

Chapter 7

CONCLUSION

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The right to equality is a fundamental one. However, the institutional forces arraigned against it are equally powerful and exert control and shape peoples mindsets. Factors like caste, class, community, religion, locality, family, occupation all combine to affect women and men alike, making them accept gender inequality as something given without the need for questioning.

It was this aspect that prompted this study. One of the major objectives – and the greatest challenge – of this study was to maintain cross-setting comparability, by ensuring that the same issues and concepts were explored and analysed in the same way in each participating category.

International research indicates that women's willingness to disclose violence is influenced by a variety of Respondent characteristics, including sex, age, marital status, attitudes, and interpersonal skills. The questions in the survey were therefore set keeping these factors in mind.

I. ANALYSIS OF QUESTIONNAIRE

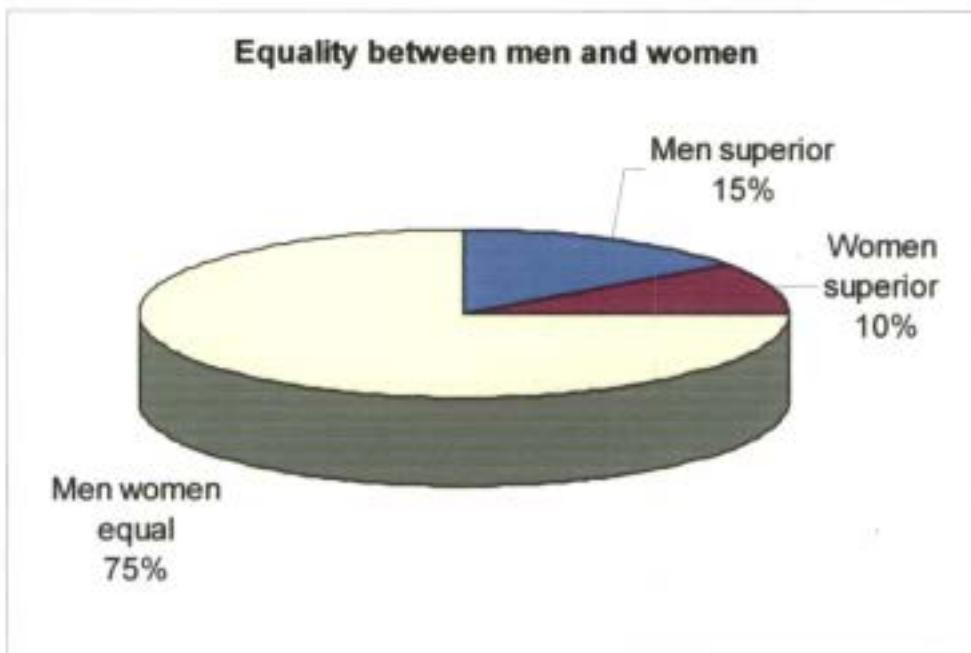
TABLE 1 : Profile/Characteristics of the Respondents

| | Age | Qualification | Profession | Marital Status | Income | Background |
|---------------------|-----|---------------|------------|----------------|--------|------------|
| 20-30 yrs | 20 | | | | | |
| 30-40 yrs | 30 | | | | | |
| 40-50 yrs | 30 | | | | | |
| 50+ yrs | 20 | | | | | |
| Illiterate | | 15 | | | | |
| School Dropouts | | 30 | | | | |
| Graduate | | 10 | | | | |
| Masters | | 45 | | | | |
| Non-working | | | 50 | | | |
| Working | | | 50 | | | |
| Never Married | | | | 10 | | |
| Married | | | | 75 | | |
| Divorced/Separated | | | | 15 | | |
| Lower Income Group | | | | | 50 | |
| Middle Income Group | | | | | 35 | |
| Higher Income Group | | | | | 15 | |
| Rural | | | | | | 50 |
| Urban | | | | | | 50 |

The survey was divided in 3 parts. Part I was about the profile of the

Respondents. Part II was about the thoughts of the Respondents with regard to the status of women in society and gender equality. Part III was about the thoughts of the Respondents regarding law on domestic violence and state protection. A total of 100 female Respondents were interviewed.

In answer to Question No. 1 of Part II about the superiority of men or women or of equality of the same, atleast 15 women Respondents asserted the superiority of men. While 10 emphasised the superiority of women, the remaining 75 believed both men and women to be equal.



