CHAPTER 7

Summary and Conclusion

The Constitution empowers the state to make any special provisions for women even in violation of the fundamental obligation of non-discriminating among citizens inter alia of sex. However equality is meaningless in a country where traditional attitudes regarded women as physically, intellectually and socially inferior to men.

Domestic violence against women is a clear expression of male dominance; it is both a cause and consequence of women’s serious disadvantage and unequal position vis-à-vis men. Domestic violence against women reaches all socio-economic levels. It ranges from physical to intangible abuse like mental and psychological torture. Only a conceptual approach would tackle this delicate issue of domestic violence. In some countries and cultures, wife-beating is seen as justifiable in a wide range of context. This acceptance means it can be difficult for behaviours to change and for women to feel they can discuss their experiences of violence in the family and come forward to seek help.

Yet, even when women do seek help, they often face formidable barriers which generally includes lack of awareness of or actual lack of services; lack of accessibility to services due to linguistic, cultural or physical or financial constraints; fear of reprisals by the perpetrator as well as family members; reluctance due to social stigma; fear of reliving the experience of violence by testifying before the courts; the feeling that the police could nothing to help; and wanting to keep the incident private.

1 United Nations 2010
Women in Manipur are perceived to enjoy a high status in the society. Compared to women in other societies in India, Manipuri women, by and large, are much more liberated in terms of visibility in public space and economic sphere. Irrespective of their professions, women in Manipur manage to fulfil the demands of household chores also. When one makes a visit to the main marketplace in Imphal, i.e. the world famous *Ema Keithel* or *Khwairamband Bazar*, it can be observed that they occupy much of the public space. However, there are certain aspects of their lives which are not entirely empowering. Economic empowerment is not the sole protective factor against domestic violence. The high level of their participation in a movement does not necessarily translate into equal decision-making powers at all levels. In spite of certain outstanding examples of individual achievements of women in certain fields and successful women’s movement in the socio-economic and political arena, it remains true that women in Manipur still constitute a large section of underprivileged citizens. A closer study of the position of women in Manipuri society would reveal this image of independence and empowerment does not hold true at all times. The widespread nature of domestic violence has become more apparent nowadays mostly because more and more women have come out to file domestic violence cases. Whether all cases of the alleged domestic violence is genuine or not is another issue.

Despite the best of intentions, the Protection of Women from Domestic Violence Act of 2005 has not lead to the desired attitudinal changes. The struggle against domestic violence is a struggle against patriarchy which calls for attitudinal changes in men and women alike. There is need for more societal changes as well as legal reforms. Individual protests are not strong enough to enable them to fight against their collective oppression. Like the popular saying which goes “Prevention is better than cure”, it is
necessary to prevent domestic violence from occurring in the first place rather than legally addressing it as the last resort. This can be possible only by changing the social norms around the use of violence in the society.

**Findings**

- Domestic violence is prevalent in the Manipuri society. A section of Manipuri women, in spite of their presumed high status in society are victims of domestic violence.

- Many women in Manipur do not report violence to the authorities. Therefore, statistics based on cases filed under the Protection of Women from Domestic Violence Act, 2005 significantly underestimate the prevalence of domestic violence. Women are reluctant to come out in the open to talk about domestic violence. Most women who experienced domestic violence turn to their family and friends before approaching the other services. A majority of women victims think it best to approach a women’s organization for help in domestic violence cases. They take the help of health services only when they are physically injured as a result of the violence. Women have never approach the police first to seek help in matters of domestic violence. The victims of domestic violence are even reluctant to approach the women police cells.

- An overview of the cases filed under the Protection of Women from Domestic Violence Act, 2005 shows that the provisions of the Act are mostly used only by married women against their husbands and in-laws. The legislative intent is that even those women who are sisters, widows, mothers, single women, or living with the abuser is entitled to legal protection under the Act. Thus there is a
certain gap between the policy goal of the Act and the present nature of implementation of the Act in Manipur.

➢ Though protection orders are granted too quickly, the legal process is tardy and speedy disposal of the cases is not done. There is inadequate number of Protection Officers and Service Providers in the state. The Child Protection Officers under the Social Welfare Department are given the dual responsibility of Protection Officers under the Protection of Women from Domestic Violence Act, 2005. Therefore, most of the times, the Domestic Incident Report is prepared by the Service Providers as the Protection Officers have to handle cases related to children also.

➢ Counseling as provided for in the Protection of Women from Domestic Violence Act of 2005 encourages a conciliatory approach. In most cases, the Service Providers put their efforts to bring a compromise between the spouses.

➢ In a majority of the cases filed under the Protection of Women from Domestic Violence Act, 2005, the cases ended in separation of the spouses. Though a majority of the complainants are economically dependent on their husbands, they prefer separation from their husbands. Some separated because of the unwillingness of the husband to take back his wife who dragged him to court. Often, an allegation of domestic violence is a quick and cheap way to get a divorce or to get custody of children. Some women are using it as an easy way out of marriage by leveling false charges against the husbands and in-laws. These are blatant misuse of the provisions of the Act. Thus the legislative intent to prevent the occurrence of domestic violence against women without affecting the harmony of the family is not achieved.
Most of the complainants sought astronomical amounts as compensation irrespective of the financial position of the respondent.

