

Challenges for the Implementation of the Protection of Women from Domestic Violence Act, 2005 in Arunachal Pradesh

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Abstract

The paper examines the challenges for implementing the Protection of Women from Domestic Violence Act, (PWDVA) 2005 in Arunachal Pradesh, India. This specific Act is completely victim-oriented and provides instant relief from all kinds of abuse within domestic setting. It guarantees to safeguard an aggrieved person whether wife or female-live-in partner from abuse by husband, male-live-in partner, or any biological relatives. The Act has been established considering international commitments and human rights enshrined in the Articles of the Indian Constitution. This Act is a civil law, whose advantage is that it complements existing criminal laws. The objective of this Act is to provide immediate support to women exposed to domestic violence and to empower them. There are provisions of various rights and assistance under the Act. The present study will analyse some of these, such as assistance of protection officers, residence relief, and monetary relief. Nonetheless, there is an assumption regarding the existence of a gap between implementation of the Act and its practice in the state. Hence, the study attempts to examine secondary data to find out challenges for the implementation of PWDVA, 2005 in the state.

Keywords: domestic violence, protection of women, PWDVA-2005, Arunachal Pradesh

Introduction

There are 25 major tribes and more than 100 sub-tribes with distinct historical backgrounds and cultural practices residing in Arunachal Pradesh. Despite the fact that women are an integral part in all communities in the state, dominance of patriarchal value system is prominent. Adding to that many women have also perceived these values and norms of patriarchy conceivably through socialization process and other means. In order to empower women, gender equality in all spheres need to be exercised in the existing society. Women empowerment, a socio-political reform which is gaining a momentum in the 21st century, get hindered by the approach of patriarchy. Moreover, it encourages to continuing the practice of domestic violence against women. The National Family Health Survey- V, (2019-2021) shows in the percentage that the ever-married women between age group 18-49 years who have experienced domestic violence is 24.8% in the state. Adding to that, ever-married women who have exposed to physical abuse during any pregnancy is 3.0%. Survey also reported that young women between the age group 18-29 years who have experienced sexual abuse is 0.7%. Note that when we convert this percentage into numbers, it is massive. To eliminate domestic violence the Protection of Women from Domestic Violence Act, 2005 was established, (henceforth, PWDVA-2005). It has been more than a decade since the Act came into force in India on October 26, 2006. This particular Act provides protection from domestic violence, encompassing physical, psychological, sexual, verbal, emotional and economic abuse. It also provides protection to women from harassment, threats, and humiliation. This Act, therefore, is very broad and inclusive. The Act is a direct response to international agreements and human rights given in articles 14,15,19 and 21 of the Indian Constitution, reflecting India's commitment in fulfilling the responsibility of eliminating domestic violence. Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), 1999 and United Nations (UN) confirmed that domestic violence is a global issue. Therefore, discussion on domestic violence against women is a necessity.

Objective

To investigate the challenges for implementation of the Protection of Women from Domestic Violence Act, 2005 in Arunachal Pradesh.

Method

To find out challenges for implementing the Protection of Women from Domestic Violence Act, 2005 different secondary data sources were analysed. Thus, Reports from National Crime Records Bureau, National Family Health Survey-5, United Nations India, Arunachal Pradesh State Commission for Women were examined. Furthermore, other available studies and researches were also investigated.

Challenges for the implementation of PWDVA-2005 in Arunachal Pradesh: An Observation

Based on the observation made by the researcher following considerable challenges have been found. They are-

1. Many women, especially in rural areas of the state, are not aware of their legal rights and provisions of the PWDVA-2005.
2. Due to fear of judgement, general outlook and mindset of society about women, it can be assumed that there might be numbers of underreported domestic violence cases in the state of Arunachal Pradesh.
3. Although there is monetary relief for aggrieved person mentioned in the Act under section 20, economic and financial dependency on men is acute in Arunachal Pradesh.
4. The PWDVA-2005 stated that disposal of cases should be within 60 days. Unfortunately, the majority of cases takes more than 6 months to 2 years according to the studies. Hence, longer duration of trials weakens the will power and spirit of women who fight for their existence and survival.
5. The PWDVA-2005 enshrined the importance of Protection Officer (PO) who are the point of contact. The function and responsibility of the Protection Officer (PO) plays a pivotal role in bringing justice of aggrieved person or any other witness of the domestic violence. Sadly, there is an insufficient number of protection officers or service providers in the state. Hence, Arunachal Pradesh State Commission for Women (APSCW) has recommended for the appointment of more POs from law graduate in the state.