More surprising were the answers to the questions related to marriage and matrimonial rights. In answer to Question No. 2, whether the Respondents would marry as per their family's choice or on their own choice, a whopping number of 50 women decided to go by family's

choice. It is important to note that 40 of these 50 women belonged to lower income groups with rural background. They were either uneducated or school dropouts and were non-working. 10 women of the total Respondents, voted in favour of both own and family's choice, while 25 women voted in favour of own choice alone. It is important to note that 8 of these 25 women belonged to lower income group. Some of them were illiterate and working as a domestic help, while others were lesser educated and non-working. But the commonality between them was that they had suffered domestic violence at the hands of their husbands and in-laws and had been deserted by them. Strikingly 15 women refrained from answering the question at all. These women were the ones who belonged to higher income group, were educated with a minimum educational qualification of Masters. These women were also working and were financially independent.

With regard to Question No. 3 that asked the meaning of marriage as understood by the Respondents, only 5 women replied that marriage is an agreement or contract between a man and a woman. These Respondents also added that both husband and wife have equal rights in such a relationship. The remaining 95 women believed marriage to be either a "sacrament" or "a relationship of many lives between two individuals".

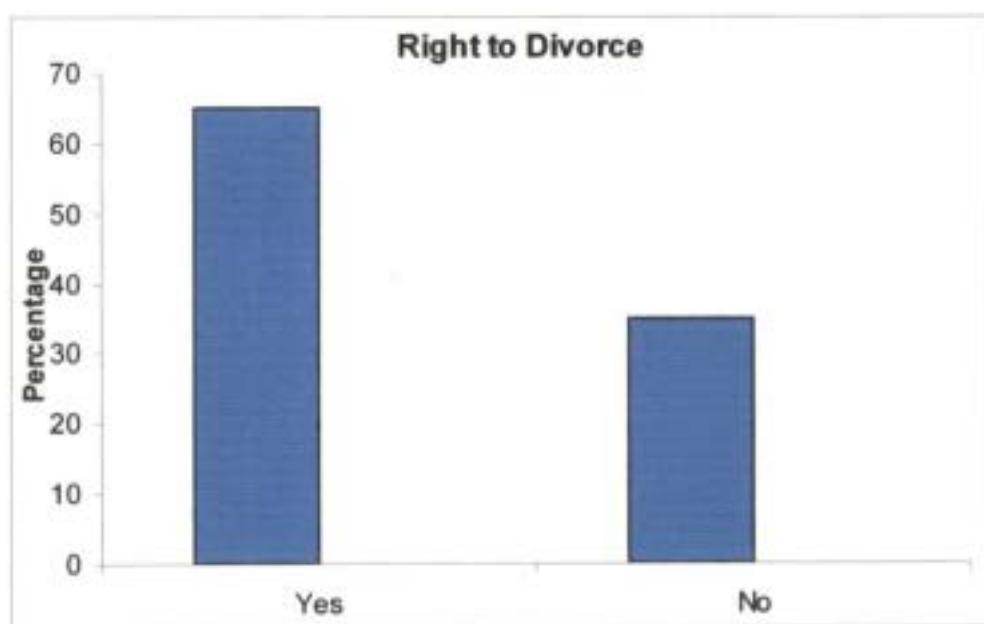
To the question No. 4 that asked the purpose of marriage, 45 Respondents replied that it is "mutual co-operation". 30 women stated it is "fulfilment of social responsibilities". 10 women voted for both, while 5 stated "for reproduction". 10 women opted for all 4 given options of reproduction, sexual satisfaction, mutual co-operation and fulfilment of social responsibilities.

For Question No. 5, that sought reasons as to why marriage is essential, majority of them said for social or religious reasons. Some also answered for company and for leading social and moral life.

| Questions: | Yes | No | Not Answered |
|---|-----|-----|--------------|
| 6. Should a couple have right to divorce in case of failure of marriage? | 65 | 35 | 0 |
| 7. Is dowry essential for marriage? | 95 | 5 | 0 |
| 8. What are the advantages of dowry system if yes? | 35 | 50 | |
| 9. Should women have right to decide the number of children and the spacing between them? | 100 | 0 | 0 |
| 10. Is beating of wife justified on any ground whatsoever? | 0 | 100 | 0 |
| 11. Does violence against women has religious or cultural sanction? | 15 | 85 | 0 |

In answer to Ques. No. 6 of Part II of the questionnaire, 65 Respondents agreed that a couple should have a right to divorce in case of failure of marriage. 50 of these Respondents belonged to the educated and

higher income group, while 15 belonged to uneducated/lesser educated, working/non-working, lower income group. The other 35 who disagreed with the preposition were the ones who were either illiterate or school dropouts and belonged to the lower income group.



In answer to Question No. 7 of Part II regarding the necessity of dowry for marriage, all of 95 Respondents answered against it. However, 5 Respondents stated that dowry is essential.