The present study also throws light on the fact that elderly women are also victims of domestic violence. Although violence peaks in women’s reproductive years, it persists as women age. Violence against older women may take the form of physical, sexual or psychological abuse, as well as financial exploitation or neglect perpetrated by intimate partners or other family members, or caregivers.

Suggestions

- An effective strategy to prevent the occurrence of domestic violence in Manipur would be to make available the interventions that would challenge the broader social and economic context that worsens the power imbalance between men and women. Another suggestion is to involve the community in the design and implementation of these interventions.

- To address the gap of police reporting on domestic violence cases, more victimization surveys should be done to get a better sense of the extent of victimization and the reasons why people may choose to report or not report a domestic violence case to the police.

- The courts should dispose of every application filed under the Act within sixty days of the first hearing as stipulated under Section 12(5) of the Protection of Women from Domestic Violence Act, 2005. Time-bound trial should be made a statutory requirement in all cases of domestic violence.
The Domestic Violence Act talks only about reliefs that can be given to women but not about the kinds of evidence to be shown on the basis of which they may be given. The trial under the Protection of Women from Domestic Violence Act, 2005 should be done in pursuant to the Indian Evidence Act, 1872 so that the testimony of women is backed by proper evidence. It is specifically difficult to either prove or disprove mental violence.

Government should appoint adequate number of Protection Officers and Service Providers for the smooth implementation of the Act.

Protection orders required to be passed against respondent or not should depend on the basis of material on record. It should be kept in mind that different cases demand different solutions.

In case of compromise, the respondent is not held accountable for his behavior and so he may think that there are no adverse consequences or ill-effects of the domestic violence. This approach sometimes may work against the victims of genuine cases of domestic violence because safety plans are not formulated in these cases nor a follow-up is done by the stakeholders.

Constant supervision is needed in the cases of domestic violence. Monitoring and evaluation should be conducted to assess which approaches work best. More data collection is needed to assess changes over time and there should be more scientific study of the problem.

Local communities, NGOs and the media can sensitize the people on issues relating to domestic violence. Communities should be mobilized around campaigns for non-tolerance of any form of domestic violence. This would require NGOs, women’s groups and advocates to work effectively with all forms
of media to heighten awareness of human rights, law and their significance in addressing domestic violence against women. Participation of women in general and the NGOs in particular become necessary. Policies and programmes to address domestic violence against women need to be sustainable, properly financed and participatory – involving not only women but men so that there is less misuse of the legal provisions.

- Women sometimes have the tendency to misuse the law to teach a lesson to their male relatives and file frivolous and false cases. The trend in judiciary is to avert the gaze from rampant misuse and give maintenance order to all women who seek it. Filing of cases under the Protection of Women from Domestic Violence Act, 2005 by women had become common. Women making false allegations of domestic violence should be made liable to compensate the falsely accused person. A neutral and unprejudiced law is needed to protect genuine victims of domestic violence, irrespective of gender. The ill-effects of the Act need to be studied. Laws should be designed so as to reduce their misuse by making it gender-neutral. Some definitions under the Act are too wide and hence tend to be misused. Therefore, they should be more precise and unbiased.

- In many instances, the issue of violence against older women is not given the attention it deserves. There is more scope for research in this area.

**Conclusion**

Most domestic violence cases ends in separation of the spouses. This is in contradiction to the legislative purpose of the provisions of the Protection of Women from Domestic Violence Act, 2005 to provide a remedy under the civil law “which is intended to preserve family life while providing protection to victims of domestic violence”. In
majority of the cases, the Act has adverse effect in the matrimonial relationship between the husband and wife. The object of the law to enable the victim to live in the matrimonial family atmosphere in her husband/in-laws house has not been achieved in most instances. It is not the intention of the said enactment to enable the woman to get separated from her husband or the husband’s family.

Each cases of domestic violence against women in Manipur differ from one another, yet efforts should be made to identify the deep-rooted reasons behind the occurrence of the problem in society. Though women in Manipur are relatively free in comparison to women in other parts of mainland India, they are also subjected to ideological assault of the patriarchal setup that governs the social lives of individuals that expects them to remain docile. The notion of the immense strength of Manipuri women is paradoxical. Though as a collective force, their might is unmatched, as an individual, they are as vulnerable as any other woman in the world. Majority of the women in Manipur still cherish the traditional ideals of domestic life. Although the status of women in Manipur is relatively better than that of women in other parts of the country, they still bear the brunt of violence in the confines of the home. The Meitei women’s power of endurance is another factor which makes them tolerate the brutalities at the hands of a family member. Some women are not ready to accept the fact they are, in fact, victims of domestic violence. In order to achieve equality of status between men and women, a basic change in the power structure is required. Women are expected to be the torch-bearers of their culture and tradition, but are excluded from decision making bodies. The problem of domestic violence is very old, but public acknowledgement of the issue as a societal problem is still in its infancy. As women are the only ones qualified to
solve the many problems that affected women, more research should be done to gather basic information from women in general regarding various aspects of their life.