

Domestic Violence Against Women: Pre And Post Separational Difficulties Faced By The Victims Of Assam

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Abstract

Marriage is considered to be a happy event in one's life promising the fulfillment of manifested desired outcomes. Therefore, separation or the idea of ending a marriage is always an unwelcome and unpleasant life situation. The decision to separate is difficult and it becomes more painful when it has to be taken in the presence of domestic violence. Domestic violence is a social evil that has become a deep-rooted reality affecting the lives of many women in today's society. Women are the worst sufferers in a situation of violence due to their sub-ordinate position as a result of the systematic degradation and discrimination in the patriarchal society over time. Women who are victimized at the domestic sphere sometimes find it very difficult to come out from their abusive marriage as they have little alternatives for survival and living. Separation becomes a difficult decision in presence of violence along with its trauma and vulnerable position of women due to the various societal norms and practices that are discriminatory in nature. Under these circumstances, this article aims to highlight the various underlying causes that act as a hurdle in the process of separation for victims of domestic violence in the state of Assam. It shall also bring forth the consequences of separation and its effect on the lives of the victims.

Keywords- Domestic Violence, women, marriage, separation, victim.

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I. Introduction

Violence against women is a universal social problem affecting women of all cultures and countries across the globe. The United Nations, Article 1 of the Declaration on the Elimination of Violence against women defines violence against women as "any act of gender-based violence that results in, or is likely to result in physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life" (International Center for Research on Women, 2004). According to the latest estimates of World Health Organisation (2021)¹ of every 3 women globally have faced physical or sexual violence in their lifetime. Therefore, violence against women have been recognised as a serious human rights abuse and it has also been taken as a public health issue by the World Health Organisation.

Domestic violence or intimate partner violence is one of the most commonly faced gender-based violence inflicting the lives of many women. Domestic violence can be defined as any form of physical, economic, sexual or emotional violence carried out against one's partner in the domestic setting. Domestic violence is not just an altercation between a couple rather it is a systematic oppression of a gender. As rightly pointed out in the United Nations Declaration on the Elimination of Violence against Women (1993) "Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of full advancement of women...." (United Nations Human Rights Office of High Commissioner) Thus, domestic violence can be considered as a global social evil inflicting the lives of many women. Though it is to be noted that many men have also been victims of domestic violence but are low in numbers when compared to the number of women victims. Along with this the subordinate position of women in our society makes them more prone to such violence as well as heightens the difficulties to overcome them. Marriage is a happy event that is manifested by almost every single woman making it an important turning point in one's adult life. It is a socially accepted sexual union implying to having children and start of family. The anticipated outcome of a marriage is always positive that is derived from the desire of a happy conjugal life. Therefore, when women face violence from their husbands it brings them emotional turmoil along with the physical and mental abuse. The decision to divorce or separate is a tough decision as it is not an anticipated outcome, resulting to a painful emotional stress on the victims.

II. Condition Of Victims Post Separation

Many a times victims of domestic abuse gather the courage to walkout of such abusive relationships and undergoes separation or divorce. Divorce is never an easy decision as it is an extremely stressful life event that greatly impacts the individuals involved. Women who have been initiators of divorce to improve their life condition have expressed that the decision was painful and that it was never the first but the last resort. Separation or an end to the marriage have negative emotional impact and adds to feeling of sadness, guilt, loneliness, anger as well as shatter of a dream for a beautiful marriage (Klobucar, 2015). Adjustment to separation becomes more difficult in the case of separation in the context of victimization as the safety of the women as well as the children involved are at risk. Therefore, the context of separation needs special attention that could further lead to helpful interventions for separating victims of abuse (Walker, 2004). As it is rightly pointed out that separation or divorce does not guarantee an end to the violence rather it has been seen that some abusers become more violent when the wives leave or are in the process of leaving them (Brygger, 1990). Despite the presence of evidence that the women are at clear risk of partner violence and the children involved are exposed to parental violence, intimate partner violence is not usually considered as an important factor by the courts while deciding upon the custody and visitation decisions (Chung, 2006).

In context to India, the situation of the victimized women is more inferior due to their lower socio-economic status with majority of women being dependent on their husbands economically. Furthermore, the Indian law provides women limited economic entitlements on their marital homes with the only right of claiming maintenance from their husbands during separation. Claim for maintenance is again a tiresome action as the women are expected to prove the income of their spouse which becomes difficult in some cases and along with this many other procedural obstacles act as a hurdle for the separating woman (Singh, 2013).

