in her qualification, gets a job in a call center or at any corporate sector that means he might have to return at late night from office. The parents do not allow her and she is forced to reject the job – this is also a

form of domestic violence by creating a mental pressure from the home. If the girl is forced to get married is also a form of domestic violence. As told earlier domestic violence does not necessarily mean that the girl has to get beaten, she can be mentally pressurized also, even that falls under the purview of domestic violence. A girl child abuse is also a form of Domestic violence. Take for example the issue of violence against women (VAW). Despite a massive surge in levels of education, gender awareness and stringent pro-women laws, VAW continues unabated across the world.

According to a new four-nation survey by Action Aid, an NGO, women around the world experience harassment for the first time at a shockingly young age with 6% experiencing harassment before the age of 10 in India. More than four in 10 women (41%) in India experience harassment or violence before the age of 19. “Cross country findings suggest immediate actions are needed on part of societies and governments to curb harassment and violence against women. While awareness on rights of women, women’s abilities and potential has seen incremental advances over the last decades, we are still a long way off to realize a promise of a just and equal world for half of our humanity,” said Sandeep Chachra, executive director at Action Aid India .

A general Idea is persisting all over that Woman in a urban space has face less domestic violence that in the rural as openings are less in the rural space. But how far this idea is true should get noted. Though there are various NGOs who are working against Domestic Violence. In Bengal NGOs like Swam or in Delhi the NGO for example Jagori is working for Domestic Violence and Violence that a woman faces in the street roads etc.

The National Capital Territory of Delhi is one of the rapidly growing cities in the world where violence against women and girls in public spaces has emerged as a major developmental challenge. While Delhi has been leading the pack with respect to many urban innovations, it has not been able to successfully tackle the problem of gender-based violence, especially in its streets, squares, parks and public transport systems. This lack of safety for women, both experienced and perceived, significantly undermines their Right to the city – the right to move around freely; to use and access public spaces and services; to make choices about their place of

residence, work, or leisure; and more broadly, to make the best of the opportunities the city has to offer.

In order to address this complex and challenging problem, the Department of Women and Child Development, Government of Delhi, joined hands at the end of 2009 with Jagori, an NGO working on raising awareness for women's equality, empowerment and safety, the United Nations Human Settlements Programme (UN-HABITAT) and the United Nations Development Fund for Women (UNIFEM), to attempt to both understand the extent and nature of the problem, and to take steps to deal with it.

An article named Gendered and Family Dynamics says *“On an average, women in this age group had 3.85 children in their reproductive years. Educated women and women in urban areas have fewer children than women with lesser education and those in rural areas. Interestingly, although fertility is lower in richer families than poorer ones, this difference is far smaller than that associated with women's education. Women in Kerala and Tamil Nadu have the smallest family size, and those in Uttar Pradesh, Bihar, and Rajasthan have the largest”* ( statistical Data 2005)

In this above statement it has been mentioned that educated section of Women in the urban space has less children and their fertility is also lower than that of the woman in the rural space.

There is also a major thing that has to be brought into the notice that a marital rape in India is not considered as criminal. My question is why? This very act is a form of domestic violence and this particular law is can also be termed in favor of domestic violence. India's rape law, which makes an exception for cases where the perpetrator is the husband, has its origins in the common law. Section 375 of the Indian Penal Code, which defines rapes and also makes an exception for marital rape by stating, “Sexual intercourse by a man with his own wife, the wife not being under fifteen years of age, is not rape.

The report of the Times of India has stated that has topped the list of domestic violence incidents, according to National Crime Records Bureau (NCRB)'s initial report for the year 2016.

According to the report, West Bengal and Uttar Pradesh ranked first and second, respectively. It also said that over 34,205 cases of crime against women have been reported during 2016, 59% or 20,265 of which were cases of domestic violence.

However, the figure might vary in the final report of NCRB which is expected to be released by the end of this year. "West Bengal, in 2016, saw a total of 21,619 people being arrested or being involved in domestic violence. The cases were mostly of wife beating, demand of dowry, instigation to commit suicide," the report said. Meanwhile, experts claim that "awareness has encouraged women to report violence against them." "Awareness about domestic violence has encouraged many women to come out of the shell and report incidents. We are trying to make more and more aware of their rights, said, State Women Commission Leena Gangopadhyay.

The number of domestic violence cases reported in the state has been increasing steadily with Pune, Mumbai, Nashik and Ahmednagar districts leading the chart, says a report released by state Commissionerate of Women and Child Development.

In Pune district, the number of domestic incident reports (DIR) has gone up from 31 in 2009 to 220 in 2013 - a seven-fold rise. A DIR is one made on receipt of a complaint of domestic violence from an aggrieved person. Filing such a report is mandatory under the Domestic Violence Act of 2005.