6. There is paucity of services and infrastructures which deals with domestic violence against women in the state. According to the annual report 2022 published by Arunachal Pradesh State Commission for Women (APSCW) there are only 5 women police stations. So, the issue regarding implementation of the Act is critical in the state.
7. Although the Act guarantee that aggrieved person or the victim can reside in the same house as the perpetrator of domestic violence, but there is no provision for the police protection during her stay at place. Thus, the residential protection under PWDV-2005 is not so practical.
8. There is no provision for monitoring and evaluation of the Act. Hence, it is right to say that there exists lack of coordination between the state and the centre in bringing smooth functioning of the PWDVA-2005. Hence, annual report maintenance by the state and submission to the centre is imperative.
9. The researcher has observed ambiguity in actual practice of PWDVA-2005 in the state because there is almost or no records of case registered under this Act. The recent data of 2021 published by National Crime Reports Bureau (NCRB) also shows that only 1 case has been registered under this Act in Arunachal Pradesh. Whereas, 112 cases have been registered under IPC 498(A) which also deals with domestic violence against married women.
10. According to the observation, it is also worthy to say that there exists lack of funds which hinders the process of effective implementation of the Act. The APSCW has also recommended the state to take this issue seriously while formulating the plan for state budget because various provisions under the Act cannot be fulfilled with limited amount.

A debate on how men occupy both public and private spheres in comparison to women

Choudhury and Kumar (2021) revealed that in the context of North-East Indian society, women enjoy less freedom than men. Women hold less money but more work and responsibilities within the domestic

setting as well as in the society. The findings also revealed that in the decision-making process, it usually ends up as a joint decision where the decision is primarily made by male members in the household. The study also found that in comparison to the male counterparts, often women's needs are ignored and considered to be a secondary matter or otherwise overlapped with the family's overall needs. Furthermore, women's participation in the politics has been neglected and denied. This poor representation of women in the democratic bodies tells that the fact about exclusion of women in political decision-making. Hence, Women Studies should be given more importance specifically in a country like India. Women Studies enables us to understand the equality and imbalance in the social system (Pande, 2018). Women empowerment will not be achieved if women's economic opportunities are hampered by social, cultural, and religious barriers. Hence, eradication of feminized poverty, women education and elimination of domestic violence against women should be geared up effectively (Sumathi, 2018). The relationship between economic development and gender relation has always been very multidimensional and complex in Arunachal Pradesh. Some women have better status than men but still there exists certain disparities in various dimensions. Moreover, due to gender stereotype, patriarchal norms, and unable to percolate economic development programmes and schemes implemented by Government at the grass root level, the economy is lacking behind and women tend to depend upon their respective husbands. The key interventions to empower women and girls in Arunachal Pradesh include promoting rights of descent ownership, and inheritance, promotion of awareness of gender education and gender education, use of technology in women training programmes, and implementation of laws related to freedom, protection and rights of women (Mandal, 2016; Bage, 2019; Lendo & Nayak, 2021). The National Policy for the Empowerment of Women, (2001) is to be implemented more forcefully to achieve gender equality on every walk of life (Bala, 2013).

Discussion

Ample researches made on the PWDVA, 2005 also corroborates the present paper (Ghosh & Choudhuri, 2011; Dutt, 2018; Goel & Shambu, 2019; Das & Lakshmana, 2020). Studies revealed that there is no proper system set up in various states to monitor and assess its implementation in India. Besides, most states have not recruited independent Protection Officers (POs) rather given additional charge to the existing government

officials. Reviews on this Act also disclosed that allocation of budget for the effective implementation of the Act is very limited in states. The Ministry of Women and Child Development (MWCD), Government of India, set no benchmark regarding allocation of funds for the various provisions under the Act. Hence, it is the responsibility of each state governments to reform the issue of funds. National Commission for Women (NCW) reviews on the PWDVA, 2005 in five regional consultations also found that there exist region-specific or state-specific issues. Hence, the law needs an urgent comprehensive change in order to meet the requirements of states and make it more inclusive in its execution.

Conclusion

The results of the paper clearly envisage and reflects the fact that women are more susceptible to domestic violence. Regardless of geographical location, educational status, social status and age of women, the practice of domestic violence is prevalent. Therefore, awareness regarding PWDVA, 2005 and specific rights of women including other criminal laws should be geared through various programmes and conferences. Gender equality cannot be achieved by adopting certain policies, committees, commissions, and acts alone. Women empowerment should be kept in the centre while planning for desired social transformation and advancement. In addition, change of attitude towards women should be acquired by the people to make the society safe and sound.

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