III. Methodology

The study has been carried out in Assam focusing on the pre and post separational consequences of domestic violence victims. An interview guide has been prepared for the collection of primary data. Five case studies have been conducted through in-depth interviews by selecting the cases on the basis of availability.

IV. Results And Discussions

The conducted case studies are presented in the following:

Case study 1- *Junali Borah (name changed) age 36 is currently staying at her maternal house for the last seven years. She has been a victim of both mental, verbal and physical abuse at the hands of her husband who pressurized her repeatedly to give him money from her savings that she had in her bank account which he would later spend on alcohol. Her inability to provide him with more money after her savings got over led to the eruption of constant argument and physical violence in their conjugal life. The nature of violence became extremely fatal that the victim had to run away to her parents' house along with their 8-month-old daughter. After almost five years of legal battle, she was finally granted a divorce but could not manage to get any compensation as the husband was deceitful about his financial status and claimed to have gone bankrupt. The victim had no other option but to be dependent on her parents financially for her as well as her daughter's sustenance who was around 6-year-old during the time of legal separation. The difficulties that Junali faced initially after taking the decision to separate was the fear of bringing up her daughter single handedly. She did not want to separate her daughter from the father but when she felt that the daughter's safety was also compromised during the physical abuse and violent outburst of the alcoholic husband, she made her decision. Post separation the financial struggle to take care of her school going daughter single handedly with no proper source of income is the biggest difficulty that she faces. After the death of the victim's father (maternal grandfather of the child) who would support them financially with whatever possible the economic condition has deteriorated to a great extent.*

Case study 2- *Pinky Singh (name changed) is a 32-year-old who is presently living at her relative's house for the last 2 years after separating from her husband. She had eloped with her now estranged husband just a few months before her higher secondary examination and discontinued her education. After around a year of the marriage she realized that her husband had multiple extra marital relationships which led to constant fights and disagreements between them. She was also forced to multiple abortions in the initial years of marriage by her husband who claimed that he was not prepared for the responsibilities of a father at that point in time. But over the years due to the effect of the abortions and medical negligence her health deteriorated and she was unable to bear a child which again created issues in the marriage. The victim continued with the abusive marriage despite the physical and emotional torture as she had lost both her parents by then. The only guardian was her elder brother who himself being a daily wage labourer was struggling to make ends meet for his family with no proper shelter or source of income. But she was thrown out of her house by her husband after he brought his pregnant girlfriend home. Due to lack of financial or family support she could not go for legal battle and choose to seek shelter at her relative's house. She is struggling both financially as well as mentally due to the years of marital*

trauma. Due to her ill health the scope for a second marriage or capacity to do physical labour for income generation has been destroyed. Thus, exposing her to a lonely poverty-stricken life with no proper emotional or financial support system.

Case study 3- Baby Sutradhar (name changed) is a primary school teacher working at a private school. She is 27-year-old and is a single mother of a 4-year-old daughter. She was deceitfully married by her husband in an arrange marriage setting. But after only about 6-7 months into the marriage it became clear that he was an alcoholic as well as addicted to gambling. Due to his gambling habit, he would force the victim to ask for money from her parents and had also sold off her gold ornaments given by her parents at the time of marriage. She did not want to cause any pain to her parents and therefore, continued to carry on with the marriage especially after she found out that she was pregnant. But constant physical and verbal abuse became unbearable and she finally decided to return to her maternal home. To sustain herself and her daughter she took up teaching job at a private school but the income is meagre and not fully sufficient. During the legal separation process a monthly compensation of Rs 3000 was assigned to the husband by the law but after a few initial months he had stopped giving the money. Time and again going through the legal way to get the money has become a real struggle as it time consuming and also interrupts her daily working routine. Therefore, she just feels dejected and hopeless about the entire situation.

Case study 4- Dubori Haloi (name changed) is a 39-year-old single mother of two daughters who lives in her parent's house with her two elder brothers and their respective families. She was a victim of verbal abuse and harassment by her husband and her in-laws. The main reason behind the harassment was for not giving birth to a male child and hence after the birth of her second daughter she became a victim of constant nagging and was deprived of any financial support. She was treated inhumanly along with her daughters who were deprived of nutritional foods like milk or other items that are necessary for the proper growth of the children. The environment at home became extremely toxic which made their lives miserable. The daughters were also deprived of proper medical care and the husband along with his parents mentally tortured the victim forcing her to move out with her daughters. Due to no proper education or skill, she is totally dependent on her brothers. Life is hard for her and her two daughters as they have no financial stability and are a liability to her brothers. This has also caused a rift in her maternal household as the brothers find them as a financial burden. The brothers are also against the idea of equal distribution of the family property. Moreover, being financially dependent on her brothers for the sustenance of herself and both her daughters she also is unable to claim her property rights in this situation.