When asked about the advantages of dowry system (Question no. 8), 35 Respondents stated that it helps the girl in establishing her household. It also prevents the girl from being tortured in her matrimonial home. 6 of these 35 Respondents also said that there is no harm in dowry as long as there is no demand. It is noteworthy that 3 of the 35 Respondents who voted in favour of dowry belonged to the educated,

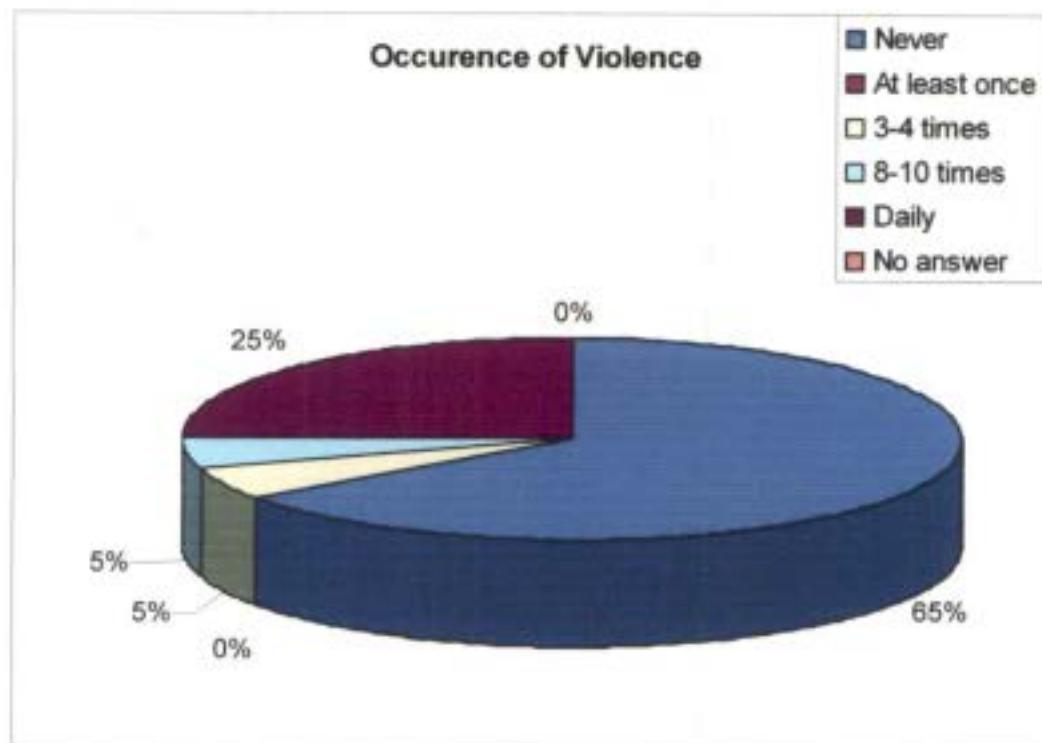
higher income group, while the remaining 17 were from the lower income group. 50 of the total Respondents said there was no advantage in dowry system, while 15 Respondents did not answer the question.

All 100 Respondents without exception answered positively in favour of the reproductive rights of women. Question No. 9 of Part II that asked "if women should have the right to decide the number of children and the spacing between them?" shows that whether educated or uneducated, working or non-working, rural or urban, women from all backgrounds were unanimous as far as reproductive rights were concerned.

In Answer to Question No. 10, all 100 Respondents disagreed that the wife should not be beaten on any ground whatsoever. However, 70 strongly disagreed. Answer to Question No. 11, about the violence against women having religious and cultural sanction, 15 Respondents agreed with the preposition, while the remaining majority of 85 strongly disagreed.

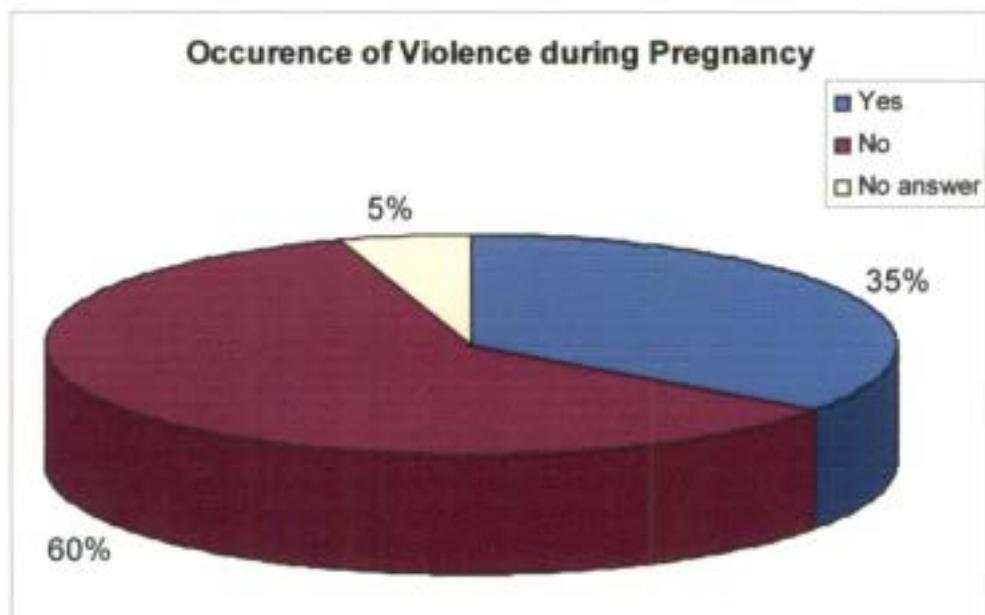
| | Never | Atleast once | 3-4 times | 8-10 times | Daily | No Answer |
|---|-------|--------------|-----------|------------|-------|-----------|
| Ques. 12. Has physical violence or verbal abuse occurred in your matrimonial home/ anyone known to you? | 65 | 0 | 5 | 5 | 25 | 0 |