Experts, however, say the increase in the number of DIRs is because more women are coming forward to register complaints. Most DIRs were filed in cities like Pune, Mumbai, Aurangabad and Nashik. In Pune district, the number has increased over the last few years: from 31 in 2009 to 51 in 2010; four in 2011; 193 in 2012 and 220 in 2013. In Mumbai city, close to 88 cases were reported in 2009. The number rose to 139 in 2013 (from January 2013 to September 2013). In Sangli, DIRs went up from 49 in 2009 to 208 in 2013 while in Ahmednagar, it was 36 in 2009 and 110 in 2013.

By this we can easily take a glimpse of the situation that how far domestic violence is raising in the metropolitan cities like Pune, Mumbai, and also Kolkata. It has now a days nothing to relate to the education or awareness of the female or the male family where the girl gets married to. The government of India is much muddled with the status of domestic violence. As they have considered marital rape to be legal. It has been also ruled by the Supreme Court, the highest judicial office of India that Marital Rape after the age 18 is not illegal. It one of the top most organs of the government has such a say then what can happen to these wrong doings of the society of such a country.. Going by act of 2005 it can be said that physical abuse is form

domestic violence and is illegal. My question is rape not a form of physical abuse? The government is itself not clear about this idea. If the government is itself not clear about this idea what can happen to citizens of such a state?

An important case study of Kolkata - They were classmates at an MBA institute in Orissa. She came from Gujarat, he from Bengal. She was the more talented one, he the more domineering. When Ankita and Arnab decided to get married, little did she realize that years of trauma lay ahead of her. It had nothing to do with their different communities. For more than a decade, Ankita has been a victim of domestic violence. She was abused physically and mentally from the first year of marriage, but for years this 37-year-old marketing executive chose to bear it all quietly and “save” the marriage. She knew the law, had money in the bank, but social pressure and her own mindset forced her to drag on the harmful relationship. Ankita is not the only one. Many women like her — educated, economically independent and professionally successful — are victims of domestic violence, no less than women who haven’t had access to education or a job. Sometimes professional success — and this is a growing concern as more women join the workforce every day — is the very reason why women are abused.

The Protection of Women from Domestic Violence Act was passed in 2005 to safeguard women from such violence. Since the laws and the various clauses within the act is not vividly explained some activists and lawyers claim that even the most so called “liberated” women are either unaware of what constitutes abuse in the eyes of law.

For every reported case there are several unreported ones. “They are just the tip of the iceberg,” says Anuradha Kapoor, director of Swayam, a women’s rights organisation. The reported number indicates the magnitude of the crime and the fact that it is rising. Activists stress that domestic violence is on the rise. The state of West Bengal though reputed to be fairer than some others in its treatment of the fairer sex, reported 13,663 domestic violence cases, the highest in the country, in 2008, according to the National Crime Records Bureau records. The report added that torture cases in the country had increased by 7.1 per cent over the previous year’s 75,930 cases.

Of the cases recorded, only 15 per cent are complaints from women who are economically independent, says Malini Bhattacharya, chairperson of the state women's commission. "The bulk of the victims are those who have no monetary support. But since the incidence of domestic violence has increased sharply in the last three years, the number of professionals alleging torture from their spouse is also on the rise," she said.

Even if she is educated and "empowered", living in a city, it takes a long time for a woman to walk out of the marriage. According to the social welfare department, around 2,930 cases of domestic violence have been reported under the Act. Calcutta, North and South 24-Parganas and East and West Midnapore have seen a spurt in such cases since 2008. "You can have an MBA degree and you can be raised in a liberal background, but you don't run to the police at the first sign of violence," says Ankita. She was concerned about "spoiling" her brother's choices in the marriage market in case she got a divorce. "But one day he punched me in the eye in front of my daughter. That's when I decided that if I don't leave my husband now, my daughter will consider violence as a normal thing between a couple," says Ankita, who now lives separately with her daughter in a rented apartment.

An earning woman remains a problem. As it was for Nandita Saha, who had married her colleague. Nandita, 35, now working in an advertising agency, says she liked it secretly when her husband, then her boyfriend, would be possessive about her.

But after marriage, he turned violent. His behaviour seemed psychotic in a way defined by films.

"He would give me flowers and cry over my shoulder in repentance after each violent spell," says Nandita. She was not even allowed to meet her parents or friends. Even at work she could talk to her colleagues only with the assent of her husband, who was still her colleague. "I had to take up another job that paid me half of what I was getting, as it did not entail long hours. Whenever I protested, my husband would beat me," says Nandita. She finally walked out the day her husband almost broke her spinal cord.