Case study 5- Ranjita Deka (name changed) is a 42-year-old single parent who lives with her widowed mother along with her teenage son. She had been a victim of extreme physical violence which led to multiple injuries like- fractures, bruises etc. In one such violent abuse the beating and the kicks were so extreme that she was unable to move for around a week. It was one of the toughest times of her life as her son was just a year old then and with no help around the house, she cared for the baby in such painful situation all alone. This was the instance when she decided to go back to her mother's house and stay with her. But her husband was adamant to not give her divorce and would constantly create ruckus at her maternal house as well. Getting a divorce from her violent husband was a very difficult task while also working odd jobs to look after her son and provide for his education. She also mentions that her vulnerable situation also attracted many evil men with bad intentions who approached her with immoral proposals. She found it very hurtful initially when such instances of eve teasing and immoral proposals came her way. But with time she gathered the courage to directly confront them and call out such cheap gestures which led to their decline eventually.

The above case studies have provided some important insights into the pre and post separational consequences in the lives of the domestic violence victims. An in-dept analysis of the cases highlights the following:

- Despite the legal provisions in India like the Protection of Women from Domestic Violence Act, 2005 and IPC 498A, the prevalence of domestic violence still affects the lives of many married women. Though there are cases of violence against both the genders the number of women victims are higher indicating to the gendered crimes carried out against women.
- The vulnerabilities of the victims of domestic violence are like a vicious cycle that is unceasing in nature. Women who face domestic violence go through a traumatic experience that hamper their physical, mental, emotional as well as financial wellbeing.
- Domestic violence can be taken as a prime example of gendered violence because most of the cases erupt from the patriarchal notion of coercive control along with instances when the origin of violence is the result of giving birth to a girl child in a preferential boy child scenario.

- Financial instability is one of the most common consequence that women face after separation especially in cases where there are children involved who are to be taken care of. Lack of formal education and inability of proper employment opportunities cripple their economic condition.
- Women find it difficult to get out of the abusive relationships as they lack proper support systems to rely on. They are usually left as a liability to their brothers as the parents are mostly in their old age or in many cases the parents are no longer alive. The dependency for shelter, finance and other necessities creates a strained relationship amongst the siblings which further exaggerates the situation.
- In cases where children are involved it is seen that usually the girl children are left behind with the mothers who struggle to provide for them. While in cases of boy child it is mostly witnessed that the husband's take them under their custody which again affects the mothers as they have to deal with separation from their child.
- The wellbeing of the victims is usually compromised even after separation as they are left with no place to go. Even if they head back to their maternal house, they sometimes have to face unwelcome attitudes from family members and relatives.
- Many a times the conditions of the victims of domestic violence continues to worsen due to the gendered notions of the society. They are further exposed to other vulnerable situations that are unpleasant in nature like immoral proposals from men who consider the victims to be weak and considers them as easy targets for their evil intentions.
- Therefore, victims of domestic violence in most cases are found to be double victimized as they are faced with never ending challenges that result to struggles and miseries in their life.

V. Conclusion

Thus, it is evident that vulnerabilities in the conditions of women in the Indian society make them prone to various injustices. Domestic violence is one such social evil that exists in our society exposing the systematic degradation of women. Despite laws being enacted to protect the women from such evils they continue to suffer due to the poor implementation of these laws and lack of proper support systems to the victims. The legal justice system is also very time-consuming process and hence, many women refrain from taking the legal route as they fear that it will also lead to monetary burden. Strengthening the status of women through education, skill development and proper rehabilitation of the victims is an important requirement. Local bodies should be constructed at the village level that could act as a facilitator as well as a rehabilitator especially for victims who face domestic violence and thereby decide to separate from their abusive partners. Proper guidance and counselling of the victim as well as providing awareness on the various laws and provisions available for women in such situations is of utmost importance. Along with it assisting the victims in development of various skills for income generation is also a necessity for making them self-reliant and independent to ensure them a dignified life. As domestic violence is one of the most rampant crimes affecting many women in our society creating an environment that identifies, acknowledges, confronts, prevents and protects the victims in essential for building a healthy society.

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