Question No. 12 and 13 are crucial to the survey. Question No. 12 asked the Respondents if they had themselves experienced physical violence or verbal abuse in their matrimonial home or have seen anyone suffering from the same. 35 women admitted to having witnessed it in a friend's or neighbour's home, despite the fact that 6 of these women had been deserted by their husbands and had suffered badly at their hands, yet they preferred to mention their friend and neighbour instead of themselves. Out of these 35 women, 1 belonged to the educated, working/non-working and middle/upper income group. 65 women had never witnessed any kind of violence either in their own home or anyone known to them. 21 of these 65 women belonged to the educated, working and higher/ middle income group.



Answers to question No. 13 where quite surprising. 35 women admitted to having witnessed a woman suffering violence during pregnancy. Out of these 35, 10 women had said in the previous question that they had never witnessed violence at all. The remaining number of 60 Respondents did not witness any violence during pregnancy. 5 did not answer the question.

| | Yes | No | No answer |
|--|-----|----|-----------|
| Ques. 13. Have you/anyone known to you faced domestic violence during pregnancy? | 35 | 60 | 5 |



An important question (No. 14) regarding whether the marital rape or forced sex by husbands be made punishable, a surprising number of 25 women did not want it to be made punishable, while 75 wanted it to be

made punishable. Out of the 25 women who did not want it to be punishable 10 of them belonged to the educated, working and middle income group.

| Question: | Yes | No | No Answer |
|--|-----|----|-----------|
| 14. Should marital rape or forced sex by the husband with wife be made punishable? | 75 | 25 | 0 |

The last two questions of Part II of the survey i.e. Question No. 15 and 16 were : Ques. No. 15 was whether women exercise right to vote on the advise of their husbands, independently or do not vote at all because of household chores. 60 Respondents stated that they vote independently. 15 of these belonged to the lesser educated, lower income group. 30 women voted on the advice of their husbands. Surprisingly 5 of these 30 women were educated, working and belonged to middle income group. 10 women who did not caste vote due to household chores belonged to uneducated, lower income group.

In answer to Ques. No. 16, 30 women jointly owned property with their husbands. 5 of these women belonged to the uneducated, lower income group while the remaining belonged to educated, middle/higher income group. 25 women owned property in their own name. 5 of them belonged to the uneducated, lower income group. 10 women belonging to the uneducated, lower income group stated that only husband owns

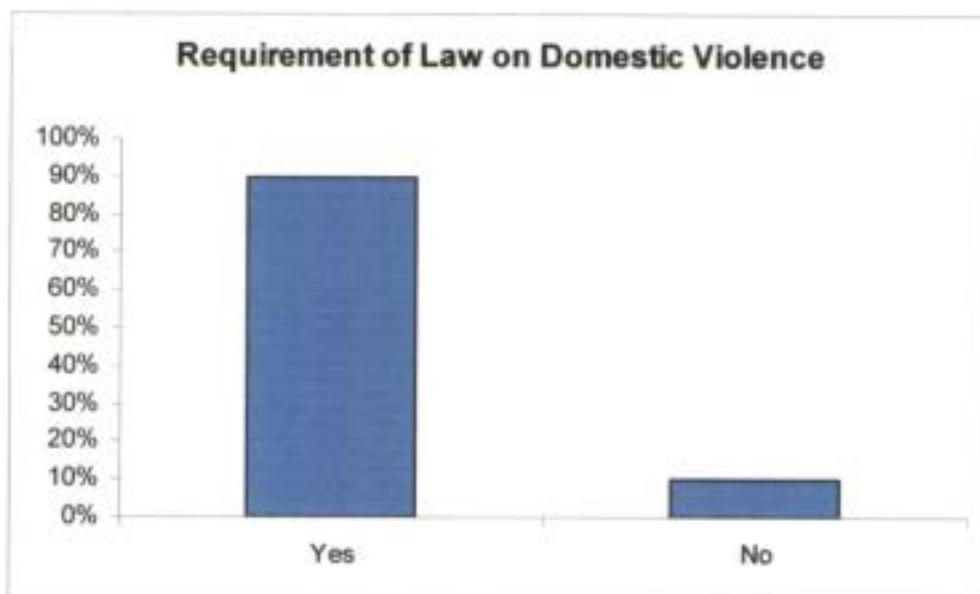
property. 30 women belonging to the same category did not own any property at all either in their own name or in their husband's name. 5 women belonging to the educated higher income group owned property in their own name as well as jointly with her husband.