It usually takes a woman years to rise above the dilemma in her mind. “After each spell of violence, when he would give me flowers, take me out and say how sorry he was for losing his temper, I would feel confused. I felt then that maybe I was imagining the horror. Maybe these were just problems of the early years of a marriage,” says Nandita.

Activists, in fact, feel that middle-class and upper middle-class women feel more inhibited to turn to help. Their “shame” is greater. They do not become properly aware but tend to get class aware.

“Professionals and upwardly mobile women seldom approach an organisation for help. They prefer dealing with it themselves. Approaching us is always the last resort,” says Kapoor of Swayam. “We often get phone calls from working women who speak of abuse, but few of them make it through our doors. Even though they have monetary support, most never walk out on a bad relationship. In fact sometimes they get thrown out by the spouse,” she adds.

An MNC executive had approached the organisation. She earned much more than her husband. Yet it took her years to identify that what she was going through at home amounted to abuse. The woman’s husband had slowly isolated her from all her friends. He monitored her movements. She was hardly permitted to meet her own parents. She even faced sexual abuse. But at the end, the husband always convinced her to stay in the relationship.

“The woman is still fighting the demons in her mind and dragging her marriage, though it is costing her her career, health and family,” says Kapoor.

A social activist, who was a victim of violence herself, says complex motives hold the woman back deliberately from recognising what is happening to her. Most of the abusing men cannot

accept the fact that their women are not under their wings. If she earns, she should also be the “wife”, the submissive partner.

“However strong we are at our workplace, sometimes we are programmed to be submissive at home. We feel guilty when we do not meet our husband’s requirements, however unjust they are. Society tells us to make compromises and we do it often not knowing we are being manipulated,” says the activist. As long as we do not come out of our so called guilty feeling we won’t be able to fight against this form of violence. Abuse is thought of as a “relationship” issue, something that can be resolved, presumably, with patience on the woman’s part. Successful women are also held back by the “how could this happen to me” factor. The need of the hour is emotional empowerment. “The law is there to help women. But there should be emotional empowerment too to help women charge an abuser. That is missing even among urban women,” says women’s commission chairperson Bhattacharya.

Marital rape is a major area of concern, she adds. “The Protection of Women from Domestic Violence Act is the only law that enables a woman to complain against her husband on the grounds of marital rape. One of the first cases that we took up dealt with sexual violence. Again many educated women undergo marital rape for years, thinking that’s their fate,” says Bhattacharya.

According to Bhattacharya, who stresses that economically independent women constitute only a small part of the victims, since 2008, more and more women have approached the women’s commission claiming domestic violence. But at the end, many fail to charge their abuser.

“Most women are emotionally dependent on their abusers. The men may be aggressive in phases, but suing them is not on the women’s mind,” she adds. The social welfare department says that around 409 survivors of violence are availing legal aid from the government. Bank employee Sahana Chatterjee, 37, is also seeking legal help. She is filing for divorce after having been asked for years to “adjust” to the demands of her marriage by her mother, a social worker herself. “My husband would squander his money in nightclubs and parties. He would come home drunk and beat me up. My salary would run the house, yet I was abused for not doing any housework,” says Sahana. “When I protested, my husband and in-laws would say women should never be so educated and headstrong. I started believing that maybe the fault lay with me,” she adds.

And 30-year-old doctor Ananya Vaidya still hopes for the future. Her husband of a year alternates between ignoring her totally and ridiculing her in public for being too “thin and dark”. She hints at physical violence too. But she believes that she is only going through “relationship crisis” that will get better with time.

(Some names have been changed on request)

To create awareness about domestic violence, 22 NGOs under the Bengal chapter of Aman.

There is always a time in our life when we should repark back. Otherwise wrongdoings against us shall increase with the due course of time. The 1<sup>st</sup> problem regarding this is that there is only one law regarding domestic violence. That is the act of 2005. The 2<sup>nd</sup> problem is that the 3 sub clause under the law is not vividly explained. Like for instance how do we define emotional abuse or physical or sexual abuse is not properly explained. Question can be raised is sexual abuse is not a form of mental or physical abuse. It is definitely a physical abuse but whether it is a mental abuse that completely is determined by the victim, how strong is she is to yield it up. Since these subsections are not properly explained lawyers cannot explain this when needed and the victim remains unaware of its interpretation and gets more victimized. To do away with this form of the domestic violence the very thinking root of the Indian society has to be changed. Like the concepts of ‘Samprodaan’ as said earlier or the preconceived notions like remaining submissive in front of the husbands, or the culture of serving the husband compulsorily – has to change. As long as the thinking root is not altered no transformation will come about in the laws of the government and finally within the people.

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