

# STILL A NIGHTMARE FOR DOMESTIC VIOLENCE SURVIVORS

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'The state is failing women' | Photo Credit: Special arrangement: Priyadarshini Ravichandran

Just ahead of the International Day for Elimination of All Forms of Violence against Women (November 25), the brutal murder and mutilation of a young woman by her partner has drawn attention to intimate partner violence, also recognised under the Protection of Women from Domestic Violence Act 2005 (PWDVA) as a kind of domestic violence. Many questions are being raised. Why did she choose him? Why did she not leave? As evidence of her help-seeking efforts surface, we should also be asking this: why were these not effective?

Domestic violence is a punishable offence under Indian law. It is a violation of human rights. Yet, the latest round of the National Family Health Survey-5 (2019-21) reveals that we live in a society where violence against women persists to such an extent that 32% of ever-married women aged 18-49 years have ever experienced emotional, physical, or sexual violence committed by their husband, with more rural than urban women reporting experiences of domestic violence. This does not even capture the prevalence of violence by other family members too.

Over 17 years ago the PWDVA, a progressive legislation, was passed, promising a joined-up approach — involving civil and criminal protections — to support and protect women from violence within the household, not just from husbands. But despite the law existing on paper, women are still largely unable to access the law in practice. Its promise and provisions are unevenly implemented, unavailable and out of reach for most Indian women.

The most disheartening reality is that despite almost a third of women being subject to domestic violence, the National Family Health Survey-5 (2019-21) reports that only 14% of women who have experienced domestic violence have ever sought help; and this number is much lower in the rural areas. In a country where domestic violence is a crime, where there are multiple laws explicitly designed to protect women against violence, why is it that most women survivors of domestic violence never seek help?

Our research in Maharashtra, West Bengal and Tamil Nadu aims to better understand 'help seeking' and the everyday realities, obstacles, prejudices and fears that women experience around sharing and reporting experiences of violence. Simple and well-meaning questions — “Why didn't you leave earlier?” “Why didn't you tell someone about the violence earlier?” — can have the most complicated and contradictory responses.

Women were hopeful that things would change, that they could change their husband's behaviour, that he would listen to them. Crucially women did not want to be a 'burden' on others, in particular their families. 'My mother has a lot of worries, she has her own life so I didn't want to add to her own worries, with mine.' By naming the violence they experienced, women believed that they would become 'a problem' or a source of 'tension' for their families, in bringing them shame and dishonour, irrespective of the survivor's level of education, caste, or class. For migrant women, transpeople or those with several sisters, or ill, older or deceased parents, it was felt even more acutely that the perpetrator's violence was their individual responsibility to manage.

When it comes to help seeking, we found two main groups of women — those who shared experiences of violence within six months, and those who shared after five years or more. The first group of women mainly turned to their parents who, in a majority of cases, insisted on their daughter preserving the family environment which they should do by 'adjusting' to, or accommodating their husband's (and his family's) needs better. In a minority of cases, the daughter's welfare was prioritised over the well-being of the 'the family' and steps were taken to help mediate or exit the relationship, and much more infrequently approach the police and lawyers.

For survivors who took longer to seek help, the actions of relatives or neighbours who witnessed the violence were often pivotal in transforming their situations. So were key 'turning' or 'tipping' points such as a survivor's heightened concerns for their children's safety, the discovery of a husband's affair or when violence became “too much” and required medical assistance. Waiting until such a point before seeking help was more likely for survivors who struggled to imagine exiting a relationship due to financial insecurity and/or patriarchal norms concerning property ownership.

So ingrained are social norms about gender inequality that NFHS-5 data reports that women are more likely than men to justify a scenario in which it is acceptable for a husband to beat or hit his wife. As one interviewee explained, 'the way we are conditioned, it was hard to complain about any suffering'. Though survivors who did (finally) confide in relatives and friends about domestic violence described feeling a 'sense of a relief' and that a 'burden had been lifted', giving them new 'hope' that things might change.

Whilst sharing experiences of violence was an incredibly powerful step for women, actually transforming their violent domestic experiences and accessing services and support provided by the state and non-state actors proved to be an arduous roller coaster of emotions, promises, uncertainty, fear and disappointment. With few safe houses across India, the simple reality was that many women have nowhere else to go, and access to legal justice through the courts was a material possibility only for women with independent wealth and connections or those supported by specialist non-governmental organisations.

So, for many survivors, transforming their situation depended on securing their economic self-sufficiency by pursuing new skills and livelihood opportunities.

Women who reported experiences of violence to the police were cynical about the outcome. Though a small minority had positive experiences, for the majority of those we interviewed, the

police were part of the problem rather than a solution to violence. Across the States, we heard that the police were more likely to send women back to violent households to reconcile with the perpetrator or use violence against perpetrators as a deterrent instead of filing an official complaint or connecting women to protection officers and other service providers, as the PWDVA outlines they should. Several States are yet to implement Protection officers. And where they are in post, they are under resourced, under-skilled and overworked, making their remit impossible.

While sharing experiences of violence was a powerful step for women, accessing services and support often resulted in uncertainty, fear and disappointment.

Women know all too well that the state serves patriarchal and heteronormative interests first. The state is failing women. Even whilst its legislature recognises that domestic violence is a crime, and civil remedies exist through protection orders, managing the fallout of domestic violence is still being subcontracted to survivors and the family. That is the biggest crime being committed against women today.

Philippa Williams, Swarna Rajagopalan, Girija Godbole and Ruchira Goswami are members of the Surviving Violence research project. Visit: [www.survivingviolence.org](http://www.survivingviolence.org)

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