Part III of the survey dealt with the rights of women under the law in general and also under The Protection of Women from Domestic Violence Act, 2005.

| Questions: | Yes | No | No answer |
|---|-----|----|-----------|
| Ques.1. Should perpetrators of Domestic Violence be punished ? | 90 | 10 | 0 |
| Ques.2. Should there be a law to prevent domestic violence at home? | 90 | 10 | 0 |
| Ques.3. Are you aware of the existing law on domestic violence i.e. "The Protection of women from Domestic Violence Act, 2005"? | 45 | 55 | 0 |
| Ques.4. Would you complain against your husband /in-laws in case of occurrence of domestic violence at home ? | 35 | 65 | 0 |
| Ques.5. Have you or anyone known to you made a complaint under the "The Protection of Women from Domestic Violence Act, 2005"? | 20 | 80 | 0 |

In answer to Question No. 1 of Part III, 90 women Respondents were unanimous that the perpetrators of domestic violence be punished except for 10 of them. These 10 belonged to the lesser educated, lower income group. In Answer to Question No. 2 again 90 women agreed that there should be law to prevent domestic violence at home. The remaining 10 women however refuted the requirement of having a law to prevent

domestic violence at home. 5 of these women belonged to the uneducated/lower income group and half to the educated/higher income group. Surprisingly these 5 women had stated in the previous question that the perpetrators of domestic violence should be punished.



Question No. 3 had 45 women who were aware of the new law on domestic violence i.e. The Protection of Women on Domestic Violence Act, 2005. All of them belonged to the educated, middle and higher income group, both working and non-working, except for 5 of them who belonged to educated but lower income group. Of the remaining 55 women who were not aware of the law only 10 belonged to the educated, higher income group, half of whom were working and the other half were housewives. Rest all belonged to the uneducated, lower income group, both working and non-working.

Ques. No 4 was also one of the crucial questions for the survey. 35 women said they would complain against their husband/in-laws in case of domestic violence at home. Of these a staggering number of just 20 women belonged to the educated, working/non-working and middle/higher income group. The remaining 15 belonged to the uneducated, working/non-working and lower income group. 65 women from the total number of Respondents said they would not complain against their husband/in-laws in case of occurrence of domestic violence. Out of these 65 women, 30 of them belonged to the educated, working-non-working and middle/higher income group. The other 35 were from lesser educated, working/non-working and lower income group.

Question No. 5 that asked the Respondents if they or anyone known to them have filed a compliant under "The Protection of Women from Domestic Violence Act, 2005, had 20 Respondents answering in the affirmative. The remaining 80 answered negatively. Of the 20 who answered in the affirmative, 10 of the Respondents belonged to the educated, working and middle/higher income group. The other 10 belonged to illiterate/lesser educated, lower income group. A subsequent Ques. No. 6 that inquired the result of the complaint filed, the 20 Respondents who had answered Ques. No. 5 in affirmative again did not have a very encouraging reply. 10 of the Respondents belonging to

educated/working and higher income groups wrote that the complaints were still pending. The other 10 women who belonged to uneducated/educated, working/non-working and lower income group had not got any relief till date and 5 of them had to even withdraw the complaint under pressure.

| Questions: | Yes | No | No Answer |
|---|-----|----|-----------|
| Ques. No. 7. Do you think a woman has a legal right to reside in her matrimonial home and monthly maintenance from her husband even if she is thrown out of the house by the husband/in-laws? | 100 | 0 | 0 |
| Ques. No. 8. Do you think women need protection of law even within the four walls of their house ? | 80 | 15 | 5 |
| Ques. No. 9. Are you aware of your rights under "The Protection of Women from Domestic Violence Act, 2005" or in general in situations of violence within home? | 45 | 55 | 0 |
| Ques. No. 10. Do you think the present justice system is gender sensitive and easily accessible to women? | 40 | 60 | 0 |
| Ques. No. 11. Do you think the Indian State has done enough to combat violence against women? | 35 | 65 | 0 |

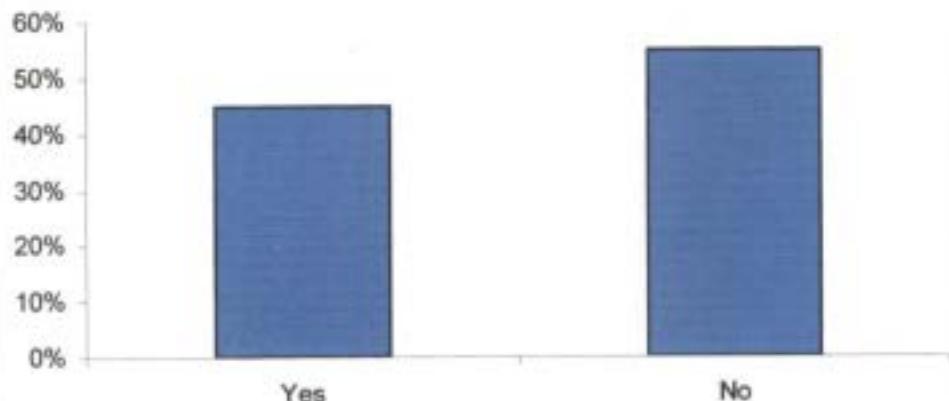
Question No. 7 was the only question that had a positive answer from all Respondents irrespective of their background. All 100 women wanted a woman to be ensured the right to reside in her matrimonial home and monthly maintenance from her husband even if she is thrown out of the matrimonial home by her husband and in-laws.

Question No. 8 of Part III of the survey inquired if the women need protection of law even within the four walls of their homes, 80 women

supported the preposition. Of these 80, 30 women belonged to educated, working/non-working and middle/higher income group, while a majority of 50 women were from uneducated/lesser educated, working/non-working and lower income group. 15 of the total women who did not think the need of having protection of law at home belonged to educated, working/non-working and middle/higher income group. 5 women who did not answer the question at all also belonged to the same category.

For Question No. 9, 45 women stated they were aware of their rights under the Act in reference and also in general situations of violence. 5 among these 45 women belonged to uneducated, working and lower income group. Out of the remaining 55 who were not aware of their rights, 10 belonged to educated, working and higher income group.

Awareness of Rights under the Domestic Violence Act



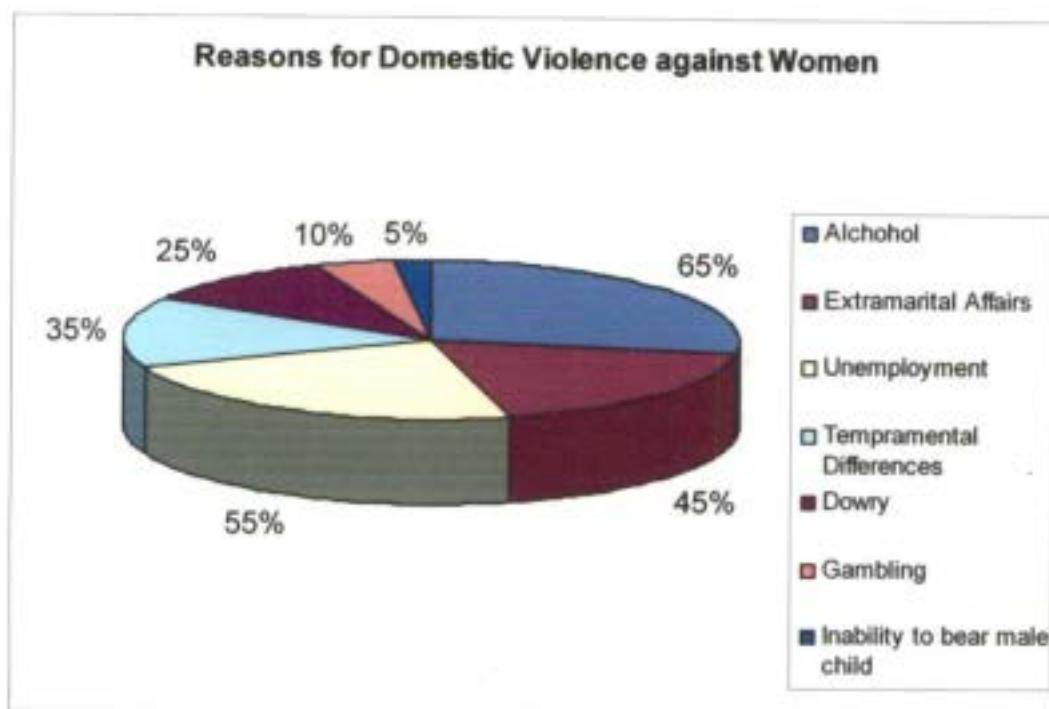
For Ques. No. 10, 40 women said the present justice system is gender sensitive and easily accessible to women. 20 of them belonged to the uneducated, working/non-working and lower income group. Out of 60 of the total Respondents who answered in negative, 30 belonged to the uneducated, working/non-working and lower income group.

Answering Ques. No. 11, 35 women said that Indian state has done enough to combat violence against women. 15 of them belonged to the uneducated, working/non-working and lower income group. Majority of the 65 Respondents disagreed with the same. Among them 35 women belonged to uneducated, working/non-working and lower income group.

Question No. 12 sought reasons for violence against women. Except for 10 Respondents belonging to the educated, working and higher income group who did not answer the question, the remaining 90 gave various reasons which included :

- i. Alcoholism (65)
- ii. Extra-marital affairs (45)
- iii. Unemployment (55)
- iv. Temperamental differences (35)
- v. Dowry (25)
- vi. Gambling (10)

vii. Inability to give birth to male child (5)



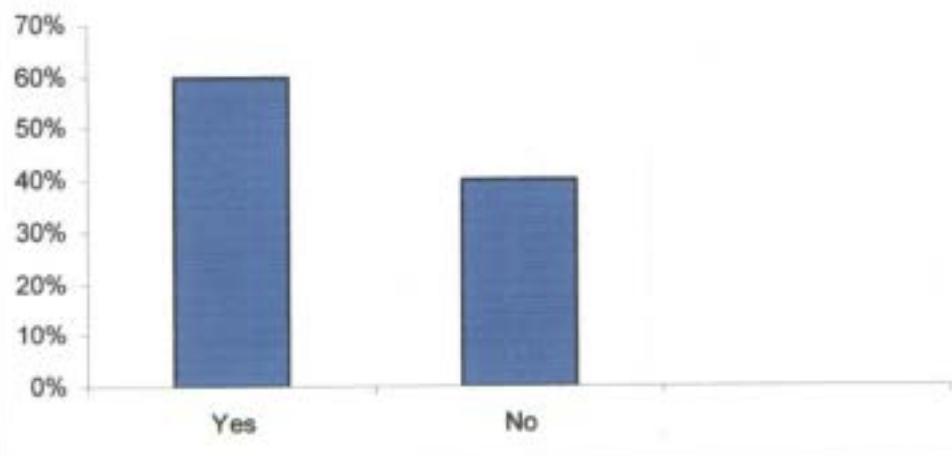
Question No. 13 inquired about the prevalence of violence among 3 categories namely : a) Educated and uneducated b) Working and non-working c) Rural and Urban.

Among the uneducated/less educated, working/non-working and lower income group that comprised 50 of the total number of Respondents, 25 Respondents said it was same in both categories. 25 of the Respondents in the said category stated prevalence of more violence in the “uneducated, non-working and rural” category. Among the remaining 50 of educated, working/non-working and higher income group women, 30 stated more violence among the “uneducated, non-working and rural” category, 5 stated more violence among “educated,

working and urban" category. Another 15 in the same category said it was same in both categories.

Question No. 14 inquired whether domestic violence has any effect on other political and civil rights of women. 60 women believed that it did have effect. Out of these 60, 35 belonged to the educated, working/non-working and middle/higher income group, while the other 25 belonged to uneducated/lesser educated, working/nonworking and lower income group. 40 women believed that domestic violence did not have any effect on other political and civil rights of women. Again out of these 40, 15 women belonged to the educated, working/non-working and middle/higher income group, while 25 belonged to uneducated/lesser educated, working/nonworking and lower income group.

Effect of Domestic Violence on Other Rights of Women



Question No. 15 dealing with three most common effects of domestic violence on the civil and political rights of women had very few answers. Most Respondents did not answer the question despite the fact that some of them had agreed in the previous question that domestic violence had effect on political and civil rights of women. Only 35 women replied to the question. Out of these, 10 were from lower income group. 5 were educated and non-working, while the other 5 were uneducated and working. 65 of the Respondents did not reply out of which 25 of them belonged to the educated, working/non-working and middle/higher income group. 40 of the Respondents who did not answer belonged to uneducated/lesser educated, working/non-working and lower income group

Of the 35 Respondents who replied the question, their answers are as follows :

- i. Right to speech affected
- ii. Right to vote not exercised
- iii. Freedom of movement affected
- iv. Right to decision making affected

Last Question i.e. No. 16 of Part III of the survey sought suggestions from the Respondents for combating domestic violence. 85 Respondents answered the question. 50 of these were from uneducated/lesser educated,

working/non-working and lower income group, while 35 from educated, working/non-working and middle/higher income group. 15 of the total Respondents belonging to educated, working/non-working and middle/higher income group, did not answer the question.

85 Respondents who answered the question, suggested the following :

- i. Educating women and girls.
- ii. Equality between men and women.
- iii. Change in the attitude of men.
- v. Spreading awareness about women's rights.
- vi. Financial independence of women.
- vii. Marriage by own choice.
- viii. Support of the natal family.
- ix. Ending dowry system.
- x. Legal support from the State.
- xi. Social support from the society including vigilance.

II. RESULT

Though the progress in the situation of women is debatable, there has been a remarkable change in the perception and attitudes of discrimination against women. Majority of women who were surveyed believed men and women to be equal. It was also found that the awareness of rights and of the law (The Protection of Women from Domestic Violence Act, 2005 in this case) depended on the socio-economic, cultural and educational background of the Respondents. An important preposition of this study was that domestic violence has adverse effects on the other political and civil rights of women. It was observed that lack of knowledge and awareness on the part of the Respondents about their rights rendered them incapable of appreciating the fact that situation of violence leads to denial of fundamental rights. This preposition has however been supported by an international consensus that has come into existence which asserts that incidents of domestic violence lead to denial of fundamental rights.

As far as violence among the three categories of (a) working and non-working (b) educated and uneducated (c) urban and rural, are concerned, it was found that some Respondents who belonged to the educated, working, middle and higher income categories did say that violence is more in working category. During deliberations with such

Respondents it emerged that with both the spouses being equally ambitious and contributing equally in terms of family income, there has been a steady rise in clashes between spouses in this category. The Respondents pointed out to the ever increasing newspaper reports regarding cases related to working couples. Among the uneducated, working and lower income groups, it emerged that the men did not work and it was the women who were earning alone for the family. These unemployed men would beat their wives to extract money from them.

As far as the degree of violence among educated and uneducated is concerned, the uneducated or lesser educated women believed that violence is more among the uneducated. Although they added that it might be because among the educated families everything happens behind "closed doors". The educated Respondents also believed that violence may be "equal if not more" among the educated class. This may be due to the "non-visibility" of violence among the educated class. Same reasons were given for degree of violence among the lower income group and the middle/higher income group and also among the rural and urban categories.

The answers of the Respondents showed without doubt that the level of violence is the same among all categories. It is however affected by factors like "non-visibility" "behind closed doors" and "non-reporting

of cases" due to family pressure or fear of the police and judicial delays. An important factor was "saving the family honour" as some women reported that their natal family might also disown them if they report such incidences to the authorities.

It is thus clear that there is no criterion of violence happening or not-happening in a given situation. Sometimes incidences of heinous crimes are reported from educated and well-to-do families. It is thus clear that women suffer from domestic violence everywhere irrespective of their class, caste or country. The 2000 UNIFEM report on domestic violence also gave a finding in favour of the universality of domestic violence. The country wise statistics reveal the reality of the same.

Although most women in the survey were in favour of having laws on domestic violence and also in favour of the perpetrators of crimes being punished, yet a sizable number of them were against filing complaints against their husbands and in-laws in case of domestic violence. This contrast is a reflection of the fact that though women want protection yet they have not been able to rise above the patriarchal psychology ingrained in them for generations and make complaints for relief from domestic violence. This attitude of women renders any special law or any constitutional provision made for them useless. It was important to assess this aspect as the right to seek legal remedy itself is

aright that has been guaranteed under the Constitution of India. The area of accessing justice for women victims of violence in the community is one which brings into sharp focus continuing problems of discrimination at the grass root level in Indian society; where concepts of patriarchy, caste, community and honour have an immediate impact on victims and contribute directly to a situation of impunity for perpetrators. It is noteworthy that in its first periodic report to CEDAW, India acknowledged that "*A large number of women have not been able to fully avail the benefits under the constitution and other legal provisions. There are several deterrents in the way of women seeking legal redress. Insufficiency of legal aid, procedural lacunae and delays, lack of basic knowledge about the law and procedures, and long drawn out trials continue to hamper women's access to legal redress.*"

In the Analysis section, responses sought from women as to how to combat domestic violence have been detailed. These responses show that state has a huge responsibility on its shoulders to protect women from violence and discrimination. Women as equal citizens expect the State to ensure safety and violent free environment. It is not only the duty of the State to enact special laws in favour of women but also put in place a dependable support system for them. Along with this since, large part of population of our country is illiterate and living in rural areas, it is

important for the Government to conduct awareness campaigns. Without educating women of the legal options available to them and providing a just legal system, it will be difficult to ensure progress of women. There is a growing legitimate expectation from the State to provide protection even within the four walls of home. This reflects the seriousness and the extent of domestic violence that results in gender based inequality.